

# IMPOUNDED

Volume: I  
Pages: 1-237  
Exhibits: 1-8

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

WOBURN DISTRICT COURT  
DOCKET NO. 2253IND000001

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\*  
IN RE: INQUEST INTO THE DEATH \*  
\*  
OF PAUL COURTEMANCHE \*  
\*  
\*\*\*\*\*

HEARING  
BEFORE THE HONORABLE SHELBY M. SMITH

APPEARANCES:

For the Commonwealth:  
Middlesex County District Attorney's Office  
15 Commonwealth Avenue  
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By: Daniel Harren, Assistant District Attorney

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Woburn, Massachusetts  
Courtroom 3  
January 11, 2023

# IMPOUNDED

Vol. 1 - 2

## I N D E X

WITNESS	DIRECT	CROSS	DIRECT	RE CROSS
<u>KURT DUPREZ</u>				
(By Mr. Harren)	11		42	
(By Mr. Anderson)		35		
<u>NICHOLAS MENKELLO</u>				
(By Mr. Harren)	44		65	
(By Mr. Anderson)		62		
<u>TODD FICOCIELLO</u>				
(By Mr. Harren)	67			
(By Mr. Anderson)		82		
<u>TYLER FALCONER</u>				
(By Mr. Harren)	88			
(By Mr. Anderson)		100		
<u>SEAN KILLILEA</u>				
(By Mr. Harren)	107			
(By Mr. Anderson)		117		
<u>DANIEL HANAFIN</u>				
(By Mr. Harren)	122			
(By Mr. Anderson)		178		

EXHIBITS:	PAGE:
1 Google Earth Image - Kurt Duprez	19
2 Google Earth Image - Kurt Duprez	23
3 Google Earth Image - Mr. Menkello	53
4 Google Earth Image - Mr. Killilea	120
5 CD of 911 Call	155
6 CD Containing Recording of 911 Call	164
7 CD Containing Three Cell Phone Videos	175
8 Diagram	180

FOR IDENTIFICATION:  
None

# IMPOUNDED

Vol. I-3

1 (Court called to order.)

2 (10:55 a.m.)

3 THE CLERK: Good morning, Judge. This is the call of  
4 the Courtemanche matter.

5 THE COURT: Okay. So can the attorneys present  
6 please identify themselves for the record, please?

7 MR. HARREN: Good morning, again, Your Honor. Daniel  
8 Harren on behalf of the Commonwealth.

9 MR. ANDERSON: And, good morning, Your Honor.  
10 Kenneth Anderson for Aurise Miedico.

11 THE COURT: Okay. I see that there are people in the  
12 audience. Can we just identify who the individuals are?  
13 Who's seated in the front row?

14 MR. COURTEMANCHE: Good morning, Your Honor. Paul  
15 Courtemanche is my brother; my mother, Nancy; sister  
16 Diane; my wife, Denise.

17 THE COURT: Okay. And in the back row?

18 MS. FOLEY: Good morning, Your Honor. Anne Foley,  
19 Victim Witness Advocate with the Middlesex DA's Office.

20 THE COURT: Okay. And then the other person in the  
21 back row? Oh, I thought there was another person. Okay.  
22 I'm sorry.

23 Okay. So my understanding of the rules of an inquest  
24 is that only the parties involved are allowed to be in the  
25 courtroom. So I think that that excludes the victim

# IMPOUNDED

Vol. I-4

1 witness advocate in this situation. Obviously, the  
2 family, and family members, are allowed to be in the  
3 courtroom, but because this is a closed session, my  
4 understanding is that I don't think that the Victim  
5 Witness Advocate would be on the list of persons that can  
6 be -- unless anyone has a feeling otherwise.

7 MR. ANDERSON: Well, Your Honor, as I think the Court  
8 has indicated, I had requested if Burlington Detective  
9 Brittany Zaccagnini could sit in. She's a sworn officer  
10 with the Burlington police --

11 THE COURT: Right.

12 MR. ANDERSON: -- but she's also a member of the Peer  
13 Support Unit who sat in on the state police interview with  
14 Officer Miedico. She's been helping Officer Miedico with  
15 some issues. Obviously, this is a traumatic situation,  
16 you know, obviously for the family, but also for Officer  
17 Miedico --

18 THE COURT: Right.

19 MR. ANDERSON: -- and the others involved who  
20 witnessed it.

21 So I had made a request that she sit in. I know  
22 technically that may fall, may not fall under Inquest  
23 Standard 3.02 --

24 THE COURT: Right.

25 MR. ANDERSON: -- but I wouldn't have an objection to

# IMPOUNDED

Vol. I-5

1 the Victim Witness Advocate sitting in, if Officer or  
2 Detective Zaccagnini could also sit in, as well?

3 THE COURT: I don't know. Commonwealth, what's your  
4 position on it, if you take any?

5 MR. HARREN: Speaking first to the Victim Witness  
6 Advocate, where the district attorney is an interested  
7 party that has a right to be present, where she is an  
8 agent of the district attorney, much like how I am -- I'm,  
9 obviously, the Assistant District Attorney, the attorney  
10 for it -- but she's an agent of the district attorney, I  
11 think that she would fall under the interested party. And  
12 my recollection of the rule is that it's within the  
13 Court's discretion for how broadly we define interested  
14 party for each of the various people at play, whether it's  
15 the district attorney, the subject, or the deceased.

16 In addition, what I would note is, as we discussed on  
17 I think our last zoom call, the family no longer is  
18 represented by an attorney. And Advocate Foley and I have  
19 met with the family, both in person and over the phone a  
20 few times. And I think where they don't have an attorney,  
21 they have some questions, I'm not always accessible. So I  
22 think for the family having Victim Witness Advocate Foley  
23 present would be a support for them in going through this  
24 process as they're not represented by counsel.

25 Regarding the officer who's the peer support, I have

# IMPOUNDED

Vol 1-6

1 no objection to that officer where that officer is not a  
2 witness to anything in this case, would not testify, and I  
3 understand that the peer support is there. As Attorney  
4 Anderson said, I think from a literal reading of the rule,  
5 it may be a stretch of the discretion, but discretion is  
6 incorporated in the rule. So I would leave it at that.

7 THE COURT: Okay.

8 MR. ANDERSON: And just for the record, Judge, this  
9 is actually my fourth inquest that I've been involved in.  
10 Two have been Middlesex County officer-involved shootings,  
11 but there was a prior one with four Bridgewater State  
12 Hospital Correction Officers with an inquest of a death of  
13 an inmate that Judge Coven conducted, who I believe that  
14 was his third inquest that he himself had done. Judge  
15 Coven in that inquest did allow one union representative  
16 member to sit in through that proceeding.

17 THE COURT: Okay. I'm just rereading Rule 3.02.

18 MR. ANDERSON: I know it's a unique procedure with  
19 kind of arcane rules.

20 THE COURT: Yeah.

21 MR. ANDERSON: And if there's an issue about secrecy  
22 or protective order, I'm sure Detective Zaccagnini will  
23 sign whatever she needs to sign so that she doesn't  
24 discuss what happens during this inquest with anybody  
25 else. She's here solely as a support mechanism for

# IMPOUNDED

Vol. 1-7

1 Officer Miedico, who is, as you know, a young officer who  
2 just recently gotten off that year of probation.

3 THE COURT: So, you know, when you read the  
4 commentary to (indiscernible at 11:01:34) -- it says the  
5 interest necessary to allow attendance should be a  
6 substantial one, not merely, for example, an indirect  
7 connection with the deceased or with the person who may be  
8 the target of the investigation.

9 So I think in this case, I could rule that as it  
10 relates to the support officer for Officer Miedico, it's  
11 not merely an indirect connection with her in the sense  
12 that this is someone who's been a support for Officer  
13 Miedico. So I think I can allow that, allow her to be  
14 here under that reading of the rule.

15 And then ADA Harren, I think you're right reading the  
16 portion as it relates to -- I think the Victim Witness  
17 Advocate can be there as a part of the District Attorney's  
18 Office.

19 So do you want to bring the officer in because I just  
20 would like to speak to her about the fact that this is a,  
21 you know, closed proceeding, and that she can't discuss  
22 this with anyone else?

23 MR. ANDERSON: Yes.

24 THE COURT: Thank you.

25 THE CLERK: Judge, would you like me to swear her in?

# IMPOUNDED

Vol.1-8

1 THE COURT: That would be great. Thank you.

2 THE CLERK: And, Judge, just for the record, this is  
3 a sealed hearing, and it has been sealed, the recording.

4 THE COURT: Thank you.

5 MR. ANDERSON: I think the judge wants to --

6 THE CLERK: If you could please step forward and  
7 raise your right hand?

8 BRITTANY ZACCAGNINI, SWORN

9 THE WITNESS: I do.

10 THE COURT: Can you tell me your name, please?

11 MS. ZACCAGNINI: Brittany Zaccagnini.

12 THE COURT: And how do you know or you have a  
13 relationship to Officer Miedico?

14 MS. ZACCAGNINI: I'm a peer support going through  
15 Burlington Police.

16 THE COURT: And how long have you been a peer  
17 support?

18 MS. ZACCAGNINI: Over a year and a half.

19 THE COURT: Okay. And, so, I made a decision that  
20 you can be here for the inquest, but I do need to let you  
21 know that this is a closed proceeding, and by that, it's  
22 not open to the public. We're not allowing anybody to  
23 come in and watch the proceedings, as we would normally do  
24 in any other criminal case or civil case in the district  
25 court. So I want to caution you and advise you that



# IMPOUNDED

Vol. I-9

1 you're not allowed to discuss anything that you hear  
2 during this hearing in public. As I said before, this is  
3 a closed hearing. So you're just advised that you can't  
4 have any conversations about what you hear during these  
5 hearings. Okay?

6 MS. ZACCAGNINI: Understood.

7 THE COURT: Okay. Thank you.

8 All right.

9 MR. ANDERSON: Your Honor, I apologize for  
10 interrupting, but just to clarify that she would be able  
11 to speak with Officer Miedico in the support role about  
12 things that may be discussed?

13 THE COURT: In the support role, yes. Thank you.  
14 Right. So you can speak with her in a supportive role but  
15 certainly not about any of the evidence that you hear in  
16 this case. You're not a witness. And any conversations  
17 about what you hear today, you can't discuss with her.  
18 You can only speak with her in your role as a peer  
19 support.

20 MS. ZACCAGNINI: Understood.

21 THE COURT: Okay. Thank you.

22 All right. So are all of your witnesses here now?

23 MR. HARREN: All the ones that I've listed for today  
24 are. There's five firefighters, and one police officer  
25 for today.

# IMPOUNDED

Vol. I - 10

1 THE COURT: Okay. So I'm just going to, at this  
2 point now that we've begun the proceeding, that there's a  
3 sequestration order, that the witnesses are not allowed to  
4 speak with each other now that we've begun the  
5 proceedings. Okay? Only with you regarding the evidence,  
6 the attorneys.

7 All right. Are you ready to proceed?

8 MR. HARREN: I am. I don't think I actually conveyed  
9 to them -- I probably did at some point convey to them the  
10 sequestration order, but given that that's in effect, if I  
11 could have a moment just to make sure I tell them that  
12 Your Honor just ordered that.

13 THE COURT: No problem.

14 MR. HARREN: As people leave and I'm in here, so that  
15 no one's in violation.

16 THE COURT: Yes. Take your time. That's fine.  
17 Thank you.

18 MR. HARREN: Thank you.

19 (Pause.)

20 MR. HARREN: Your Honor, I just advised all the  
21 witnesses for today of the Court's sequestration order,  
22 and I brought in with me Firefighter Kurt Duprez, who  
23 would be the first witness.

24 THE COURT: Okay. Great. Thank you.

25 THE CLERK: Please raise your right hand?

# IMPOUNDED

Vol. I-11

1 KURT DUPREZ, SWORN

2 THE WITNESS: Yes.

3 THE COURT: Before your first question, I just wanted  
4 to state to the family, I just want to caution you that  
5 there may be some sensitive materials that will be  
6 discussed and/or shown during the hearing. If at any time  
7 you wish to leave the courtroom, you can do that. I just  
8 want to caution you ahead of time that there may be some  
9 things that may be troubling, and that if you need to step  
10 out, you can do that. You guys can come and go as you  
11 need to during the hearing. Okay? Thank you.

12 UNKNOWN: (Indiscernible at 11:07:35.)

13 THE COURT: Yes, of course. Thank you.

14 MR. HARREN: May I proceed?

15 THE COURT: Yes.

16 MR. HARREN: Thank you.

17 DIRECT EXAMINATION

18 BY MR. HARREN:

19 Q Good morning.

20 A Good morning.

21 Q Would you please state your name and spell both your  
22 first and last names for the record?

23 A Sure. Kurt Duprez, K-u-r-t D-u-p-r-e-z.

24 Q Where do you work?

25 A Burlington Fire Department, Burlington, Mass.

# IMPOUNDED

Vol. I - 12

1 Q How long have you worked for the department for?

2 A Thirty years.

3 Q Do you also work or have you worked for the  
4 Burlington Police Department in any capacity?

5 A That's correct; yes.

6 Q What capacity have you worked for them?

7 A Part time as a police special.

8 Q What does that mean? What's the role for a police  
9 special?

10 A We do training with the police department. You know,  
11 we do our shooting qualifications with them. We do some  
12 other training with them. We work police details,  
13 security details, you know, stuff like that.

14 Q How long have you held that position?

15 A A couple of years.

16 Q What's a couple of years?

17 A Two years.

18 Q Two years from today or two years from last January?

19 A No longer today. Massachusetts got rid of that. I  
20 don't remember the date.

21 Q Okay. So for about a period of two years --

22 A Correct, yeah.

23 Q -- you have done that in the past?

24 As a firefighter, what, if any, kind of medical  
25 training do you receive?

# IMPOUNDED

Vol I-13

1 A I've been an Emergency Medical Technician for 34  
2 years.

3 Q What is an Emergency Medical Technician?

4 A We are licensed to perform emergency medical care to  
5 an array of patients.

6 Q Okay. And as you're talking, could you maybe point  
7 the microphone toward you so that it picks up? Thank you.

8 No need to be on it, but the directionality usually  
9 helps.

10 What level of EMT are you?

11 A Just EMT.

12 Q Is that the same for all firefighters in Burlington?  
13 Are they all trained EMTs?

14 A Some are ALS, which is Advanced Life Support.

15 Q But everyone --

16 A We have basic life support.

17 Q Everyone's at least trained as to the level that you  
18 are; is that correct?

19 A That's correct, yes.

20 Q On January 23, were you working during the day that  
21 day -- excuse me, January 23 of 2022?

22 A Yes; correct. I was.

23 Q In Burlington, how many fire stations are there?

24 A We have two.

25 Q Which fire station were you stationed at on this day

# IMPOUNDED

Vol I-14

1 of January 23, 2022?

2 A Station 2, which is on the corner of Middlesex  
3 Turnpike and Terrace Hall Avenue.

4 Q When you were on shift, do you have a particular  
5 assignment for what truck you're going to be on, what your  
6 actions are going to be, your role as it comes to a  
7 response? What are your duties when you are on shift?  
8 And, in particular, what were your duties when you were on  
9 shift that day?

10 A So on that particular day, I was assigned to the back  
11 step of Engine 2.

12 Q What does the back step of the engine mean?

13 A So we have a driver, we have an officer, and then we  
14 have one or two firefighters in the back of the truck.

15 Q So when you're in the back step, you're part of that  
16 truck, would respond to whatever the truck is dispatched  
17 to. So your role is not as the driver, not as the  
18 officer, and there to do whatever needs doing for a  
19 firefighter?

20 A Perform whatever duty needs to be done, correct.

21 Q When you say that there's a driver, intuitively,  
22 that's the person who would drive the fire truck?

23 A Yes.

24 Q When you say that there would be an officer, what do  
25 you mean by an officer?

# IMPOUNDED

Vol. I - 15

1 A On that particular track, we have a lieutenant that's  
2 assigned to the front passenger seat.

3 Q And is that lieutenant who would essentially be in  
4 command of the fire truck?

5 A Yes. Correct.

6 Q Was it just the three of you, the driver, the  
7 officer, and yourself, who were at Station Number 2 that  
8 day?

9 A No, sir. We have, we have three -- we have like 10  
10 firefighters there; two officers and eight firefighters --  
11 seven or eight firefighters on that day.

12 Q And that's at Station 2?

13 A That's correct.

14 Q What about Station 1? What would be typical for how  
15 Station 1 would be staffed at the same time?

16 A Station 1 would have one officer, one Lieutenant, one  
17 Captain who's the shift commander, and then three, four,  
18 five firefighters.

19 Q So Station 2 is larger than Station 1 staff wise?

20 A Right now, yes.

21 Q On January 23 of 2022, a little bit after noon, did  
22 you get dispatched to go somewhere?

23 A Yes. That's correct.

24 Q What was, what information did you receive in that  
25 dispatch?

# IMPOUNDED

Vol. I - 16

1 A We received a call to Lord Baron Apartments for a  
2 person that was saying he was going to commit suicide.

3 Q What steps, if any, did you take before leaving the  
4 station?

5 A Nothing. We just did our regular -- we got  
6 dispatched. We jumped in the truck, and off we went out  
7 the door to that location.

8 Q Fair to say the truck is always kind of set and ready  
9 to go?

10 A That is correct.

11 Q So how long after you got the dispatch do you think  
12 it was that the truck pulled away from the station?

13 A A minute.

14 Q Did you receive any more information, besides it  
15 being a potentially suicidal person, as you were  
16 approaching or as you were driving to the scene?

17 A So, typically, on those type of calls, we get an  
18 order to get to the location and wait to be, you know,  
19 dispatched further. So we get to a location, and we'd  
20 wait for the police to notify us to, you know, come in  
21 close to the scene.

22 Q So you said typically, on these calls. Why would a  
23 fire truck go to a potentially suicidal-person call?

24 A To render medical aid. You know, typically we would  
25 transport the person to a local hospital if need be.



# IMPOUNDED

Vol. I - 17

1 Q Were any other apparatus deployed from the fire  
2 station at the time that your fire truck was?

3 A Our ambulance.

4 Q And so, both the truck you were on and the ambulance  
5 left from your station?

6 A Yes. Correct.

7 Q Why was there both a fire truck and an ambulance?

8 A We have an ambulance at both stations: Headquarters,  
9 that is with our ALS Unit, our Advanced Life Support; and  
10 then Station 2 has another ambulance with our BLS EMTs on  
11 it.

12 Q And when you say BLS, that stands for Basic Life  
13 Support; is that correct?

14 A That's correct, yes.

15 Q I guess my question though is why would both a fire  
16 truck and an ambulance both go to the scene?

17 A We need the manpower. You know, we never know what  
18 we're going to come upon. You know, a lot of times we get  
19 a call for a certain incident, and when we get there, it's  
20 completely different. So we need to make sure that we  
21 have plenty of manpower on scene as quick as possible to  
22 handle whatever it is that we need to at the time.

23 Q Do you recall what route the truck took from Fire  
24 Station 2 to the Lord Baron Apartments?

25 A Yes. Correct. I do.

# IMPOUNDED

Vol. I - 18

1 Q What was that route?

2 A So we left the station. We take a quick left out the  
3 door, quick right onto Middlesex Turnpike, and then we  
4 take a right into the Lord Baron Apartment complex.

5 Q The Middlesex Turnpike, is there also the Middlesex  
6 Turnpike Extension?

7 A Yes, yes. Yeah.

8 Q Is there a difference between the Middlesex Turnpike  
9 and the Middlesex Turnpike Extension?

10 A Yeah. They changed it when they redid the routing  
11 down there. So that particular stretch of road, it goes  
12 from Middlesex Turnpike, then we take a right onto the  
13 Extension.

14 Q So just to be clear, you took a left out of the  
15 station?

16 A Out of the front of the station, onto Terrace Hall  
17 Ave., and then a quick right onto Middlesex Turnpike, and  
18 then a quick right onto the Extension.

19 Q And then the Middlesex Turnpike Extension would take  
20 you to Baron Park Lane; is that correct?

21 A That is correct.

22 MR. HARREN: Your Honor, may approach?

23 THE COURT: Yes.

24 BY MR. HARREN:

25 Q I'm showing you a Google Earth image. Is this an

# IMPOUNDED

Vol. I - 19

1 | aerial view of the area we've just been talking about?

2 | A Yes.

3 | Q I'm going to give you a pen. Can you please put an A  
4 | on the roof of the fire station that you left, so Fire  
5 | Station Number 2?

6 | And you were deployed to One Baron Park Lane; is that  
7 | correct?

8 | A Yes. That's correct.

9 | Q Can you please put a B on the roof at One Baron Park  
10 | Lane?

11 | A Let me make sure I'm reading this correct here. I  
12 | don't see the roadway on here.

13 | Oh, I didn't see that right there. Yeah. Thank you.  
14 | Put a B there?

15 | Q Yes, please. Thank you.

16 | A Yeah.

17 | MR. HARREN: And, Your Honor, I'd moved to introduce  
18 | this as Exhibit 1.

19 | THE COURT: Okay.

20 | MR. ANDERSON: No objection.

21 | THE COURT: Thank you.

22 | (The clerk marks the Google Earth Image - Kurt Duprez was  
23 | marked Exhibit No. 1, in evidence.)

24 | BY MR. HARREN:

25 | Q Can you see the monitor with Exhibit 1 on it?

# IMPOUNDED

Vol I-20

1 A Yes.

2 MR. HARREN: Your Honor, are you able to see it okay?

3 THE COURT: Yes.

4 BY MR. HARREN:

5 Q So as we look at Exhibit 1, A, where the fire station  
6 you were at is down at the bottom of the photo, to the  
7 left of where it says "Google"; and, B, where you had  
8 deployed to at One Baron Park Lane is up towards the top  
9 left. Is that correct?

10 A Yes.

11 Q So, I know you described it, but you turned a left  
12 out of the station onto Terrace Hall, and then a right  
13 onto Middlesex Turnpike, then a right onto Middlesex  
14 Turnpike Extension, and then a right onto Baron Park Lane;  
15 is that correct?

16 A Correct.

17 Q Thank you.

18 Now, you knew you were going to Baron Park Lane as  
19 the destination for the call; is that right?

20 A Yes.

21 Q As you got close to Baron Park Lane, what, if  
22 anything, were you doing to prepare for your arrival?

23 A So, typically, on any call, if I'm in the back of the  
24 truck, I usually lean forward so I can see out the window  
25 of the truck, the windshield, front windshield, so I can

# IMPOUNDED

Vol. I - 21

1 evaluate what I'm, you know, going to. It could be an  
2 automobile crash, you know. I need to size up what I'm  
3 looking at so I can make my decision on what I'm going to  
4 do as soon as I get out of the truck.

5 Q Now, you said that that's what you typically do. Do  
6 you have a memory of what you did on this particular day  
7 as you were approaching Baron Park Lane?

8 A Yes.

9 Q What did you do?

10 A That's what I did. I leaned forward on the -- the  
11 middle of our truck is where the engine is, and there's a  
12 big flat spot. I leaned up on that so I could see out the  
13 front windshield so I could evaluate and size up the scene  
14 when we arrived.

15 Q How was the view out of the front windshield of the  
16 fire truck?

17 A For me it's clear as day. It's a huge front  
18 windshield. That's why I typically look forward, just so  
19 I can size up what's going on.

20 Q As the truck pulled onto Baron Park Lane, did you  
21 note anything that stood out to you?

22 A As soon as the truck turned onto Baron Park Lane, I  
23 was looking out the window. I saw a gentleman wielding a  
24 very large knife. To me it looked like a seven -- I mean,  
25 and 8- to 10-inch blade on the knife. He was wielding it

# IMPOUNDED

Vol. I - 22

1 over his head towards an officer. I witnessed that  
2 officer holding her shield and backing up trying to make  
3 distance between this person and where she was. He was  
4 approaching her in an attack mode like he was going to  
5 harm her. My initial instinct was he was going to kill  
6 her. I witnessed that officer fall backwards. When she  
7 fell backwards, he was approaching her what I believe in a  
8 manner that he wanted to kill her.

9 I jumped out of the truck before it stopped, and I  
10 started running towards her not knowing what I was going  
11 to do. I don't know, I just, I just thought he was going  
12 to stab her. So I started running towards where her  
13 police cruiser was parked. I lost sight of her when I was  
14 running. I do remember hearing one pop as I approached  
15 her car. When I got to the location of her car, she met  
16 me. She came around the backside of her car and met me,  
17 and I remember the look on her face. She was just in  
18 complete shock.

19 Q So, I'm going to stop you there. So when you were  
20 making those observations before you jumped out of the  
21 truck, was that all from that same vantage point of  
22 leaning forward looking out the front window?

23 A Yes.

24 Q Was the truck moving at that time or had the truck  
25 stopped?

# IMPOUNDED

Vol I-23

1 A No, it was moving.

2 MR. HARREN: May I approach?

3 THE COURT: Yes.

4 BY MR. HARREN:

5 Q I'm going to show you a Google Earth Aerial Image  
6 over One Baron Park Lane?

7 A Uh-huh.

8 Q If you would, please -- let me give you a marker --  
9 put an A where the truck was when you first saw those  
10 actions you were just describing to the Court?

11 A The vicinity -- I mean, I don't know exact, okay?

12 Q Would you please put a B where that person you  
13 described with a knife was when you first saw that person?  
14 Would you please put a C where the female officer was  
15 when you first saw the female officer?

16 Thank you.

17 MR. HARREN: I move to introduce this as Exhibit  
18 No. 2.

19 THE COURT: Any objection?

20 MR. ANDERSON: No objection.

21 THE COURT: I'm sorry. A is where you got out of the  
22 car?

23 THE WITNESS: The truck, yes.

24 THE COURT: Okay.

25 (The clerk marks the Google Earth Image - Kurt Duprez was

# IMPOUNDED

Vol 1-24

1 marked Exhibit No. 2, in evidence.)

2 BY MR. HARREN:

3 Q A is where you first saw -- that was the question, is  
4 to put the A where the truck was when you first saw those  
5 actions?

6 A I believe it was the same -- well, I guess I could  
7 move that A back a little bit, because the truck was still  
8 moving when, you know, we made that.

9 Q So why don't we do this.

10 MR. HARREN: Your Honor, is it okay if he makes more  
11 notations on the exhibit?

12 THE COURT: Yeah. That's fine.

13 BY MR. HARREN:

14 Q Put an A with a dash 1 where you first made the  
15 observations, and then an A-2 where you jumped out of the  
16 truck?

17 A Sure.

18 Q Thank you.

19 So, I guess to clarify, to take us through, A-1 is  
20 just above the lane where it says, "Baron Park Lane," to  
21 the left where Baron Park Lane intersects Middlesex  
22 Turnpike Extension; is that correct?

23 A Uh-huh.

24 Q I know you made the noise. I need you -- you need to  
25 answer audibly.



# IMPOUNDED

Vol. I - 25

1 A Yes.

2 Q Then A-2 is where you're saying is where you jumped  
3 out of the truck?

4 A Yes.

5 Q Was the truck still moving when you jumped out of it?

6 A Yes.

7 Q So when you put the B representing where this subject  
8 with a knife was at that time, is the B where that person  
9 was when you were at A-1 or is the B where the person was  
10 when you were at A-2?

11 A A-2.

12 Q Okay. The C, is the C where the person was when you  
13 were at A-1 or is the C where the person was when you were  
14 at A-2?

15 A A-2.

16 Q Okay. So both the C and B represent the respective  
17 locations of the officer and this male at the time you  
18 jumped out of the truck?

19 A Correct. \*\* 11:24:58

20 Q If I can give you back Exhibit 2. I'm going to ask  
21 that you, using the same numbers to denote, so B for the  
22 subject, C for the officer, put a B-1 where the subject  
23 was when you saw him when you were at A-1, and a C-1 for  
24 where the officer was when you were at A-1?

25 A They were so close to each other.

# IMPOUNDED

Vol I-26

1 Q So if your answer is you can't delineate it, then  
2 that's fine, as well.

3 A I mean, they was so close, you know. You're talking  
4 about a matter of a second from there to there. It was a  
5 matter of a second difference between there and there.

6 Q So where you now put B-1 and C-1 is where  
7 respectively the male and the officer were when you were  
8 at A-1, to be clear; is that correct?

9 A Yes.

10 Q And then where it was originally the B and C without  
11 any dash, that's where they were when you were at A-2?

12 A Yes.

13 Q Can you describe the person that you saw with the  
14 knife? Can you describe how they were holding the knife  
15 when you saw them at B-1?

16 A It was -- I mean, do you want me to show you, or do  
17 you -- how --

18 Q However you can best describe it.

19 A Above his head like this coming at the officer.

20 Q So just for the record, for the gesture you just  
21 made, you took your right arm, raised your arm with your  
22 fist kind of above your shoulder and to head, with your  
23 elbow bent, with the palm of your hand facing forward so  
24 that the thumb is facing back?

25 A Yes. It was -- to me it was in a striking, like a

# IMPOUNDED

Vol I - 27

1 striking pose or striking manner that somebody was coming  
2 to strike down at somebody like that.

3 Q When -- you described seeing a knife; is that right?

4 A Yes, correct.

5 Q What about what you saw made you believe that item  
6 was a knife from your vantage point?

7 A I've seen knives my whole life, and it was a knife.

8 Q Could you see the blade?

9 A Yes. I mean, what I described as an 8- to 10-inch  
10 blade is what it looked like from my view, a big knife.

11 Q Was the blade, as you were describing the person's  
12 right arm being up, was the knife in that right hand, or  
13 was the knife somewhere else?

14 A No, it was in his hand.

15 Q Which hand?

16 A From my vantage point, I thought it was his right  
17 hand. But I wasn't focused on what hand it was. All I  
18 saw was a knife above a person's head going towards an  
19 officer.

20 Q Could you tell whether or not the blade was extended  
21 out of the base of the hand, so meaning -- if someone has  
22 the knife handle in their hand, was the blade extending  
23 from the top of the hand where the thumb is, or was the  
24 blade extending from the base of the hand where the pinky  
25 is?

# IMPOUNDED

Vol I - 28

1 A From the base of the hand forward, correct.

2 Q So as we were describing earlier that you had your  
3 arm up and the base of your hand was facing forward --

4 A The blade was facing the officer.

5 Q Can you describe at all, if you can, the pace that  
6 that person was traveling towards the officer as you made  
7 those observations?

8 A Trying to think of the right words. I can't describe  
9 the pace.

10 Q Let me ask you a different --

11 A It wasn't a walking pace. It was more of a -- abrupt  
12 movement, if that's the right wording.

13 Q Can you describe the pace of the officer walking  
14 backwards? You had said you had observed her walking  
15 backwards?

16 A Well, yes. She was, she was moving backwards and in  
17 a hurried manner.

18 Q You said that you were able to see her shield  
19 earlier; is that right?

20 A Yes.

21 Q Did you see if she had her weapon drawn at that time?

22 A I could not see that, no.

23 Q From your initial vantage points that we've been  
24 discussing, did you know who that officer was?

25 A I did not.

# IMPOUNDED

Vol 1-29

1 Q Did you later come into contact with him?

2 A Yes, I did.

3 Q And do you know who that officer is?

4 A I do.

5 Q Do you see that officer here today in the courtroom?

6 A I do.

7 Q Would you please point to her and identify an article  
8 of clothing she's wearing?

9 A Sure. Right there. Hi, Rise.

10 MR. ANDERSON: Your Honor, we'll stipulate it's  
11 Officer Miedico.

12 THE COURT: Thank you.

13 BY MR. HARREN:

14 Q Before you jumped out of the truck, you described  
15 seeing this subject with the knife we've been talking  
16 about and Officer Miedico. Did you see anyone else in the  
17 area?

18 A I did not.

19 Q So did you know if there was another officer there  
20 with Officer Miedico at the time you jumped --

21 A I do not know at the time.

22 Q I believe your testimony was when you got out of the  
23 truck, you ended up encountering Officer Miedico at the  
24 back of her cruiser; is that correct?

25 A That's correct.

# IMPOUNDED

Vol. I - 30

1 Q Did you go directly to that position from when you  
2 got off the truck? Did you stop at any time? Can you  
3 describe your travel from A-2 to the rear of Officer  
4 Miedico's cruiser?

5 A I just ran as fast as I could to get there. I didn't  
6 stop.

7 Q Do you recall ever saying that you had paused for a  
8 moment after jumping off the truck?

9 A No. I paused when I got to her police cruiser.

10 Q When you got to her police cruiser, did you see that  
11 subject that you had seen earlier holding the knife?

12 A No.

13 Q Did you know what had happened at that point when you  
14 got to her cruiser?

15 A I did not.

16 Q What did you do once you got to her cruiser?

17 A I checked on her to see if she was okay, and then she  
18 was trying to get her medical kit out of the back of the  
19 cruiser. I grabbed it from her and told her to stay  
20 there.

21 Q Why did you take the kit?

22 A Because I didn't think she was in a good state of  
23 mind.

24 Q Did you know what the kit was needed for at that  
25 point?

# IMPOUNDED

Vol. I - 31

1 A I did not.

2 Q What about your interactions with Officer Miedico  
3 made you think she wasn't in a good state of mind at that  
4 point so that you took the kit?

5 A She had a look on her face that she was in shock.

6 Q What did you do -- well, did you speak with her at  
7 all, other than saying, "Give me the kit," when you saw  
8 her at the rear of the cruiser?

9 A I don't believe so.

10 Q What did you do once you took the kit?

11 A I ran over to where she and the victim were.

12 Q How did you know where to go?

13 A Because it was in the direction that I was running.  
14 That's where I last saw them.

15 Q What did you see when you got there?

16 A A male subject laying on the ground on his back.  
17 Officer Reyes was attempting to handcuff him. He had  
18 facial injury; an abundance of blood loss coming out of  
19 his eye area.

20 Q You just referenced Officer Reyes. Did you know  
21 Officer Reyes before that day?

22 A Oh, yes.

23 Q When was the first time you realized Officer Reyes  
24 was on scene?

25 A When I saw him at the victim.

# IMPOUNDED

Vol. I - 32

1 Q Did you speak with Officer Reyes?

2 A Just in, you know, rendering medical aid; get me  
3 this, get me that, you know, that type of stuff. I asked  
4 him, I think I asked him what happened or what he got hit  
5 with or something like that. I can't remember word for  
6 word. I think he told me it was a gunshot or a bullet or  
7 something of that sort.

8 Q When you were having those initial interactions, were  
9 you the only firefighter with the subject and Officer  
10 Reyes at that time?

11 A Oh, so -- I'm sorry. If I can -- is it okay to back  
12 up for a second?

13 THE COURT: Sure.

14 A When I met the officer at her cruiser, our ambulance  
15 was on the same road in the complex. I stopped  
16 momentarily, and I whistled to them and gestured for them  
17 to come in to where we were. And then I ran from there to  
18 the victim.

19 Q Did you last week have an opportunity to listen to  
20 the 911 call from this matter?

21 A Yes. Correct.

22 Q Or portions of it?

23 A Yes.

24 Q At the very end of the call, you can hear someone  
25 loudly whistle and yell for someone to come down; is that



# IMPOUNDED

Vol 1-33

1 right?

2 A Yes. That's correct.

3 Q Did you recognize that?

4 A Yeah. That's when I was whistling to get the  
5 attention of the crew that was on the ambulance to get  
6 them to, you know, come closer to where we were.

7 Q So the 911 call captures your whistling and calling  
8 them down?

9 A Correct. Yes.

10 Q Fair to say there were no other whistles that you  
11 heard in listening to the call; is that right?

12 A No. No.

13 Q What treatment did you then do once you reached the  
14 person who was down?

15 A I started right off the bat initiating bleeding  
16 control to his, you know, skull and eye area. Then he was  
17 agonal breathing, which is a form of breathing but not  
18 really. People can mistake it for somebody breathing. So  
19 once the ambulance showed up, we had them grab the  
20 defibrillator. I couldn't get a pulse on him. We started  
21 CPR right away, continued bleeding control, and got the  
22 defibrillator applied to him, and we started CPR right  
23 away.

24 Q He was eventually transported to the hospital that  
25 day; is that correct?

# IMPOUNDED

Vol I - 34

1 A That's correct.

2 Q Did you accompany him to the hospital?

3 A I did. I accompanied him with the two other  
4 firefighters to the hospital.

5 Q So you had transitioned from being on the fire truck  
6 to assisting the firefighters assigned to the ambulance;  
7 is that correct?

8 A Correct.

9 Q Why was that?

10 A We needed more, you know, you need more hands-on to  
11 continue to control bleeding, continue doing CPR,  
12 defibrillator, you know, oxygen, whatever we needed to do.

13 Q Did you ever have a conversation -- on scene, did you  
14 have a conversation with Officer Miedico about what had  
15 happened?

16 A No. Not until afterwards.

17 Q On scene, did you have a conversation with Officer  
18 Reyes about what had happened?

19 A I -- initially, yes. I, I think, like I said before,  
20 I asked him what happened when I first got there.

21 Q What did he say?

22 A He either said a bullet or a gunshot or something of  
23 that sort. I can't really recall exactly what he said.  
24 It was enough information for me to know what happened.

25 Q So just to clarify my question, so he had told you

# IMPOUNDED

Vol. 1 - 35

1 that person had been struck by a bullet; is that right?

2 A Yes.

3 Q And so when I asked, and I should have asked a better  
4 question, if he talked about what had happened, did he say  
5 anything about the circumstances that led to that person  
6 being shot?

7 A No.

8 MR. HARREN: Your Honor, I have no further questions.

9 THE COURT: Okay. Any questions?

10 MR. ANDERSON: I have a couple of questions.

11 CROSS-EXAMINATION

12 BY MR. ANDERSON:

13 Q Good morning, Firefighter Duprez. My name is Ken  
14 Anderson. I represent Officer Miedico in this --

15 A Good morning.

16 Q -- proceeding.

17 Let me ask you a couple of questions about what you  
18 told us about working as a --

19 A Could you move over? I can't see you because of the  
20 glare that's coming in.

21 Q Is this better?

22 A Yes. Thank you.

23 Q You told us that you worked for a couple of years as  
24 a special police officer with the Burlington Police  
25 Department?

# IMPOUNDED

Vol I-36

1 A Correct.

2 Q And did you have to undergo any type of police  
3 training to get into that position?

4 A Yes, we do.

5 Q And what training did you undergo?

6 A We go under, you know, firearms training. We go  
7 under training for -- with the fire department, as well,  
8 for like, you know, mass casualty incidents in regards to  
9 mass shootings and so forth like that. We do some basic,  
10 you know, hands-on training for subduing criminals, you  
11 know, handcuffing, and different things like that.

12 Q Okay. So there's --

13 A Self-defense.

14 Q Let me ask a more specific question. Which academy  
15 did you go to? Was it an academy?

16 A Yes.

17 Q For which one?

18 A It's -- I'm sorry. I'm drawing a blank.

19 THE COURT: That's okay.

20 Q Lowell, Reading?

21 A No. It's in -- yeah, it's out of Reading, correct.

22 Q Okay. And for how long? Like how many days a week?

23 A It's eight and a half months for -- every Saturday  
24 and Sunday for eight and a half months.

25 Q Okay. And some of your training was in defensive

# IMPOUNDED

Vol. I - 37

1 | tactics?

2 | A That's correct.

3 | Q And you agree with me that one of the things you were  
4 | trained, when you were training to be a police officer, is  
5 | if someone's coming toward you with a weapon, you try to  
6 | create space and get away from that person, correct?

7 | A That's correct.

8 | Q And if you can, you try to put a barrier between you  
9 | and them --

10 | A That's correct.

11 | Q -- so you have some type of cover?

12 | And as you were coming down -- you leave the fire  
13 | station, you told us. You take a quick left, and then a  
14 | right down to Middlesex Turnpike?

15 | A Yes.

16 | Q And then the truck goes, takes another right, or kind  
17 | of an angle down the Middlesex Turnpike Extension?

18 | A Correct.

19 | Q And as you're coming down the Middlesex Turnpike  
20 | Extension, it's fair to say you can see that first  
21 | building of the Lord Baron Apartments as you're coming  
22 | down towards there?

23 | A Correct.

24 | Q And as you're responding to this call, your belief  
25 | is, your understanding is you're going there to assist

# IMPOUNDED

Vol 1-38

1 with a suicidal individual?

2 A Correct.

3 Q And, originally, the plan is to stage, let the police  
4 go in because they have guns and tasers and weapons, make  
5 the place safe, and then you can go in to assist if  
6 necessary?

7 A Correct.

8 Q And is this something that Burlington fire does on a  
9 regular basis, assisting Burlington police in these  
10 Section 12 situations?

11 A Yes.

12 Q And about how often, do you think, you end up  
13 assisting in a Section 12 situation?

14 A I mean, it feels like every shift, but it's, it's  
15 probably not. But I mean, it could be, it could be a  
16 couple times a month.

17 Q Okay. And as you go into this call, do you have any  
18 specific description of a person, you know, if it's a male  
19 or a female, if it's white, black, Hispanic, Asian, tall,  
20 short, anything about the clothing?

21 A We had a description of a male. I don't recall the  
22 clothing. Yeah, that's about it.

23 Q And as you get closer to the scene, you look through  
24 to assess the scene, and you see a male with a knife going  
25 towards what you learn to be Officer Miedico?

# IMPOUNDED

Vol 1-39

1 A Right. Correct.

2 Q In that situation, she had the shield in one hand?

3 A Yes. Correct.

4 Q And she's creating space the same way you were  
5 trained to create space?

6 A Correct.

7 Q And at some point, you actually jump out of the fire  
8 truck before it's even stopped to go render some type of  
9 assistance?

10 A Correct.

11 Q And do you remember being interviewed later that day  
12 about what transpired?

13 A Yes.

14 Q And have you seen the report about that interview  
15 that you gave that afternoon?

16 A Not the police report. Only our, you know, our  
17 medical reports.

18 MR. ANDERSON: Can I approach, Your Honor?

19 THE COURT: Yes.

20 BY MR. ANDERSON:

21 Q Let me show you a document that's entitled on the  
22 top, left corner, "Kurt Duprez Interview."

23 A Okay.

24 Q Have you seen that in preparation for this inquest?

25 A I didn't see it in preparation for this. This would

# IMPOUNDED

Vol I-40

1 be the day after the call, this Massachusetts State Police  
2 and Burlington police interviewed us.

3 Q Okay. So it was the day after the incident?

4 A No, it was --

5 Q Was it the day of the incident?

6 A It was the day of the incident.

7 Q Okay. And you met with Detective Daniels?

8 A Yes.

9 Q He came and met you --

10 A Correct.

11 Q -- at a fire station, 114 Terrace Hall Ave.?

12 A Yes.

13 Q And if I can ask you just to read the sentence about  
14 halfway down that first paragraph that's highlighted. It  
15 starts with, "Duprez zoned in on a male."

16 A "Duprez zoned in on a male" --

17 Q I'd ask you to read it to yourself?

18 A Oh, I'm sorry.

19 Q Okay.

20 A I apologize.

21 (Pause.)

22 Okay.

23 Q Okay. Had you read that statement to yourself?

24 A Yes.

25 Q And having read that, does that refresh your memory



# IMPOUNDED

Vol 1-41

1 in terms of the gate of this individual as he was  
2 approaching Officer Miedico?

3 A Yes.

4 Q And did you describe him as running towards Officer  
5 Miedico?

6 A Yes.

7 Q And in your testimony today, did you use the phrase,  
8 "attack mode," and, "like he was going to kill her"?

9 A Correct.

10 Q And is that consistent with what you saw that day?

11 A Yes.

12 Q And what do you think happened to Officer Miedico  
13 when you saw this person running towards her in attack  
14 mode trying to kill her? When you got up there, what did  
15 you expect to see?

16 A I was expecting to encounter a male with a knife over  
17 this officer, stabbing her. That's what was in my head.  
18 That's why I ran there.

19 Q Okay. And as you were making these observations as  
20 the truck is pulling in, it's fair to say you're looking  
21 at the suspect's back?

22 A No, his side.

23 Q Side? And you're looking at Officer Miedico's side  
24 or her front?

25 A Her side, front.

# IMPOUNDED

Vol. I - 42

1 Q And from where you first saw them, are you able to  
2 estimate the distance between the two of them?

3 A I mean, to me, from my, my viewpoint, it was in  
4 striking distance. So I would say within, you know, five  
5 feet, six feet.

6 Q And you'd agree with me, you can run much faster  
7 going forward than you can running backwards?

8 A Absolutely.

9 Q And at some point you saw Officer Miedico fall?

10 A Yes. That's correct.

11 MR. ANDERSON: I have nothing further.

12 THE WITNESS: Thank you.

13 THE COURT: Okay. Anything else, Commonwealth?

14 MR. HARREN: Just a few questions on that.

15 REDIRECT EXAMINATION

16 BY MR. HARREN:

17 Q You had said, I think, initially, when we were  
18 talking today, about hearing some kind of a pop?

19 A Uh-huh.

20 Q I know you made a noise, but I need you to answer yes  
21 or no?

22 A Yes.

23 Q Okay. Just to make sure it's clear on the record.

24 A I'm sorry.

25 Q It's okay.

# IMPOUNDED

Vol. I - 43

1 Did you recognize what that pop was or did you know  
2 what it was?

3 A No idea.

4 Q Did you hear that pop before or after you saw Officer  
5 Miedico fall to the ground?

6 A Before.

7 MR. HARREN: Nothing further.

8 THE WITNESS: Oh, hold on. I'm sorry. I'm sorry.

9 Can you repeat that question?

10 BY MR. HARREN:

11 Q Did you hear the pop before or after you saw Officer  
12 Miedico fall to the ground?

13 A I heard that after.

14 Q Okay.

15 A So when I saw her fall to the ground is when I jumped  
16 out of the truck, and I started running. I heard that pop  
17 somewhere between me leaving the truck to her cruiser. So  
18 I was, I was already running when I heard that pop.

19 Q Is it fair to say that when you were running, you  
20 lost sight of them?

21 A Yes. That's correct.

22 MR. HARREN: Thank you. Nothing further on that,  
23 Your Honor.

24 MR. ANDERSON: Your Honor, I know this is a courtroom  
25 proceeding. I was just going to ask if Firefighter

# IMPOUNDED

Vol. I - 44

1 Duprez, if you could just sign both of those exhibits?

2 THE COURT: Sure.

3 MR. ANDERSON: Just so if we end up with 10 exhibits  
4 all with A's, B's, and C's, we know which one relates to  
5 which --

6 THE COURT: I agree. That's a good idea. Thank you.

7 MR. HERRON: Your Honor, may the witness be excused?.

8 THE COURT: Yes. Thank you.

9 THE WITNESS: Thank you.

10 THE COURT: Ready for your next witness?

11 MR. HARREN: Yes, Your Honor. Commonwealth calls  
12 Firefighter Nicholas Menkello to the stand.

13 THE CLERK: Please raise your right hand?

14 NICHOLAS MENKELLO, SWORN

15 THE WITNESS: I do.

16 THE COURT: You may inquire.

17 MR. HARREN: Thank you.

18 DIRECT EXAMINATION

19 BY MR. HARREN:

20 Q Good morning.

21 A Good morning.

22 Q Would you please state your name and spell both your  
23 first and last names for the record?

24 A It's Nicholas Menkello; N-i-c-h-o-l-a-s, Menkello,  
25 M-e-n-k-e-l-l-o.

# IMPOUNDED

Vol 1-45

1 Q Where do you work?

2 A Burlington Fire Department.

3 Q What capacity do you work for the fire department?

4 A Engine company.

5 Q What does that mean?

6 A I drive and operate an engine for emergency services.

7 Q An engine is a fire truck?

8 A Yeah. Pump truck. It carries the water.

9 Q How long have you worked for the fire department?

10 A March 13, it will be 23 years.

11 Q And so, with that position, is it fair to say you're  
12 a firefighter, and that's what your specific assignment is  
13 as a firefighter?

14 A No. I also carry an EMT license, which is BLS, basic  
15 life support.

16 Q Okay.

17 A So, you know, if we have to render care to a patient  
18 that's sick or injured, we can do that within the legal  
19 parameters of the license.

20 Q So your position with the fire department, you can  
21 operate a fire truck and respond to a fire emergency. You  
22 also can render emergency medical aid within your  
23 abilities, depending on the nature of the call; is that  
24 right?

25 A That's correct.

# IMPOUNDED

Vol. I - 46

1 Q On January 23, of 2022, were you working that day?

2 A I was.

3 Q And what particular assignment did you have on that  
4 day?

5 A Driver operator of Engine 2.

6 Q And, again, Engine 2 being one of the fire trucks?

7 A Uh-huh. It's fire apparatus.

8 Q What station were you at that day?

9 A 114 Terrace Hall Ave., Station 2.

10 Q Just after noon, were you dispatched to One Lord  
11 Baron Park Place -- excuse me, One Baron Park Place?

12 A We were, yes.

13 Q What was the nature of the dispatch as you understood  
14 it?

15 A From what I gathered, I got -- as the driver, I'm  
16 focused on the address, getting the personal to the call.  
17 So I was just focusing on the address. But I did hear in  
18 the back of my head it was for a possible psych evaluation  
19 with a gentleman with a knife.

20 Q With that information, when you begin to drive the  
21 truck to the address, what were you doing, what were your  
22 thoughts in preparation of arriving?

23 A So we're located pretty close to that address. So we  
24 were really hoping that we were going to pull up and stage  
25 if police presence wasn't there. And my first thing was,

# IMPOUNDED

Vol. 1 - 47

1 I hope that we have police support when we show up.

2 Q When you say, "stage," what do you mean by saying  
3 stage?

4 A Position the apparatus in such a way that it wouldn't  
5 interfere with any law enforcement or agitate the  
6 individual that might be experiencing some problems.

7 Q Did you know where that person was as you were  
8 driving to Baron Park Lane?

9 A No.

10 Q Did you know which apartment building the person was  
11 out of?

12 A I know the apartment building.

13 Q Which apartment building was it?

14 A It would be -- Building Number 1 would be when I'm  
15 coming in from the Middlesex Turnpike entrance, which is  
16 the one I went in, it was on the left-hand side.

17 Q First one on the left?

18 A First building on the left, yes.

19 Q And you knew that driving there?

20 A Yes.

21 Q What was your plan of where you were going to stage  
22 once you arrived on scene?

23 A I like to put the engine somewhere where the  
24 ambulance can get access to the front door. So if they  
25 were going to stair chair or stretcher or walk somebody

# IMPOUNDED

Vol 1-48

1 out on their own power, they could do it without any  
2 incident. So I tried to put the engine as far off to the  
3 left as possible where the building is but not blocking  
4 any entrances.

5 Q When you say, "as far off to the left," as far off to  
6 the left of what?

7 A On the curb.

8 Q Okay. So as you pulled into -- your plan was, if I  
9 understand it correctly, as you were pulling into Baron  
10 Park Lane on the right-hand side of the road as we  
11 normally drive, you were going to pull over to the left so  
12 as to be in front of, in front of the building but further  
13 down than where the ambulance would be?

14 A Yes.

15 Q Did you have any plan of staying, say, out of sight  
16 like further down Middlesex Turnpike Extension or pulling  
17 further down Baron Park Lane, things of that nature?

18 A Not at that point, no.

19 Q When you drove from the fire station, did you drive  
20 directly to Baron Park Lane?

21 A Correct.

22 Q And did you take the Middlesex Turnpike to the  
23 Middlesex Turnpike Extension, and then turn right from the  
24 extension into Baron Park Lane?

25 A Turned right onto Baron Park Lane, and then went to



# IMPOUNDED

Vol. I - 49

1 the left of the curb.

2 Q Was that a direct route, meaning did you just go  
3 straight there without stopping?

4 A I do. I go that way on the low numbers. If it was a  
5 high number, I would have gone in from Terrace Hall Ave.

6 Q Okay. But in terms of a direct route without  
7 stopping, you just drove straight there. You didn't stop  
8 and wait anywhere?

9 A No, I mean, I may have tapped the siren a little bit  
10 just trying to get through the intersection, but that's  
11 it.

12 Q Which intersection?

13 A When we pull out of the fire station, we come out of  
14 Terrace Hall Ave. and make a left, and then there's the  
15 intersection between Middlesex Turnpike and Terrace Hall.  
16 It can be a little trafficky [sic]. So, just try to make  
17 myself, presence known and merged out onto the road.

18 Q Once you would have had to have done that, as you  
19 were approaching Baron Park Lane, did you have the lights  
20 and siren on?

21 A I had lights on until I approached Baron Park Lane,  
22 and then I DC'd the lights when I got there.

23 Q When you say, "DC'd" --

24 A Disconnected. I shut them down.

25 Q Do you recall approximately where you did that?

# IMPOUNDED

Vol I-50

1 A No.

2 Q But it was prior to reaching Baron Park Lane?

3 A It was just -- probably while I was turning.

4 Q Okay. So while you were turning from the --

5 A Yeah. I can just reach them -- yeah.

6 Q Just let me finish the question before you answer,  
7 okay?

8 So as you're turning from Middlesex Turnpike  
9 Extension onto Baron Park Lane, that's where you turned  
10 them off?

11 A Probably.

12 Q Okay. And I just don't want us to talk over one  
13 another.

14 A No, it's okay.

15 Q So that's why I'm just asking to let me finish.

16 As you were turning from Middlesex Extension onto  
17 Baron Park Lane, did you observe anything at the scene  
18 that drew your attention?

19 A So once I positioned the truck where I wanted to, I  
20 saw out of the left-hand side of my peripheral vision a  
21 gentleman running with his hand in the air, and I heard  
22 voice commands being shouted. Sounded like official  
23 commands. The engine was running in the truck, and the  
24 window was down. It's a lot of background noise. And  
25 then that's when I observed the rest of the incident.

# IMPOUNDED

Vol I-51

1 Q What did you observe?

2 A I heard shouting, I heard official commands being  
3 shouted, and I heard reports of what appeared to be  
4 gunfire in my head, and I saw officers trying to defend  
5 themselves prior to the shooting, the final shots, and  
6 then a gentleman went down, a police officer went down,  
7 and we were told by the officer that it was okay to exit  
8 the vehicle to see if we could render some care to those  
9 involved.

10 Q So let me -- at the -- when you first saw that there  
11 was a commotion going on --

12 A Right.

13 Q -- had you parked the truck at that point?

14 A I had just been pulling the maxi brake, the air  
15 brake, to put the vehicle into complete parking mode.

16 Q Okay. So the truck had stopped moving?

17 A Yeah.

18 Q You were applying the brake?

19 A Yes.

20 Q To lock it in place?

21 A Yes.

22 Q And I believe you said it was as you were applying  
23 that brake, that's when you first saw something?

24 A Correct.

25 Q What is it that you were able to see as you were

# IMPOUNDED

Vol I - 52

1 applying that brake?

2 A Again, a gentleman running with his arm in the air.

3 Q So let me stop you there. Where was that person  
4 running when you parked the truck there?

5 A From the lawn area on the left-hand side making his  
6 way to the street area, which is the access road between  
7 Buildings 1 and 3, I believe.

8 MR. HARREN: May I approach?

9 THE COURT: Yes.

10 BY MR. HARREN:

11 Q I'm going to show you an aerial Google Earth image of  
12 Baron Park Lane, with this being number One Baron Park  
13 Lane. Do you recognize that to be accurate and true?

14 A I do.

15 Q Would you please put an A where you would have been  
16 seated in the truck when it came to rest?

17 Can you please put a B where you first saw the person  
18 that you said you saw running with a knife?

19 And you said you saw officers?

20 A I did -- yes.

21 Q How many officers did you see?

22 A Two.

23 Q Could you differentiate at that point whether they  
24 were male officers, female officers, or any other way  
25 of --

# IMPOUNDED

Vol. I-53

1 A No, sir.

2 Q So can you please put a C where you saw one of the  
3 officers and a D where you saw the other officer?

4 A To the best of my recollection, that's what I have.

5 MR. HARREN: Your Honor, I'd move to introduce this  
6 as Exhibit No. 3.

7 THE COURT: Okay.

8 MR. ANDERSON: No objection.

9 THE COURT: Thank you.

10 (The clerk marks Google Earth Image - Mr. Menkello as  
11 Exhibit No. 3, in evidence.).

12 BY MR. HARREN:

13 Q And just to go through what you just did, the A is  
14 where you were seated in the truck when it came to rest.  
15 Is that -- we're looking at One Baron Park Lane, is just  
16 to the left of the front walk; is that correct?

17 A Correct.

18 Q The B is in the line above the P of Baron Park Lane,  
19 the third time it's written coming left to right, that's  
20 where the subject with the knife was?

21 A Yes.

22 Q And then the C and D represent the two officers, not  
23 being able to differentiate which was which at that time?

24 A Correct.

25 Q Can you describe the way -- so you described a person

# IMPOUNDED

Vol. I - 54

1 as having a knife; is that right?

2 A Yeah. Arm was in the air, and the call came in as  
3 someone with a knife.

4 Q So based on those two factors, were you presuming or  
5 assuming it was a knife, or did you actually see a knife?

6 A I didn't see -- I saw a blanket, and I didn't see a  
7 knife. I didn't see -- I'm going off of what the call  
8 was, but I was parking the truck, like I said, and  
9 everything happened very quickly.

10 Q That's okay. But what I want to do is just make sure  
11 we're clear on what your memory of your observations were.  
12 So when you were at position A, you could see that person  
13 at position B?

14 A Correct. Running, yes.

15 Q And that was your observation?

16 A Yes.

17 Q When you saw the person at position B, that person  
18 had their arm in the air?

19 A Yes.

20 Q Could you see whether or not the person had anything  
21 in their hand or that arm that was in the air?

22 A The way the person was, I couldn't.

23 Q Okay. You said you saw a blanket.

24 A Uh-huh.

25 Q I just need you to answer yes or no so it's clear for

# IMPOUNDED

Vol I - 55

1 the record.

2 A Yes.

3 Q The person at position B had the blanket?

4 A Yes.

5 Q How were they carrying that blanket?

6 A It looked like it was shouldered.

7 Q Which shoulder, right or left?

8 A It would be -- I would, if I had to say, the left.

9 Q Now, you said, "If I had to say." Do you have a  
10 specific memory of it?

11 A It's vague.

12 Q Okay. Do you have a memory of which arm was raised?

13 A Again, right side because the left would have had the  
14 blanket.

15 Q Okay. But is that your memory, or is that what  
16 you're assuming?

17 A It was a year ago. I do a lot of drinking.

18 Q So, just trying to make sure we're clear on what --

19 A Yeah. It could have -- it looked -- if I had to --  
20 right hand up, left arm holding blanket.

21 Q Okay. You said you heard what you described as  
22 commands?

23 A Yes.

24 Q Could you tell who were stating those things that you  
25 described as commands?

# IMPOUNDED

Vol. I - 56

1 A It appeared like official commands. So it looked  
2 like they were coming from law enforcement saying, "Stop,  
3 drop the knife."

4 Q And do you recall hearing those words?

5 A I do recall hearing them out the window.

6 Q The person who was at B that we've described running  
7 with their arm up, did you hear that person say anything?

8 A I don't know which person said anything. I heard the  
9 commands only.

10 Q Okay. So we've been focusing on that initial moment  
11 when you saw the person. After that initial observation  
12 of the person on the lawn and hearing those commands, how  
13 did things begin to play out?

14 A So once the commands were given, the individual was  
15 still approaching and shots went off.

16 Q When you say the person was still approaching, where  
17 were they approaching to or to whom were they approaching?

18 A Bearing down on law officers.

19 Q On both or one?

20 A I don't really know. One definitely.

21 Q Okay. Can you describe the manner in which that  
22 person approached from when you first laid eyes on them as  
23 they were approaching the officer?

24 A Aggressively approaching one officer in particular.

25 Q What about that person's demeanor or your



# IMPOUNDED

Vol 1-57

1 observations of them make you say that that person was  
2 approaching aggressively?

3 A Because there was no delay in the speed of which they  
4 were running at the officer.

5 Q Can you describe -- so you said, "they were running."  
6 So there was no delay in the speed that they were  
7 running --

8 A Correct.

9 Q -- so they were running at the officer?

10 A Yes.

11 Q You said you had heard what you thought were  
12 gunshots; is that right?

13 A Yes.

14 Q Did you -- were you able to see anyone fire their  
15 weapon?

16 A I wasn't able to see anyone fire a weapon.

17 Q Could you see either or both officers at the time  
18 that you heard the gunshots?

19 A I could see one.

20 Q Where was that one that you could see?

21 A So when initial shots went off, it was like almost  
22 kind of shocking to hear. So we were just like, oh, wow,  
23 you know, what's going on. Then as the individual got  
24 closer to the second officer, another couple of shots went  
25 off from what I can gather reaching back and trying to

# IMPOUNDED

Vol. I-58

1 remember.

2 Q So you heard a shot; you saw one officer. You heard  
3 more shots; you saw the second officer?

4 A Correct. Yes.

5 Q Where was the second officer when you saw the second  
6 officer?

7 A Come again?

8 Q When you said you heard shots and you saw one  
9 officer, right?

10 A Yeah.

11 Q And then you heard more shots and you saw a second  
12 officer?

13 A Correct.

14 Q Where was the second officer when you saw them after  
15 the additional shots?

16 A The access road, standing on the access road falling  
17 backwards.

18 Q You say falling backwards. Did you see that person  
19 fall to the ground?

20 A I did.

21 Q Where was the subject that you had described with  
22 their arm raised in the blanket when the officer was  
23 falling to the ground?

24 A Probably within inches of each other.

25 Q Of whom?

# IMPOUNDED

Vol. I-59

1 A The officer in question and the, the individual we  
2 went to the call for.

3 Q So the officer -- so the subject who had the  
4 blanket --

5 A Yes.

6 Q -- was within inches of the officer who was falling  
7 to the ground --

8 A Very --

9 Q -- as you saw that officer fall on the ground?

10 A Yes, sir. Very close.

11 Q What did you do once you saw that happen?

12 A Listened for commands from my superior, and we  
13 immediately obviously wanted to render care to those  
14 involved.

15 Q Did you see, in addition to the officer, did you see  
16 anyone else fall to the ground?

17 A I saw the individual that was charging at the officer  
18 also fall.

19 Q When, in relation to the officer falling, did that  
20 person fall to the ground?

21 A Within moments, like seconds after, like not even.

22 Q So who fell to the ground first?

23 A The officer fell backwards, and then the other  
24 individual fell down.

25 Q Could you tell why that person fell down, meaning the

# IMPOUNDED

Vol I - 60

1 | subject, not the officer?

2 | A No, not really. We could only assume.

3 | Q And I know you have information from later on. But  
4 | as you sat there, you didn't know why they were falling?

5 | A I, again, heard the shots and saw the officer fall,  
6 | and then the individual fell. Wasn't really quite sure  
7 | what had actually happened.

8 | Q Did you get -- you said, when I had asked you what  
9 | you did after that, you were waiting for commands. Did  
10 | you get a command for what to do?

11 | A Yeah. We were, then exited the apparatus, he and I  
12 | in the front seat.

13 | Q And when you say, "he," who is --

14 | A Lieutenant Ficociello.

15 | Q And so he was the officer in command of the truck?

16 | A Correct.

17 | Q Was he also in command of the ambulance that was  
18 | there?

19 | A Yes. He would be in charge of both apparatus on  
20 | scene.

21 | Q How long after you saw the subject fall to the ground  
22 | did you get out of the truck?

23 | A Within seconds.

24 | Q What did you do once you got out?

25 | A I first approached the first officer that I

# IMPOUNDED

Vol I-61

1 approached and I asked, "Are you okay? Can we help," like  
2 and I'm denied care, this individual, and then went on to  
3 the next.

4 Q So the first officer that you approached, do you know  
5 who that one was?

6 A Yes.

7 Q Who was that?

8 A It was Officer Reyes.

9 Q And Officer Reyes said he was okay?

10 A He said he was okay; looked distraught but was okay.

11 Q What did you do once Officer Reyes said he was okay?

12 A Just moved on.

13 Q Who did you move on to or what did you move on to?

14 A So when I had gotten there, there was already someone  
15 attending. So I don't know if there was an ambulance. I  
16 can't remember whether it was an ambulance, the ambulance  
17 had come down already or not. So we started to work on  
18 the patient on the ground.

19 Q Eventually, that patient was taken by the ambulance  
20 to the hospital; is that correct?

21 A Correct.

22 Q And then did you just kind of stand by until your  
23 commanding officer told you, you could leave?

24 A Correct.

25 Q Did you speak with either officer on scene about what

# IMPOUNDED

Vol. I - 62

1 had happened?

2 A No.

3 Q When you were on scene, either while you were  
4 rendering care to the patient or after the patient was  
5 removed, did you see a knife?

6 A I believe -- I want to say yes -- yes. I saw on the  
7 ground -- there was a knife on the ground where the  
8 individual had fallen. And if I have to say specifically,  
9 it was just to the right of the individual, I believe.  
10 There was a weapon on the ground.

11 MR. HARREN: Okay. I have nothing further. Thank  
12 you.

13 THE COURT: Any questions?

14 MR. ANDERSON: Just a couple of brief questions.

15 CROSS-EXAMINATION

16 BY MR. ANDERSON:

17 Q Good afternoon, Firefighter Menkello. My name is Ken  
18 Anderson. I represent Aurise Miedico.

19 Just in terms of your memory -- and I'm just moving  
20 because the last witness had a problem with glare -- okay.

21 A That's okay.

22 Q I'll stand away from the COVID shield there.

23 Your best memory when this incident had happened 51  
24 weeks ago was that this individual had their right hand up  
25 in the air and the left hand clutching a blanket?

# IMPOUNDED

Vol I-63

1 A Yeah. I mean, like I said, there was an arm up and  
2 an arm holding a blanket.

3 Q Okay. And do you remember being interviewed at some  
4 point by some individuals from the Massachusetts State  
5 Police?

6 A Yes.

7 MR. ANDERSON: And if I could just approach with that  
8 report?

9 THE COURT: Yes.

10 BY MR. ANDERSON:

11 Q Let me show you a report. Would you agree with me  
12 down at the bottom it's written by a Trooper Patrick R.  
13 O'Keefe?

14 A Okay.

15 Q And it indicates this occurred on Sunday, January 25.  
16 But I could show you my calendar on my Apple iPhone.

17 Do you agree with me that it would have been the  
18 23rd, Sunday would have been January 23, not the 25th,  
19 back in January of '22?

20 A Probably.

21 Q If my phone is correct -- okay.

22 In any event, you remember being interviewed the date  
23 of this incident by the state police?

24 A Yes.

25 Q And if I can just have you read those -- sentence

# IMPOUNDED

Vol I - 64

1 here, starts on the right-hand side, that I have kind of  
2 blocked off with red pen and little red stars. Can you  
3 read that to yourself?

4 (Pause.)

5 And fair to say your memory was much fresher the date  
6 of the incident than it is almost a year after the fact?

7 A Absolutely.

8 Q And when you were interviewed that day by the state  
9 police, what did you say in terms of which hand was up  
10 over the head?

11 A Right hand raised over the head.

12 Q Okay. So the memory that you have today that the  
13 right hand was raised over the head is what you told the  
14 state police back a year ago on the date of the incident?

15 A Yes, sir.

16 Q Okay. And you said that this individual was running  
17 aggressively towards an officer who you later learned to  
18 be Officer Miedico?

19 A Yes.

20 Q And that he was within inches at some point when she  
21 fell, and then he fell?

22 A Yes.

23 Q And in that time frame you heard gunshots?

24 A Yes.

25 MR. ANDERSON: I have nothing else.



# IMPOUNDED

Vol. I - 65

1 THE COURT: Anything further, Commonwealth?

2 MR. HARREN: May I approach?

3 THE COURT: Yes.

4 REDIRECT EXAMINATION

5 BY MR. HARREN:

6 Q I'm going to show you the same report that Attorney  
7 Anderson just did. I'm going to point your direction to  
8 the first sentence of paragraph three; if you could just  
9 read that silently to yourself. Actually, if you could  
10 just read the first sentence out loud?

11 A "After Officer Miedico and" --

12 Q Just loud enough so that --

13 A Yes.

14 Q I'm doing the best. I don't have my spectacles on  
15 me, obviously.

16 "After Officer Miedico and Courtemanche fell," I'm  
17 having a hard time reading. I don't have my glasses. I  
18 didn't bring them with me.

19 Q That's okay.

20 A I didn't know I'd be reading.

21 Q If I told you that the report said that you saw the  
22 officer and the subject fall after you parked the truck,  
23 do you have a memory of that?

24 A Yes. After I parked the truck.

25 Q So if I recall correctly, and perhaps I misunderstood

# IMPOUNDED

Vol. I - 66

1 | it, I understood your testimony earlier to be that you  
2 | hadn't observed anything until you were in the process of  
3 | parking the truck; is that right? Because you were  
4 | pulling the brake when you first saw the subject; is that  
5 | right?

6 | A Correct. Pulled the brake to park the truck.

7 | Q Okay. And so, I guess as it's worded here, that you  
8 | had seen the officer and the subject fall after you parked  
9 | the truck, can you describe -- can you clarify that then,  
10 | if you're saying that your memory is consistent with the  
11 | report, as well as what you had said earlier?

12 | A Correct. I pulled up, engaged the emergency brake.  
13 | As I was doing that, the incident was playing out; truck  
14 | had already been parked, running, when this happened.

15 | Q Okay. Thank you.

16 | MR. ANDERSON: And, just again, like the last  
17 | witness, I'd just suggest or ask that he --

18 | THE COURT: Sure.

19 | MR. ANDERSON: -- sign the, Exhibit 3.

20 | THE COURT: Makes sense. Thank you.

21 | MR. HARREN: If you could just sign this, please?

22 | THE WITNESS: Certainly. Sorry about the glasses  
23 | thing.

24 | MR. HARREN: It's okay. Thank you.

25 | THE WITNESS: Thank you.

# IMPOUNDED

Vol I-67

1 MR. HARREN: Your Honor, may the witness be excused?

2 THE COURT: Yes. Thank you.

3 THE WITNESS: Thank you.

4 MR. HARREN: Your Honor, the Commonwealth calls  
5 Lieutenant Todd Ficociello to the stand.

6 THE CLERK: Please raise your right hand.

7 TODD FICOCIELLO, SWORN

8 THE WITNESS: I do.

9 THE CLERK: Thank you.

10 THE COURT: You may inquire.

11 DIRECT EXAMINATION

12 BY MR. HARREN:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Could you please state your name and spell both your  
16 first and last names for the record?

17 A Todd Ficociello, T-o-d-d F-i-c-o-c-i-e-l-l-o.

18 Q Where do you work?

19 A Burlington Fire Department.

20 Q In what capacity do you work for the fire department?

21 A I'm a Lieutenant.

22 Q So the firefighter at the rank of Lieutenant?

23 A Yes, on the street like, not in our office or  
24 anything.

25 Q January of 2022, did you hold that same position?

# IMPOUNDED

Vol. I - 68

1 A I did.

2 Q As a Lieutenant with the fire department, what are  
3 your duties and responsibilities?

4 A I am to oversee the scene that we go to. I'm in  
5 charge of the two other firefighters on the engine with  
6 me. And if it's an ambulance call, I'm in charge of the  
7 two ambulance personnel.

8 Q So when you're in charge of them, what type of  
9 supervision or things are you doing when you go out to  
10 calls?

11 A Mainly I'm making sure that the scene is safe. I'm  
12 kind of the 360, making sure no one's at us or anything's  
13 going on, and just to make sure that they're doing the  
14 right thing. They don't need any additional help that I  
15 could call and get other people there or whatever.

16 Q Does the fire department go out on calls for  
17 Section 12's or people who are threatening suicidal  
18 ideation?

19 A Yes. The PD usually calls us for backup in case that  
20 person needs to be transported.

21 Q So you said the PD usually calls you. If someone  
22 calls 911 and says I have thoughts of self harm, that 911  
23 call, who takes that? Is that taken by the police, the  
24 fire department, or is there a kind of global town 911  
25 dispatcher or operator?

# IMPOUNDED

Vol I - 69

1 A It goes to the PD, and then they usually divvy it up.  
2 If it's a, "My house is on fire," they'll send it directly  
3 to us, and then we dispatch our people. But if they need  
4 both, then they'll send it over and say, "We've got an EMS  
5 call. We're going. You guys need to go." Yeah, they  
6 kind of take care of that, handling it.

7 Q Okay. So if there's a call that comes in through  
8 them, they'll reach out to you and say, "We need your  
9 help."

10 A Yeah. But if it's someone breaking into a car, they  
11 just take care of that. They don't call us.

12 Q Okay. What type of assistance would you provide the  
13 police department in responding to a potential suicidal  
14 individual?

15 A Whatever they need us to do. Usually we'll stand by  
16 outside. They'll usually tell us in advance, "Wait at a  
17 certain spot, you know, unless we need you, we'll call you  
18 in." So they can kind of secure the scene. And then  
19 whatever they need. If they need us to transport them,  
20 we'll go in and assess the person, and then transport them  
21 to the hospital.

22 Q So if on a, you know, what we might refer to as a  
23 potential Section 12, someone who may be involuntarily  
24 committed to the hospital for mental health reasons, so in  
25 a call of that nature, do both a fire truck and an

# IMPOUNDED

Vol I-70

1 ambulance get dispatch by the fire department, or just an  
2 ambulance? Can you describe that process, please?

3 A No. We always send an engine and an ambulance on any  
4 EMS call. We never know if we need the extra manpower, a  
5 person's large, or whatever, that we always -- it's  
6 protocols. We just send an engine, an ambulance, and if  
7 once the ambulance personnel have the person in the  
8 ambulance and they're okay, they'll sometimes say, "We're  
9 all set, you guys can take off if you want."

10 But the last bunch of years, we kind of hang on at  
11 the scene until they're actually leaving in case something  
12 changes or anything, that they might need our extra  
13 personnel with them to go to the hospital. So we usually  
14 stay on scene until they clear, and then we clear at the  
15 same time.

16 Q So as the supervising officer, would you be  
17 supervising both the personnel on the fire truck and the  
18 ambulance, or just one or the other?

19 A Technically both, but we have paramedics now, and  
20 they're -- I'm a basic EMT, and they're like two steps  
21 above me. So I kind of leave that to them now. If they  
22 need something, they asked me, and I'll give them an extra  
23 guy; or if they need something, I take care of it. But  
24 other than that, I let them do their thing in the  
25 ambulance, and then they say, "We're all set; we're going

# IMPOUNDED

Vol. I - 71

1 to the hospital."

2 Q So for what is the appropriate medical care for  
3 someone, you'd defer to them because they have a higher  
4 level of training and certification than you?

5 A Correct.

6 Q But in terms of a like operation standpoint, who  
7 would be in charge?

8 A So medically, the paramedics would be.

9 Q But in terms of who's going where and in terms of  
10 ambulances coming, fire departments coming, stage here,  
11 don't move in yet, move in, all of those types of things?

12 A Well, if it's a, like a, you explained before, like a  
13 suicidal ideation or something, we leave that up to the  
14 police. They kind of run the scene until it turns into a  
15 medical, and then we just work together. But, we kind of  
16 work together. I mean, there's no one really totally in  
17 charge. I'm in charge of my guys, but that's basically --

18 Q I guess maybe ask the question a different way. Is  
19 the ambulance crew part of your guys?

20 A They are, yeah. Absolutely. They're under my  
21 supervision.

22 Q On January 23 of 2022, were you working that day?

23 A I was. It was an overtime shift.

24 Q And which station were you working out of?

25 A Station 2.

# IMPOUNDED

Vol. 1 - 72

1 Q Was there a particular crew you were overseeing  
2 during that shift?

3 A Yes.

4 Q Just afternoon, were you dispatched to go to One  
5 Baron Park Lane?

6 A Yes.

7 Q How did you receive that dispatch? Do you know?

8 A I don't recall the exact dispatch. Yeah, I don't  
9 recall the total, the exact, what they called it out for,  
10 because it comes in differently a lot of times.

11 Q Do you know how the fire department received it? Do  
12 you know, was it a call from the police? Was it --

13 A I don't.

14 Q -- a transfer? Okay.

15 A I don't.

16 Q As you were going to Baron Park Lane, do you recall  
17 why you were going there, what the nature of the call was?

18 A Yes.

19 Q What was the nature of the call as, of your  
20 understanding on the way to Baron Park Lane?

21 A From what I recall, it was, it was a person, suicidal  
22 ideation, and that was it. I mean, we kind of didn't get  
23 a lot of information. They just kind of dispatched us to  
24 that address and say, "PD you're on the scene. They have  
25 a distraught person."



# IMPOUNDED

Vol. I - 73

1 Q Which vehicle did you ride in to go there?

2 A I'm on the front of the engine.

3 Q And the engine is a fire truck?

4 A Yes.

5 Q When you say you were on the front of it, front  
6 passenger seat?

7 A Front passenger seat is where the officer would sit.

8 Q Okay. Was there also an ambulance that was  
9 dispatched on scene?

10 A Yes. So our, our main ambulance, which is the  
11 paramedics, was on another call. So the ambulance that  
12 they dispatched next is in our station also, which is our  
13 Ambulance 2. So they dispatched with us.

14 Q Did the fire truck go one way and the ambulance go  
15 another way?

16 A Yes.

17 Q Do you know why that was?

18 A I don't recall because you can kind of get to Lord  
19 Baron two different ways. And I don't recall if we had  
20 them come in that way to stage, if the PD had told us to  
21 stage it or what. But they did come in the opposite way.

22 Q As you were going into Lord Baron Park, it's fair to  
23 say that the truck turned right from the Middlesex  
24 Turnpike Extension onto Baron Park Way; is that correct?

25 A Correct.

# IMPOUNDED

Vol. I - 74

1 Q Baron Park Lane, excuse me.

2 Was there a plan for where the fire truck was going  
3 to stage?

4 A Not en route, but when we pulled up, we pulled -- we  
5 usually pull in front of the building that we were called  
6 to, directly in front of it, and that's where we staged at  
7 that time.

8 Q Okay. As the truck was pulling onto Baron Park Lane,  
9 did you make any observations of the scene?

10 A We did. As we pulled up, we noticed the person --

11 Q So one thing I just want you to do when you're  
12 answering is not answering with, "we." I want to know  
13 what you observed?

14 A Okay. Sorry.

15 Q Okay? That's all right. So focusing it to your  
16 observations --

17 A Okay.

18 Q -- what, if any, observations did you have pulling up  
19 on scene?

20 A What I saw was a person running what appeared to be a  
21 blanket around them, and they were running away from us.  
22 They had come out of the building we were dispatched to,  
23 and they were running away from our engine towards the PD.

24 Q So did you see the person exit the building?

25 A I did not.

# IMPOUNDED

Vol 1-75

1 Q Okay. So when you say they came out of the building  
2 you were dispatched to, you're assuming that; is that  
3 right?

4 A Yes.

5 Q Okay. So, again, I want to limit you to what you saw  
6 and observed?

7 A Okay.

8 Q And not include any assumptions.

9 Where was the person that you described with the  
10 blanket the first time you saw them?

11 A They were outside on the grassy part of that  
12 building, the front of that building.

13 Q Where was the fire truck when you saw that person  
14 with the blanket the first time?

15 A It was, would have been almost right in front of that  
16 building.

17 Q Okay. Had the truck stopped moving yet when you  
18 first observed them?

19 A No.

20 Q This truck was still moving?

21 A Correct.

22 Q I believe, and correct me if I'm wrong, you described  
23 that person as running?

24 A Yes.

25 Q Where was that person running to?

# IMPOUNDED

Vol I-76

1 A Away from the engine and towards where the police  
2 officers were.

3 Q Could you see the police officers?

4 A I don't recall if I could see them. But, yeah, I, I  
5 could see them up ahead. I don't remember exactly where  
6 they were.

7 Q Did you notice anything else about that person  
8 besides the white blanket?

9 A I did not.

10 Q Okay. You said that person was running towards the  
11 police officers up ahead; is that right?

12 A Yes.

13 Q Did you see if that person reached the police  
14 officers? How did things progress with that person as  
15 they were advancing forward?

16 A So I don't -- he definitely reached the police, but  
17 as the other firefighter jumped out of the back of the  
18 truck, I kind of turned my attention to him and where he  
19 was going. So I kind of lost track of that for a minute.

20 Q So when you say you turned your attention to him, who  
21 was the "him" you're referring to?

22 A Firefighter Duprez.

23 Q So he jumped out of the truck while it was still  
24 moving?

25 A It was moving very slowly, but, yes.

# IMPOUNDED

Vol. I - 77

1 Q Why did you divert your attention to Firefighter  
2 Duprez when this was going on?

3 A Because the truck hadn't stopped moving yet, and I  
4 was worried if he was okay when he jumped out, if he fell,  
5 or whatever. So I was kind of -- because that's not  
6 normal for us to jump out of the truck when it's moving.  
7 So I was, I was concentrating on his safety at that time.

8 Q So as the officer-in-charge for the firefighters,  
9 what was your reaction to having one of your firefighters  
10 jump off the truck while it's moving?

11 A Why was he jumping out of it before it had stopped.

12 Q And so, being in charge of that firefighter, that  
13 diverted your attention?

14 A Yeah, for a couple of seconds.

15 Q After it had diverted your attention, did you draw  
16 your attention back to the person that you saw with the  
17 blanket?

18 A Yes.

19 Q Where was the person when you drew your attention  
20 back towards where they were?

21 A By that time, he was on the ground.

22 Q Did you see anything that transpired that led to him  
23 being on the ground?

24 A I don't recall that.

25 Q Did you ever hear any gunshots?

# IMPOUNDED

Vol 1-78

1 A I did.

2 THE COURT: You said you did or you did not?

3 THE WITNESS: I did.

4 THE COURT: Okay. Thank you.

5 BY MR. HARREN:

6 Q When in the continuum of what we've been talking  
7 about did you hear the gunshots?

8 A I don't recall exactly. I just remember hearing at  
9 least one.

10 Q Did you see anyone fall to the ground?

11 A I don't recall. I just remember him being on the  
12 ground.

13 Q Okay. Did you see the officer fall to the ground?

14 A I did not.

15 Q You spoke with a state trooper the day that this  
16 occurred; is that right?

17 A Yes.

18 Q And do you recall telling the trooper that you saw  
19 the officer fall to the ground?

20 A I don't recall that.

21 Q Do you recall telling the trooper that the subject  
22 with the blanket almost fell on top of her?

23 A I don't recall that either.

24 Q Do you recall telling the trooper that you saw that  
25 subject with the blanket having one arm raised?

# IMPOUNDED

Vol. I - 79

1 A I don't recall, but I could have.

2 Q So my questions have been do you recall telling the  
3 trooper that. Do you have a memory, regardless of whether  
4 or not you told the trooper that, those things that I just  
5 asked you about, you didn't say initially today, do you  
6 have a memory of those things?

7 So to be more precise, do you have a memory of seeing  
8 the officer fall to the ground?

9 A I don't. At this point I don't.

10 Q Do you have a memory of that subject falling to the  
11 ground?

12 A No.

13 Q Do you have a memory of whether or not that subject  
14 had their arm raised?

15 A I don't.

16 Q Would you have been truthful with the state trooper  
17 when you spoke with the trooper that night?

18 A Absolutely.

19 Q And that was the same night that this had all  
20 happened?

21 A Yes.

22 Q So if the trooper had put in his report that you made  
23 those statements, that would, you would assume, be  
24 truthful?

25 A Yes.

# IMPOUNDED

Vol. 1 - 80

1 MR. HARREN: May I approach?

2 THE COURT: Yes.

3 BY MR. HARREN:

4 Q I'm just going to ask you to read what I've  
5 underlined in that report, silent, to yourself?

6 A Read it to myself or out loud?

7 Q To yourself, please.

8 A Okay.

9 (Pause.)

10 A Okay.

11 Q Would you agree what you just read to yourself is  
12 consistent with the questions I've been asking you about  
13 in your report?

14 A Yes.

15 Q So when you looked back and you saw the subject on  
16 the ground, what did you do?

17 A I proceeded to that spot to assist in any way I can  
18 for medical or -- and I also called the ambulance to start  
19 in to render aid to that person.

20 Q By what means did you call the ambulance?

21 A Over the radio.

22 Q Do you know where the ambulance was at that point?

23 A Where the entrance where the incident happened, it  
24 was just beyond it, on the road.

25 Q Did you come into contact with either of the officers



# IMPOUNDED

Vol. I - 81

1 when you went to render care?

2 A By contact, do you mean like speak to them?

3 Q Yes.

4 A Yes.

5 Q Did you speak to both of them or one of them?

6 A I believe I spoke to both of them, made sure they  
7 were okay.

8 Q Did you speak with Officer Miedico?

9 A Yes.

10 Q What is your memory of that conversation?

11 A I just know I spoke to her and asked her if she was  
12 okay and needed, needed any additional help herself  
13 because we only had the one ambulance on the scene, and I  
14 didn't know if I needed to call extra ambulances in to  
15 assist her or transport her.

16 Q What did she say to you?

17 A I don't recall that.

18 Q Did you speak with Officer Reyes?

19 A Yes.

20 Q Can you describe that conversation?

21 A I also asked him if he needed any medical attention,  
22 and he replied no, because I remember not needing any  
23 additional help at that point for another ambulance.

24 Q Did you speak with either officer about the events  
25 that had transpired that led to the subject being on the

# IMPOUNDED

Vol. I - 82

1 ground?

2 A No.

3 Q Did you assist in the medical care of that subject?

4 A Not directly, but I was, I was with the crew, and, I  
5 mean, if you consider assisting, I handed them stuff out  
6 of the medical bags. So, yeah, I assisted.

7 Q He was transported to the hospital that day; is that  
8 right?

9 A Correct.

10 Q Did, when the ambulance left, did the fire truck stay  
11 on scene for a little bit?

12 A A while, yeah. A couple of hours.

13 Q Why was that?

14 A They wanted us to be interviewed, and they didn't  
15 want -- we had some equipment on scene. They didn't want  
16 us to move anything, and they wanted us to remain in case  
17 they needed anything else. And I, as I usually do with  
18 the PD, whatever they needed, we were like, we'll stay as  
19 long as you need us. So, yeah, we stuck around for a  
20 while.

21 MR. HARREN: Thank you. I have nothing further,  
22 Your Honor.

23 THE COURT: Attorney Anderson?

24 CROSS-EXAMINATION

25 BY MR. ANDERSON:

# IMPOUNDED

Vol 1-83

1 Q Good afternoon, Lieutenant Ficociello. My name is  
2 Ken Anderson. I represent Officer Miedico.

3 You were asked to review a report of an interview  
4 that you gave a few minutes ago by ADA Harren?

5 A Uh-huh.

6 Q Do you remember meeting with the state police that  
7 day?

8 A Yes.

9 Q And the report that you just reviewed, did that  
10 refresh your memory at all about this incident itself?

11 A A little bit. I only read that one, that two  
12 sentences, but --

13 Q Okay. Well, let me --

14 MR. ANDERSON: If I can approach?

15 THE COURT: Yes.

16 BY MR. ANDERSON:

17 Q Now, you testified or I think the evidence is, this  
18 incident, this call came in shortly afternoon on Sunday,  
19 January 23 --

20 A Yeah.

21 Q -- correct? You just have to answer --

22 A Yes.

23 Q -- because this is all being recorded --

24 A Yeah.

25 Q -- and head nods still show up on records.

# IMPOUNDED

Vol 1-84

1           Let me show you this report. Now, this indicates  
2 that you were interviewed at 3 p.m. on that date?

3 A     Uh-huh.

4 Q     Which would have been within two or three hours of  
5 the incident?

6 A     Correct.

7 Q     And it was certainly much fresher in your mind at the  
8 time?

9 A     Correct.

10 Q    And you told us that you would try to be honest with  
11 the police?

12 A    Yes.

13 Q    And in here, if I can just ask you to read that third  
14 paragraph, the entire third paragraph, just this entire  
15 third paragraph --

16 A    Oh, okay.

17 Q    -- to yourself.

18 (Pause.)

19 Q    Now, reading that, does that refresh your memory at  
20 all?

21 A    A little bit, yeah.

22 Q    And what parts of your memory does it refresh?

23 A    The fact that I saw him with his arm up and I heard  
24 two gunshots and that I believed the officer was shot.  
25 That's what I believed at the time. And it says that I

# IMPOUNDED

Vol 1-85

1 saw her fall to the ground, and he almost on top of her.

2 Q Now, in terms of this interview itself, I mean, it's  
3 fair to say when this was fresher in your mind a couple,  
4 two or three hours after the incident, and when you were  
5 being as honest as you could, you told the police that you  
6 observed the male running, wearing a white blanket, with  
7 one arm up?

8 A Uh-huh, yes.

9 Q And did you tell them that the male was running away  
10 from the fire truck toward a female officer?

11 A Yes.

12 Q And that Lieutenant Ficociello observed a female  
13 officer backing up and yelling?

14 A Yes.

15 Q And that you could not hear what was said due to the  
16 loud noise inside the fire truck?

17 A Correct.

18 Q And I'm assuming, I've been in one, but it's noisy  
19 inside of a fire truck?

20 A Yeah. It's a diesel truck. So -- and the radio was  
21 going off and, yeah, it's pretty loud in there.

22 Q And as you're pulling up to a stop, Firefighter  
23 Duprez actually jumps out of the moving truck?

24 A Yes.

25 Q And how long have you been a firefighter?

# IMPOUNDED

Vol. I - 86

1 A Twenty years.

2 Q And in your 20 years, have you ever seen somebody  
3 else jump out of a moving truck?

4 A No.

5 Q So this is the first time it's happened? You just  
6 have to answer yes or no?

7 A Yes. Sorry.

8 Q Head nods don't get recorded.

9 A Sorry.

10 Q And do you remember Officer Duprez, as you were  
11 pulling up, leaning in to look out the windshield to make  
12 observations of the scene?

13 A I do not recall that because he's behind me. So it's  
14 tough to lean all the way forward for me to see that  
15 person because I was trying to look forward at that point.

16 Q But as Officer Duprez is jumping out of the moving  
17 truck, this is going on, Officer Miedico is moving back,  
18 and then you said to the police, again, when this is  
19 fresher in your memory and you were being honest, "As the  
20 officer kept backing up, the male rapidly approached her  
21 with one arm up. Lieutenant Ficociello heard two  
22 gunshots. At this time Lieutenant Ficociello believed the  
23 officer was shot as she was in such close proximity to the  
24 subject, that she fell to the ground, and he almost fell  
25 on top of her?"

# IMPOUNDED

Vol 1-87

1 A Yes.

2 Q And as you sit here now, do you remember that? Do  
3 you remember telling that to the state police?

4 A I don't remember telling them that, but if I had told  
5 them that right after the incident, like I said, it would  
6 have been fresher in my mind, so, like I said, I'm not a  
7 liar, so I would have told the truth at that point.

8 Q Okay. And did you tell the state police that the  
9 officer waited to the last possible second to shoot?

10 A I don't recall, but, again, if it was fresh in my  
11 head at that point, I must have.

12 Q Okay. And did I read that sentence correctly? The  
13 sentence that's underlined in red in this report, "That  
14 the officer waited to the last possible second to shoot"?

15 A Yes.

16 Q Did you ever have any conversation with Officer  
17 Duprez asking why he jumped out of the truck after the  
18 fact?

19 A No, I don't recall.

20 Q And in your 20-year career, how many times have you  
21 been interviewed by the state police?

22 A None, except this point in time. This was the  
23 only --

24 Q So this was the one and only time you've been  
25 interviewed?

# IMPOUNDED

Vol. I - 88

1 A Yes.

2 Q Okay.

3 MR. ANDERSON: I have no further questions.

4 THE COURT: Anything else?

5 MR. HARREN: No, thank you, Your Honor.

6 THE COURT: Okay.

7 MR. HARREN: May the witness be excused?

8 THE COURT: Yes.

9 MR. HARREN: Your Honor, the Commonwealth calls  
10 Firefighter Tyler Falconer to the stand.

11 THE CLERK: Please raise your right hand.

12 TYLER FALCONER, SWORN

13 THE WITNESS: I do.

14 MR. HARREN: May I proceed?

15 THE COURT: When you're ready, yeah.

16 DIRECT EXAMINATION

17 BY MR. HARREN:

18 Q Good afternoon.

19 A Good afternoon.

20 Q I'm just going to ask that as you're answering  
21 questions, move in a little bit, and just try to direct  
22 your voice towards the microphone. Okay?

23 A Okay.

24 Q You don't have to be right up on it, but directing it  
25 helps.



# IMPOUNDED

Vol. 1 - 89

- 1 A Okay.
- 2 Q Would you please state your name and spell both your  
3 first and last names for the record?
- 4 A It's Tyler Falconer, T-y-l-e-r F-a-l-c-o-n-e-r.
- 5 Q Where do you work?
- 6 A Burlington Fire Department.
- 7 Q In what capacity do you work for the fire department?
- 8 A I'm a Firefighter EMT.
- 9 Q How long have you worked for the Burlington Fire  
10 Department?
- 11 A Seven and a half years, going on eight.
- 12 Q What did you do before joining Burlington fire?
- 13 A I was in the United States Navy. I was a Master at  
14 Arms, as well as a K-9 handler. I had gone through  
15 several police academies and SWAT academies as a quick  
16 reaction force member for the Navy.
- 17 Q How long were you with the Navy?
- 18 A Four years.
- 19 Q On January 23, 2022, were you working that day?
- 20 A Yes.
- 21 Q What station were you working out of?
- 22 A I was working at Burlington fire, Station 2; that's  
23 114 Terrace Hall Ave.
- 24 Q Did you have a particular assignment that day?
- 25 A I was assigned to the second ambulance.

# IMPOUNDED

Vol. I - 90

1 Q When you say second ambulance, what does that mean?

2 A It's the backup ambulance. So if the primary  
3 ambulance is on a call, then A2, Ambulance 2, would get  
4 dispatched.

5 Q So you describe yourself as a firefighter EMT; is  
6 that right?

7 A That's correct..

8 Q For those who don't work in the fire department or in  
9 that world, how does that pan out in life being both a  
10 firefighter and an EMT and working for the fire  
11 department?

12 A So for the Burlington Fire Department, when I was  
13 getting hired at the time, that was a requirement. So I  
14 got my EMT certificate prior to joining the Burlington  
15 Fire Department.

16 Q When you say that was a requirement, having EMT  
17 certificate was a requirement?

18 A Yes. Some guys get hired prior to becoming EMTs, and  
19 then they have a year to obtain that certification.

20 Q Okay. So how does one -- how does someone either get  
21 assigned to a fire truck, get assigned to an ambulance?  
22 Can you take us through how that works?

23 A It's, it's very much seniority based. So your first,  
24 when you first get assigned to the department, we  
25 reference it as you're married to the ambulance. You're

# IMPOUNDED

Vol. I-91

1 not going to be on the fire engine very much because the  
2 guys that are senior to you will get that duty. So I am  
3 primarily assigned to the ambulance.

4 Q Why is that? Why do the senior guys end up on the  
5 truck, and the junior guys on the ambulance?

6 A It's, it's not the most desirable of pieces to be on.  
7 It's the busiest in the afternoons and the nighttime, as  
8 well as some of the calls aren't exactly desirable to be  
9 on. Sometimes you get fluid, like bodily fluids on your  
10 uniform. You've got to change your uniform. Sometimes  
11 the smell is pretty rough, as well.

12 Q So it's tougher duty to do?

13 A Yes.

14 Q Low man on the totem pole gets that duty?

15 A Exactly.

16 Q Okay. But you said everyone is cross trained for  
17 being a firefighter responding to fires, things of that  
18 nature, as well as EMT, whether they're on the truck or on  
19 the ambulance?

20 A Yes. That's correct.

21 Q Have you been involved in calls where the fire  
22 department has been dispatched to assist the police for a  
23 potentially suicidal individual?

24 A Yes. Quite frequently.

25 Q What has been your experience with going on those

# IMPOUNDED

Vol 1-92

1 calls from the ambulance perspective?

2 A In my experience, the police always do a really good  
3 job in talking said person down and getting them to agree.

4 Q I was going to say, let me re-ask the question in  
5 terms of, to ask a better question maybe.

6 What is typical for you to do on one of those calls  
7 where you're assisting the police with someone in that  
8 state?

9 A We're dispatched as standby so the police will go in  
10 first, talk to them, ensure that the scene is safe, and  
11 then generally they'll get them to agree to go to the  
12 hospital to seek help, and we will pull up from a staging  
13 area out of sight to not excite the call, and then we will  
14 pull up from there and usually take positive control of  
15 the patient.

16 Q And then that ultimately turns into bringing them to  
17 the hospital for an evaluation; is that right?

18 A That's correct.

19 Q On January 23 of 2022, just after noon, were you  
20 dispatched to One Baron Park Lane?

21 A Yes.

22 Q And where did you understand the call was that you  
23 were going to?

24 A It was going to be for a psychological eval.

25 Q Now, you were on the ambulance, we already talked

# IMPOUNDED

Vol 1-93

1 about, is that right?

2 A Correct.

3 Q What was -- there's usually two people assigned to  
4 the ambulance; is that right?

5 A Yes.

6 Q What was your role on the ambulance?

7 A My role was a tech, technician; so there's the  
8 driver, and then there's the technician. So when you're  
9 the technician, whoever the call you go to, that's your  
10 patient.

11 Q Okay. So you were primary for medical treatment  
12 there; the other person's primary for driving?

13 A Yes.

14 Q They'll also assist you on scene though, is that fair  
15 to say?

16 A Correct.

17 Q How does it end up that those roles get divided?

18 A We usually swap off call for call.

19 Q Okay. And so on that particular call, you were the  
20 technician, and who was the driver?

21 A Sean Killilea.

22 Q Did you guys talk about what you were going to do on  
23 the way to Baron Park Lane?

24 A No. At that time all we knew was that it was for  
25 police standby for a psych eval.

# IMPOUNDED

Vol. I - 94

1 Q What route did you guys -- well, what station were  
2 you at that day?

3 A We were at Station 2, on Terrace Hall.

4 Q What route did you take to go from the station to One  
5 Baron Park Lane?

6 A We took a right out of the station. There's two  
7 access points. Generally, the number of the call, or the  
8 number of the building that we respond to dictates whether  
9 we go left or right out of the station. So we had gone to  
10 the higher numbers first, and then staged around the  
11 corner about 75 yards from One Baron Park.

12 Q Is there a playground in that area?

13 A Yes.

14 Q Where in relation to the playground did you stage?

15 A From the best of my recollection to the right. The  
16 playground was to my right.

17 Q So were you essentially next to it on the road? Were  
18 you closer to One Baron Park Lane, further away from One  
19 Baron Park Lane?

20 A To the best of my recollection, we were right next to  
21 it.

22 Q Okay. So right next to the playground?

23 A Yes.

24 Q Why did you guys stop there?

25 A It felt like a good distance to stage.

# IMPOUNDED

Vol. I - 95

1 Q Why did you want to stage at a distance?

2 A As to not excite the call.

3 Q In what way could you excite the call if you didn't  
4 stage at a distance like that?

5 A Sometimes, if people see the ambulance, they could --  
6 their mind could go elsewhere. They don't want to go to  
7 the hospital for an extended period of time. They decide  
8 they don't want to go. They could get emotional. It's  
9 just better off that we're sort of tucked off to the side.

10 Q When you guys pulled up and staged in that position,  
11 could you see any police cruisers?

12 A Yes.

13 Q Where did you see the police cruisers?

14 A Straight ahead, probably about 75 yards.

15 Q Were they parked in front of One Baron Park Lane?

16 A Yes.

17 Q When you guys pulled up, could you see a fire truck?

18 A Yes.

19 Q Did the firetruck get there before or after you?

20 A About the same time.

21 Q Okay. Because they came in from the left; you guys  
22 came in from the right?

23 A Correct.

24 Q So when you pulled up by that playground, was that  
25 about the same time the fire truck was pulling into Baron

# IMPOUNDED

Vol. I-96

1 Park Lane?

2 A Yes.

3 Q Okay. Were you able to see the fire truck?

4 A From where we were staged, yes.

5 Q Yes.

6 Did you make any observations as the fire truck was  
7 pulling down?

8 A No.

9 Q So you didn't see anything relative to the truck?

10 A No.

11 Q Did you ever see anyone jump off the truck?

12 A I did not, no.

13 Q Did you, could you -- you said you saw the police  
14 cruisers, right?

15 A Yes.

16 Q Could you see police officers?

17 A I did not, no.

18 Q Okay. Did you see anything that was going on near  
19 the fire truck or the police cruisers from where you were  
20 stopped by the playground?

21 A I didn't until we were flagged down, and at that time  
22 it was Firefighter Duprez that was waving us down.

23 Q Okay. Can you describe the manner in which she waved  
24 you down?

25 A Hectic. Just basically get here right now, and at



# IMPOUNDED

Vol I-97

1 that time Firefighter Killilea drove straight to the  
2 scene.

3 Q Did you, when you got there, it's fair to say you saw  
4 a subject on the ground with apparent gunshot wounds; is  
5 that correct?

6 A Yes.

7 Q Did you see anything that transpired that led to that  
8 person being in that state?

9 A No.

10 Q Did you speak with -- there were two officers on  
11 scene, right?

12 A Correct.

13 Q Did you speak with either officer about what had  
14 occurred that led to that person being shot?

15 A No. We heard over the radio that there were shots  
16 fired. So at that time, I was just kind of called into  
17 action. Upon arrival, I saw Officer Miedico sort of  
18 holding her chest, and she looked like she had saw a  
19 ghost.

20 Q What about Officer Reyes?

21 A I didn't see him.

22 Q You rendered care to that person who was shot on  
23 scene; is that right?

24 A Yes. That's correct.

25 Q And you guys transported him to the hospital?

# IMPOUNDED

Vol. 1-98

1 A Yes.

2 Q That was Lahey Hospital, in Burlington?

3 A Yes.

4 Q After you transported him to the hospital, what did  
5 you guys do?

6 A After we assisted in the trauma room, generally, at  
7 that time, when we're transporting, we call ahead to the  
8 hospital, let them know what we have. The trauma team  
9 gets set up, and then we assist the medical team in that  
10 room until we're relieved.

11 Q Okay. At some point were you relieved?

12 A Yes.

13 Q What did you do once you were relieved from the  
14 hospital in the care for -- the person was ultimately  
15 identified as Mr. Courtemanche, correct?

16 A Yes.

17 Q What did you do after you were relieved of assisting  
18 Mr. Courtemanche's medical care?

19 A We cleaned the stretcher. And once our gear and our  
20 stretcher was intact and deconned, then we went back to  
21 the scene.

22 Q Why did you go back to the scene?

23 A We were dispatched by Lieutenant Ficociello to  
24 return, and we took Officer Reyes and Officer Miedico to  
25 Lahey Clinic to be evaluated, as well.

# IMPOUNDED

Vol. I - 99

1 Q Did you interact with either or both Officer Miedico  
2 and Officer Reyes when you went back to the scene and then  
3 for the transport to the hospital?

4 A Yes.

5 Q Can you describe how they appeared at that time?

6 A Distraught; thousand-yard stare, if you're familiar  
7 with that term; just pale.

8 Q Did you render any medical aid to either officer?

9 A No.

10 Q So your purpose was to transport them to the hospital  
11 to be evaluated?

12 A That's correct.

13 Q During that time, did you speak with them at all  
14 about what had happened?

15 A Not really. Just making sure that they were okay.  
16 Officer Reyes didn't have much to say, and I believe  
17 Officer Miedico had a bump on the back of her head, and I  
18 gave her an ice pack.

19 Q Did you observe that bump?

20 A Yes.

21 Q Do you know how she got that bump on the back of her  
22 head?

23 A From what I was told, she had fallen, fallen  
24 backwards and hit her head.

25 Q You spoke with the police the night of this incident;

# IMPOUNDED

Vol. I - 100

1 is that right?

2 A Yes. They came to the fire station right after.

3 Q Do you recall telling the police that you thought you  
4 saw the female officer falling and then the guy falling  
5 right after?

6 A I don't recall saying that, but my memory is a little  
7 bit jarred a year later.

8 Q Okay. So what is your memory today?

9 A My memory, I don't recall.

10 Q You don't recall either falling?

11 A Correct.

12 Q Or seeing either fall?

13 A Correct.

14 MR. HARREN: I have nothing further.

15 THE COURT: Anything?

16 MR. ANDERSON: Just a couple of quick questions.

17 THE COURT: Sure.

18 CROSS-EXAMINATION

19 BY MR. ANDERSON:

20 Q Good afternoon --

21 A Good afternoon.

22 Q -- Mr. Falconer. My name is Ken Anderson. I  
23 represent Officer Miedico.

24 Just, this is more just to clarify in my own mind.

25 The area where you staged, the way the fire truck

# IMPOUNDED

Vol I-101

1 | itself went down, not the way the ambulance, the fire  
2 | truck goes down Middlesex Turnpike Extension?

3 | A Yes.

4 | Q And then takes a right-hand turn into the apartment  
5 | complex?

6 | A Yes.

7 | Q And then once you do that, the Lord Baron Apartment  
8 | Building 1 is to the left, correct?

9 | A Correct.

10 | Q And from where the fire truck was looking forward,  
11 | that's down in the direction that you were staged?

12 | A Correct.

13 | Q And from where you were staged, could you look back  
14 | and see that Building 1?

15 | A Yes.

16 | Q And you could see that front lawn area of Building 1?

17 | A Yes. It was right after the bend.

18 | Q Okay. And do you actually -- as you sit here today,  
19 | do you have a memory of that fire truck pulling in?

20 | A Yes, I do.

21 | Q And you were already staged at that point?

22 | A It was about the same time.

23 | Q And as you sit here today -- let me approach.

24 | A Sure.

25 | Q Let me show you a two-page report. At the top left

# IMPOUNDED

Vol. I - 102

1 | it says Tyler Falconer?

2 | A Yes.

3 | Q Is that your date of birth on there?

4 | A It is.

5 | Q And your cell phone number?

6 | A Yes.

7 | Q And I think there's a typo here because it says,

8 | "Below is a summary of the interview made by Firefighter

9 | Sean Killilea," who is your partner?

10 | A Yes. That's my partner.

11 | Q And he has an identical report with the same thing?

12 | A Okay.

13 | Q But the next paragraph says, "According to Falconer,  
14 | he was assigned to the ambulance," --

15 | A Yes.

16 | Q -- "with Firefighter Killilea"?

17 | And that's accurate, correct?

18 | A Correct.

19 | Q And if I could just have you read the last two  
20 | sentences of that first paragraph, the last three  
21 | sentences that's highlighted in yellow?

22 | A "As engine was" --

23 | Q Just read it to yourself.

24 | THE COURT: Read it to yourself.

25 | THE WITNESS: Okay.

# IMPOUNDED

Vol I - 103

1 (Pause.)

2 A Okay.

3 BY MR. ANDERSON:

4 Q Okay. Have you read that?

5 A Yes.

6 Q And in terms of the sentence there, it says, "As the  
7 engine was pulling up, Falconer saw what looked like a  
8 commotion and people falling." As you sit here today, do  
9 you have a memory of that?

10 A It's very vague.

11 Q Okay. When you met with them, this was, according to  
12 this report anyway, this was at 3:10 p.m., which would  
13 have been about three hours after the incident?

14 A Yes.

15 Q And it was fresher in your mind at the time?

16 A That's correct.

17 Q And you were trying to be as truthful as you could  
18 with the state police?

19 A Yes, absolutely.

20 Q And it said, "He stated he believed what he thought  
21 was a female officer falling, and then a guy falling right  
22 after that"?

23 A Yes.

24 Q Okay. And as you sit here today, do you have any  
25 memory of seeing them fall?

# IMPOUNDED

Vol. I-104

1 A No.

2 Q But you do have a memory of Officer Miedico having a  
3 bump on the back of her head?

4 A I do, yes. She was my patient.

5 Q And you put an ice pack on the back of that?

6 A That's correct.

7 Q And did you palpate that? Did you touch it with your  
8 hands and feel it?

9 A To the best of my memory, yes.

10 Q And did you ask her how she got that bump on the back  
11 of her head?

12 A I don't recall. I'm -- it makes sense that I would  
13 have.

14 Q Okay. And if you had a memory of her falling  
15 backward, would that make sense, that that could result in  
16 a bump in the back of her head?

17 A Yes. Absolutely.

18 MR. ANDERSON: I have nothing further.

19 THE COURT: Anything further, Commonwealth?

20 MR. HARREN: No, thank you, Your Honor.

21 THE COURT: Thank you, sir. You're all set.

22 THE WITNESS: Thank you.

23 THE COURT: So we are reaching 1 o'clock. So the  
24 remaining witnesses today will be Sean Killilea and  
25 Captain Hanafin?



# IMPOUNDED

Vol. I - 105

1 MR. HARREN: Yes.

2 THE COURT: Okay.

3 MR. HARREN: Sean Killilea should be fairly quick.  
4 Captain Hanafin, I think, will be quite lengthy.

5 THE COURT: Okay. All right. So we'll come back  
6 at -- did you want to --

7 MR. ANDERSON: No. I just couldn't see you. I was  
8 leaning out because I couldn't see you, Judge.

9 THE COURT: Oh, okay. So 2 o'clock. Thank you.

10 MR. ANDERSON: Okay.

11 MR. HARREN: Thank you.

12 MR. ANDERSON: Thanks.

13 THE CLERK: Judge, do you want this courtroom secured  
14 and --

15 THE COURT: Yes. If you want to like, if everyone  
16 wants to leave their stuff, we could do that, if that's  
17 okay. You don't bring it with you, and then we'll come  
18 back. Okay? Thank you.

19 MR. HARREN: Thank you.

20 (Court recessed at 12:57 p.m.)

21 (Court resumed at 2:05 p.m.)

22 THE COURT: Okay. All the parties are present, it  
23 looks like. Is the Commonwealth ready to proceed?

24 MR. HARREN: Yes, Your Honor.

25 Before calling my next witness, there's one matter of

# IMPOUNDED

Vol I-106

1 scheduling I just wanted to check in with the Court on.

2 THE COURT: All right.

3 MR. HARREN: Tomorrow, my anticipated witnesses are  
4 the medical examiner, a chemist from the state police, and  
5 Sergeant DeLucia from the state police. I don't think we  
6 would frankly go through the whole day.

7 THE COURT: Yeah.

8 MR. HARREN: I know that we had discussed that  
9 Officer Dechiero (phonetic) was only available on Friday.

10 THE COURT: Yeah.

11 MR. HARREN: The medical examiner has a little bit of  
12 travel and personal issues in the morning. She can be  
13 here at 10 and said she can be here right at 10.

14 THE COURT: Yeah.

15 MR. HARREN: I was going to ask if we could start at  
16 10.

17 THE COURT: Sure.

18 MR. HARREN: She would be the first witness.

19 THE COURT: That's no problem.

20 MR. HARREN: In that event, just in speaking with the  
21 family, anticipating that the Court may be fine with that,  
22 they're not going to attend during the medical examiner's  
23 testimony. I've estimated for them probably about an hour  
24 for the medical examiner. They'll then resume observing  
25 the proceedings after the medical examiner testifies.

# IMPOUNDED

Vol. I - 107

1 THE COURT: That sounds about right. Okay. All  
2 right. Thank you.

3 MR. HARREN: Thank you.

4 In any event, the Commonwealth calls Sean Killilea to  
5 the stand.

6 THE CLERK: Please raise your right hand.

7 SEAN KILLILEA, SWORN

8 THE WITNESS: I do.

9 THE COURT: You may inquire.

10 MR. HARREN: Thank you.

11 DIRECT EXAMINATION

12 BY MR. HARREN:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Would you please state your name and spell both your  
16 first and last names for the record?

17 A Sean Killilea, S-e-a-n K-i-l-l-i-l-e-a.

18 Q Where do you work?

19 A Burlington Fire department.

20 Q In what capacity do you work for the fire department?

21 A I'm a firefighter EMT.

22 Q How long have you worked for Burlington in that  
23 capacity?

24 A Eleven years.

25 Q Do you ever work on the ambulance? Do you work on

# IMPOUNDED

Vol. I - 108

1 the fire truck? What is your typical assignment?

2 A So I work on every truck in the department based on  
3 the assignment for that particular day.

4 Q Okay. On January 22 of -- excuse me, January 23 of  
5 2022, were you working that day?

6 A If that was the day in question, then yes.

7 Q That is the day in question.

8 A Yes.

9 Q Do you know what your assignment was that day?

10 A That day I was cross man between the tower and  
11 Ambulance 2.

12 Q What does that mean?

13 A So those of us that are on the ambulance also work on  
14 the tower truck, as well, depending on the type of call  
15 that comes in. We either respond on the tower or the  
16 ambulance, given the nature of the call.

17 Q So tower truck is a fire truck designated for really  
18 tall buildings?

19 A Yes.

20 Q Just trying to make sure we all --

21 A Yes.

22 Q What was your role on the ambulance if you went out  
23 for a call that required the ambulance versus the tower  
24 truck?

25 A Sort of provide EMS services for anybody in the town

# IMPOUNDED

Vol. I - 109

1 or neighboring towns that might need that. My particular  
2 role that day was the driver for the ambulance. That was  
3 my assignment for that day.

4 Q Have you gone out on the ambulance for calls for  
5 potentially suicidal individuals in the past?

6 A Yes.

7 Q So prior to January 23 of --

8 A Yes.

9 Q -- 2022?

10 How frequently would you do that?

11 A That's very hard to say. Maybe on an average of  
12 every other month, but that's, that's a guesstimate.

13 Q Okay. So you don't actually have an estimate for the  
14 frequency; is that there?

15 A That is fair to say.

16 Q Was it -- is it fair to say it's a fairly common  
17 practice?

18 A Yes.

19 Q Would you, you would go at the request of the police  
20 department?

21 A At the request of the police or sometimes directly  
22 through our own dispatch, yes.

23 Q Do you recall that particular day that we're talking  
24 about, whether or not you went on your own or at the  
25 request of the police?

# IMPOUNDED

Vol. I - 110

1 A We were called that day at the request of the police.

2 Q What information did you have as you were going to  
3 the call?

4 A We were dispatched as I recall for a person who was  
5 barricaded in their apartment with a knife and was making  
6 statements of possibly wanting to harm himself.

7 Q What was your plan for what you were going to do  
8 driving to the call, in terms of what you were going to do  
9 when you arrived?

10 A So we were requested to stage a little bit away from  
11 the actual scene itself and to be on standby for the  
12 police if the incident required the need for EMS.

13 Q What route did you take to get there?

14 A I exited the station and took a right and then  
15 proceeded to take a left onto Baron Park Lane and made my  
16 way down towards the area and the building that we were  
17 asked to stage near, probably 75 to 100 yards from the  
18 building itself.

19 Q I'm going to put on the monitor what earlier today  
20 was marked as Exhibit No. 1?

21 A Okay.

22 Q So the way that I believe you just described that you  
23 traveled, where there's an A here at the bottom, that is  
24 where the fire station is that you were at; is that  
25 correct?

# IMPOUNDED

Vol I-111

1 A That is correct, from what I can see.

2 Q And then Fire Station Number 2?

3 A Correct.

4 Q So do I understand you correctly that you took a  
5 right out of the fire station onto Terrace Hall Ave.?

6 A That is correct.

7 Q And then you continued up Terrace Hall Ave. until you  
8 hit Baron Park Lane?

9 A That is correct.

10 Q Then you turn left onto Baron Park Lane up into the  
11 apartments, and staged approximately 75 to 100 yards away  
12 from One Baron Park Lane?

13 A That is correct.

14 Q And where the B is, is where One Baron Park Lane is;  
15 is that correct?

16 A Yes.

17 Q Do you recall a playground in the Baron Park Lane  
18 apartment complex?

19 A I know that there is a playground. On this  
20 particular call, I couldn't say that I took any particular  
21 notice of it.

22 Q Okay. Why did you choose to stage as you estimated  
23 it, 75 to 100 yards away from the building of One Baron  
24 Park Lane?

25 A Yeah. So typically, on a call where I'm asked to

# IMPOUNDED

Vol. I - 112

1 stage for a scene where a person may be having psychiatric  
2 emergency, we tend to stage a little bit further away in  
3 order to not have too many vehicles in the exact direct  
4 area of the call.

5 Q Now, that day you took the right and went through the  
6 route that we just discussed, right?

7 A Correct, yes.

8 Q Are you aware that the fire truck turned left out of  
9 the station and then ended up turning into Baron Park Lane  
10 off of the little sex turnpike extension?

11 A Yes.

12 Q Was that talked about or planned that you were each  
13 going to take those routes?

14 A That was not. We exited the building first, and I  
15 took the right and went the route that I went because  
16 Baron Park Lane has multiple speed bumps on it. And given  
17 the route that I took would give me the quickest access to  
18 exit from Baron Park Lane given where the location to  
19 stage was set up without having to endure going over  
20 multiple speed bumps if there was a medical emergency.

21 Q So that was what was behind you going the route you  
22 did?

23 A Correct.

24 Q And do you know why the fire truck went the other  
25 way?



# IMPOUNDED

Vol I - 113

1 A I do not.

2 Q When you staged, at the time that you staged, fair to  
3 say you pulled over and parked; is that right?

4 A That is correct.

5 Q At that time that you pulled over and parked, were  
6 you able to see the fire truck whether or not it had  
7 arrived yet?

8 A I don't recall, to be honest.

9 Q What did you do once you staged at that area that you  
10 described?

11 A So once we staged, I put the vehicle into park, it  
12 was still running at that time, and just was waiting to  
13 hear if our services were needed for the call itself.

14 Q Could you see what was going on in the area of One  
15 Baron Park Lane?

16 A From my vantage point, I really could not. I could  
17 see that there was a police cruiser parked closer to One  
18 Baron Park Lane. But our call came in that the potential  
19 patient was inside the building, and at that time that's  
20 where we presumed he still was.

21 Q So were you expecting to see anything outside?

22 A No, I was not.

23 Q Do you know what you were doing once you were parked?

24 A Probably just communicating with Tyler, who was also  
25 in the ambulance with me at that point.

# IMPOUNDED

Vol. I - 114

1 Q So you said, "Probably communicating." Do you have a  
2 memory of what you were doing --

3 A I do not.

4 Q Okay.

5 A No.

6 Q At some point did you leave from where you were  
7 staged?

8 A We did.

9 Q Why did you leave from where you were staged?

10 A Over the radio, we received a transmission that said  
11 shots were fired, and at that point, I put the vehicle  
12 into drive and made our way down towards the scene to  
13 provide EMS services.

14 Q Why did you go down at that point?

15 A That was a call I just made on my own. Once I heard  
16 shots were fired, I assumed that there was a potential for  
17 someone to need EMS.

18 Q Did you know at that time who had fired the shots?

19 A I did not.

20 Q What did you -- when you pulled towards the scene,  
21 where did you pull to?

22 A We pulled -- I pulled up to where there was an  
23 opening to a -- there's a small driveway to a parking area  
24 to the right, which is where One Baron Park was, and I  
25 could see that there was a person on the ground facedown.

# IMPOUNDED

Vol I - 115

1 | There was a lot of blood on scene.

2 | Q So let me stop you there because I had asked where  
3 | you pulled up to. What did you do once you pulled up?

4 | A Once I pulled up and we saw that there was a  
5 | potential patient on the ground, I put the vehicle in  
6 | park, and we immediately exited the vehicle to grab EMS  
7 | equipment that we would need to treat the patient.

8 | Q Did you know what had happened at that point?

9 | A I did not know the specifics, no.

10 | Q The person that you saw on the ground, did you know  
11 | who that person was?

12 | A I did not.

13 | Q Did you recognize him or her?

14 | A No.

15 | Q Did you see officers around when you actually pulled  
16 | up to the scene?

17 | A I did. At that point, there was an officer in the  
18 | process of handcuffing the patient on the ground, and that  
19 | was the only officer I saw at that point.

20 | Q So once you gathered the medical bags and stuff like  
21 | that, what did you do?

22 | A We immediately made our way to the patient and began  
23 | to render medical aid.

24 | Q Did you interact with either of the officers on  
25 | scene?

# IMPOUNDED

Vol 1-116

1 A I don't recall.

2 Q Okay. When I say, "interact," did you speak with?

3 A I may have asked if he was okay when I first came up,  
4 and then we were given a report of what had transpired for  
5 us to be able to render aid.

6 Q Who gave you that report?

7 A I don't recall if it was one of my fellow  
8 firefighters who were already on scene or if it was the  
9 police officer.

10 Q And when you say a report of what had transpired, was  
11 it -- would it have been a report of how -- so ultimately  
12 you learned that Mr. Courtemanche, first on the ground,  
13 had been shot; is that right?

14 A Yes. That is correct.

15 Q Would it have been a report of the events that led to  
16 him being shot or a report saying he has a gunshot wound?

17 A No. It was just a report that was based on the EMS  
18 that we needed to provide as far as he had been shot and  
19 needed aid due to that. There was nothing prior to that.

20 Q Gunshot wound for contact --

21 A Yes.

22 Q -- so had to treat him, not here's how and why he got  
23 shot?

24 A Correct. That is correct.

25 Q Fair to say that you drove the ambulance transporting

# IMPOUNDED

Vol. I - 117

1 him to the hospital?

2 A That is correct.

3 Q And after you and the other firefighters were done at  
4 the hospital, you went back to the scene?

5 A That is correct, yes.

6 Q And then you transported both officers to the  
7 hospital afterwards --

8 A Yes.

9 Q -- is that right?

10 Did you interact with either officer during that?

11 A I did not. I was driving the ambulance. I was up in  
12 the front.

13 MR. HARREN: Thank you. I have nothing further.

14 THE COURT: Questions?

15 MR. ANDERSON: Just a couple of questions.

16 CROSS-EXAMINATION

17 BY MR. ANDERSON:

18 Q Officer Killilea, where, when you actually pulled the  
19 ambulance up to render medical aid, where was the  
20 individual who was suffering from the gunshot wound?

21 A He was on the ground in, on the pavement facedown.

22 Q And where in relationship to One Baron Apartment?

23 A I believe One Baron was to the left of where he was.

24 I believe he was in the alleyway where parking is done

25 between two buildings, and I believe Baron Park was to the

# IMPOUNDED

Vol 1-118

1 left from my vantage point.

2 MR. ANDERSON: May I approach?

3 THE COURT: Sure.

4 MR. ANDERSON: I'm just going to show -- these are a  
5 couple of Google map images that are very similar --

6 THE COURT: Okay. They're not previously marked in  
7 evidence?

8 MR. ANDERSON: Correct.

9 THE COURT: Okay.

10 BY MR. ANDERSON:

11 Q Let me show you first off a document. At the top it  
12 says, "Google Map Images for Baron Apartments," and at the  
13 very left corner you can see "Middlesex Turnpike"?

14 A Yes.

15 Q It's kind of cut off, and then "Baron Park Lane." Do  
16 you recognize what's depicted in that image?

17 A I do.

18 Q And is it fair to say that the building to the top of  
19 this -- can you see the screen?

20 A Yes.

21 Q This is Baron Park Lane. It kind of runs from the  
22 left to the right, like right through the middle of that,  
23 correct?

24 A Yes.

25 Q And the building more towards the top left is number

# IMPOUNDED

Vol I - 119

1 one?

2 A I believe so, yes.

3 Q And I don't know what the building to the right of  
4 that in the diagram, which would be this building here  
5 would be?

6 A Okay, yes.

7 Q Where in relationship to those two buildings did you  
8 find the patient?

9 A Do you want me to come point, or do you want me to  
10 just state?

11 Q Well, if you can put it in words, and then what I'll  
12 do is I'll give you the diagram, and you can write on the  
13 diagram, and then we'll put it back up?

14 A Sure. He was on the pavement between One Baron Park  
15 Lane and the building next to it, closer to the front,  
16 almost to where the tree line was to my recollection.

17 Q So in this area in here?

18 A That is correct.

19 Q The entryway before you get to where the cars are?

20 A That is correct.

21 Q And if I could just have you --

22 MR. ANDERSON: Why don't we mark this first as an  
23 exhibit.

24 THE COURT: I think we'll just do them in numerical  
25 order if that's okay.

# IMPOUNDED

Vol. I - 120

1 MR. ANDERSON: Whatever the next number is.

2 THE COURT: Whatever the next exhibit is.

3 THE CLERK: All right. So this has not been marked.

4 This will be four.

5 THE COURT: Thank you.

6 (The clerk marks Google Earth Image - Mr. Killilea as

7 Exhibit No. 4, in evidence.)

8 BY MR. ANDERSON:

9 Q If you could just draw on the top of number one with  
10 this sharpie that I borrowed from the Commonwealth --

11 A Yes.

12 Q -- just write right the number sign and then one on  
13 the top of that building?

14 A Right on top of the building?

15 Q Yes, if you could.

16 A Sure. It's so hard to see.

17 Q Yeah, I don't know if that can, can you make that --

18 (Pause.)

19 A There we go.

20 Q And if you can just put an X or a circle in the area  
21 where you saw the patient or the suspect?

22 THE COURT: Did you put an X or a circle?

23 THE WITNESS: I did an X, yes.

24 THE COURT: Okay. Thank you.

25 BY MR. ANDERSON:



# IMPOUNDED

Vol. I - 121

1 Q Okay. And that's right kind of in the middle between  
2 the left side of the entryway and the right side of the  
3 entryway?

4 A Correct.

5 MR. ANDERSON: So the Court can see.

6 THE COURT: Thank you.

7 BY MR. ANDERSON:

8 Q After rendering care there, you took the patient to  
9 the Lahey Clinic?

10 A That is correct.

11 Q Is that correct; Lahey Hospital?

12 A Yes.

13 Q And it's not really relevant here, but the judge  
14 isn't from this part of the state. And so, in terms of  
15 explaining the proximity to that, it's fair to say you  
16 just go down Middlesex Turnpike Extension, onto Middlesex  
17 Turnpike going east towards 128?

18 A That's correct.

19 Q And then you would take a left before you get to the  
20 Burlington Mall, and it's maybe a quarter mile, half mile,  
21 up behind the Burlington Mall?

22 A That sounds appropriate, yes.

23 Q So in terms of the total distance from point A, where  
24 you picked up a patient to get to the Lahey Clinic, how  
25 would you describe that distance?

# IMPOUNDED

Vol I-122

1 A Maybe two to three miles, at most.

2 Q Okay.

3 MR. ANDERSON: I have nothing further.

4 THE COURT: Anything else?

5 MR. HARREN: No, thank you, Your Honor.

6 THE COURT: All right. Thank you, sir.

7 THE WITNESS: You're very welcome. Thank you.

8 MR. HARREN: May the witness be excused?

9 THE COURT: Yes.

10 THE WITNESS: Thank you.

11 MR. ANDERSON: Actually, Judge, if I could just have  
12 him just write his name on that diagram?

13 THE COURT: Oh, right.

14 MR. ANDERSON: Just because --

15 MR. HARREN: Your Honor, the Commonwealth calls  
16 Captain Daniel Hanafin to the stand.

17 THE COURT: Thank you.

18 THE CLERK: Please raise your right hand.

19 DANIEL HANAFIN, SWORN

20 THE WITNESS: I do.

21 THE CLERK: Thank you.

22 THE COURT: You may inquire. Thank you.

23 MR. HARREN: Thank you.

24 DIRECT EXAMINATION

25 BY MR. HARREN:

# IMPOUNDED

Vol I - 123

1 Q Good afternoon.

2 A Good afternoon.

3 Q Would you please state your name and spell both your  
4 first and last names for the record?

5 A Yes. Daniel J. Hanafin. My first name is D-a-n-i-e-  
6 l; last name, Hanafin, H-a-n-a-f, as in Frank, i-n.

7 Q Where do you work?

8 A I work for the Burlington Police Department, in  
9 Burlington, Mass.

10 Q How long have you worked for Burlington P.D.?

11 A Going on 18 years, not quite.

12 Q What did you do before you were a police officer?

13 A I worked about 10 years in the private sector. My  
14 job prior to becoming a police officer was as a  
15 pharmaceutical sales rep.

16 Q Now, I think my last question I asked, what did you  
17 do before becoming a police officer? Are you a police  
18 officer with the Burlington Police Department?

19 A Yes.

20 Q What's your current rank?

21 A My current rank is Captain as of the last eight  
22 months.

23 Q Prior to that, is it fair to say you were a  
24 Lieutenant?

25 A Yes.

# IMPOUNDED

Vol. I - 124

1 Q How long were you a Lieutenant for?

2 A Approximately six years.

3 Q What are your current duties as a captain for the  
4 Burlington Police Department?

5 A Currently, I am the Operations Captain, which means  
6 that I oversee all of Patrol Operations for the  
7 department, as well as the Detective Division and the  
8 Traffic Division, as well as all of our practical field  
9 application training tactics and the like.

10 Q What were your duties when you were a lieutenant  
11 prior to ascending to being a captain?

12 A I was a shift commander for the day shift. Those  
13 duties entailed -- I was responsible, the command officer  
14 for the entire day shift. I was responsible for all the  
15 patrol officers and the patrol supervisors, the two  
16 sergeants that were assigned to that shift, as well as all  
17 of the day-to-day operations of that particular shift from  
18 8 to 4 p.m. -- 8 a.m. to 4 p.m.

19 Q Now, every department is different in terms of size  
20 and structure, things of that nature. For Burlington,  
21 where does a captain fall in the hierarchy throughout the  
22 department?

23 A It would be in the upper command staff. We have a  
24 chief, a deputy chief, and up until recently, a single  
25 captain. We just added another Captain a couple of months

# IMPOUNDED

Vol. I - 125

1 ago for the administrative house.

2 Q So the captain level being the upper command staff,  
3 upper management supervising multiple departments and  
4 facets with inside the police department; is that right?

5 A Yes.

6 Q That step down that you were until you were promoted  
7 to Captain Lieutenant, how does that fit in the hierarchy?

8 A There are currently five lieutenants. There are --  
9 there is a Lieutenant that's in charge of each patrol  
10 shift, so from 8 to 4, then 4 to midnight, and then  
11 midnight to 8. There's three lieutenants there. Then  
12 there's a Detective Division, detective lieutenant, and  
13 also a separate administrative training lieutenant.

14 Q So when you were a lieutenant before being a captain,  
15 you are more hands-on, direct supervisor to the officers  
16 under your command, as opposed to now administratively  
17 overseeing multiple departments?

18 A Yes. Specifically, the patrol division dayshift  
19 lieutenant, yeah, at the time.

20 Q You mentioned being involved in training?

21 A Yes.

22 Q What is your capacity now, and what was your capacity  
23 as a lieutenant being involved in training?

24 A It's very similar at this point with regards to the  
25 instruction, instructive portion, the training portion.

# IMPOUNDED

Vol. I - 126

1 The only difference between myself as the lieutenant and  
2 now as a captain is I am responsible for the oversight,  
3 the total oversight of the training division. At the time  
4 I was the OIC, or the officer-in-charge, of all of our  
5 tactics training, which would include firearms; use of  
6 force; defensive tactics; ICAT, which is Integrated  
7 Communications and Tactics Training; and all of those  
8 things under the tactical physical application and mental  
9 application of training for those headings.

10 Q In addition to your duties with the Burlington Police  
11 Department, do you hold any duties with NEMLEC?

12 A Yes. NEMLEC is, stands for Northeast Massachusetts  
13 Law Enforcement Council. It's a regional organization  
14 made up of 68, or nine, different jurisdictions, cities  
15 and towns, that come together for regional resources, one  
16 of which is the regional SWAT unit, which is where I am  
17 assigned. I've been a swap operator for the last 11 years  
18 as -- and operate mainly now as a, as not only an  
19 operator, but an element leader or a team leader within  
20 that, within that team.

21 Q Between the two roles that you play, both the  
22 Burlington PD and then with NEMLAC, how much experience  
23 with tactics and special operations do you have?

24 A I think quite a bit. I would say from an experience  
25 aspect, I've responded to over 500 various SWAT situations

# IMPOUNDED

Vol. I - 127

1 in which departments of, you know, some of those various  
2 63 or, I'm sorry, 68, 69 various different cities and  
3 towns and jurisdictions call on the SWAT team to come in,  
4 or for us to come in and help assist them with various  
5 tactical situations. So I'd say it's probably about, you  
6 know, beyond 500 calls at this point.

7 All along in that time, the training and ongoing  
8 training that goes into that is monthly, annual, and, you  
9 know, sometimes weekly, or most of the time weekly  
10 training that goes into that, the tactics and training.

11 Q So with that, had you received training in either or  
12 both of your roles between NEMLAC and Burlington PD in  
13 responding to situations where someone has an acute, in an  
14 acute mental state, possibly suicidal and/or homicidal?

15 A Yes. Those calls for service, particularly our SWAT  
16 calls, exactly that type of call, has increased  
17 substantially in recent years. It is becoming a larger  
18 portion of what we do as a SWAT team. And I'd say to the  
19 tune of maybe 30 percent of our calls for service are  
20 similar, involve either mental health, weapons, and things  
21 of that nature, or both combined.

22 Q Can you describe some of the training that you've  
23 received in responding to those calls?

24 A Yes. I'd say specifically relative to those type of  
25 trainings is we most often would either view them as

# IMPOUNDED

Vol I-128

1 potential for barricaded individual, somebody who is -- a  
2 barricade would be somebody that's potentially contained  
3 or hopefully contained within a house or a building or an  
4 apartment of some kind by themselves, and they have either  
5 threatened harm to others, the police, or something of  
6 that nature. That barricade can come about in a number of  
7 different various ways, but we train and train that  
8 regularly, at least, you know, probably monthly, if not a  
9 couple times of times a month when we do our SWAT training  
10 days. It could be everything from hostage rescue and  
11 negotiations to barricade training to active shooter,  
12 active threats of all kinds and -- well, various different  
13 nature.

14 Q So that's all types of training that you've received,  
15 is it fair to say, bridging between the two agencies you  
16 work for, the two organizations?

17 A Yes.

18 Q I know NEMLEC is not an agency.

19 A I would say overall, I would say overall I have  
20 probably upwards of or beyond probably 4,000 hours of  
21 specialized police training. Some bridge the gap between  
22 SWAT and my command responsibilities now and everything in  
23 between.

24 Q So an officer who works for Burlington PD who's not  
25 in the position you are with years on and/or bridging



# IMPOUNDED

Vol. I - 129

1 between both Burlington PD and NEMLEC, what training do  
2 officers at Burlington PD receive relative to responding  
3 to these types of calls?

4 A Okay. So we have -- officers are responsible for  
5 annual in-service training, which oftentimes includes  
6 different legal aspects and all kinds of different various  
7 functions. Some of them -- and it varies from year to  
8 year exactly what that in-service week or block of  
9 training entails.

10 Separate from that annual in-service training is our  
11 own departmental training, and it includes firearms  
12 training multiple times a year, specifically at a range,  
13 an outdoor range or an indoor range, twice a year, as well  
14 as additional ongoing training throughout the year at our  
15 own indoor range at Burlington. It includes blocks on use  
16 of force instruction, less lethal equipment, and to  
17 include tasers, the 40 millimeter less lethal instruments  
18 are shields, our, whether it's room entry training,  
19 tactics training, all of those things are various blocks  
20 of instruction that occur throughout the year, and if not  
21 every year, you know, probably bi-annually.

22 And then we also have defensive tactics instruction,  
23 and things of that nature, that are ongoing.

24 As an addition to that, we sort of take two -- or I  
25 kind of look at two aspects of that ongoing training. One

# IMPOUNDED

Vol I - 130

1 is the actual physical training that goes into, if you  
2 liken it to maybe athletics of some kind, it would be the  
3 on-field training, the practice time that you're actually  
4 on the field. There's also, in addition to that, a mental  
5 aspect, which would be everything from, you know, mindset  
6 training, the idea of how we are to approach different  
7 scenarios and different situations, trying to not predict  
8 exactly every scenario that we could possibly encounter,  
9 but try to put ourselves mentally in as many situations as  
10 we can possibly think through in order to quicken the  
11 thought process and the decision-making process at the  
12 time that an incident occurs, whatever that incident  
13 entails. And it would include video training and things  
14 like that, film study.

15 Q So with that then, what we talked about for the most  
16 part has been formalized training that officers get as  
17 part of in-service, right?

18 A Yes.

19 Q And then internal things that Burlington PD does. At  
20 times do you ever engage in, whether it's for these types  
21 of calls or other types of calls, more informal  
22 conversations, trainings, discussions on how to respond?

23 A Yes.

24 Q And so, particular to a situation like what we are  
25 here to talk about, the morning of January 23, 2022, were

# IMPOUNDED

Vol I - 131

1 | you working that morning?

2 | A Yes.

3 | Q And were you in your role as a lieutenant, as the  
4 | officer-in-charge of that shift?

5 | A Yes. I was the sole command officer working in the  
6 | shift.

7 | Q Who was on shift that day below you?

8 | A Myself, as the command officer, and there were three  
9 | patrol officers that were responsible for road, the road.  
10 | We had a desk officer and a dispatcher that were on duty  
11 | for that day during the period of eight to four.

12 | Q So what are the names of all those people?

13 | A So I will start with the desk, or the dispatcher.  
14 | The dispatcher was Ed Kolhonen; don't ask me to spell his  
15 | name. I'm not sure how to spell that. Then on the desk  
16 | was Officer Jillisa Smith. She was the officer on the  
17 | desk that day. Then we had three patrol officers. We had  
18 | Aurise Miedico, Officer Aurise Miedico; Officer Rob Reyes;  
19 | and Officer Tristan Cochran.

20 | Q At the beginning of the shift, is there a roll call?

21 | A Yes.

22 | Q And were you in charge of the roll call that day?

23 | A Yes, I was.

24 | Q During that roll call, was there a discussion about  
25 | an incident that had happened recently in Springfield

# IMPOUNDED

Vol. I - 132

1 regarding an individual with a knife who was shot and  
2 killed by the police?

3 A Yes.

4 Q In a broad sense, without getting into too much  
5 detail, can you just inform the Court a bit about what  
6 information, if any, you had about what had happened in  
7 that Springfield incident?

8 A As part of that training that we had discussed a  
9 little while ago, some of that training can be pulled into  
10 roll call trainings, we call them, which is kind of short  
11 blocks of instruction that are sort of that informal  
12 aspect of training that is not always a rote program.

13 So one of the, that morning, I -- my responsibility  
14 as a training lieutenant and in charge of that division, I  
15 often try to find various situations that occurred around  
16 the country with different law enforcement agencies. This  
17 morning, in particular, there was a video that had just  
18 surfaced relative to an officer-involved shooting in  
19 Springfield that had occurred sometime before that, within  
20 the, you know, couple months prior to that. And we --

21 Q So to focus it in a little bit, and a general sense,  
22 you watched that video; is that right?

23 A Yes.

24 Q Without getting into all the details, can you just  
25 describe in general to the Court what you observed on that

# IMPOUNDED

Vol. I - 133

1 video?

2 A Sure. It was a subject that had a knife, and  
3 officers encountered that individual. They were called to  
4 the location, a call for service from a, I believe it was  
5 a family member, that had called for some help. The  
6 officers went and encountered an individual, and he had  
7 charged them with a knife, and they shot him.

8 Q He had initially cut one of the officers on the face;  
9 is that correct?

10 A Yes.

11 Q And then when the subsequent charge occurred is when  
12 they shot and killed him?

13 A Yes.

14 Q There was a number of pieces of information you  
15 didn't know about that incident; is that right?

16 A We didn't know all of the precipitating events that  
17 occurred within the entire confines. I think it's very  
18 important, the details in those situations are very  
19 important. So we didn't have all that information.

20 Q In terms of using that video in that incident for an  
21 informal training, what was your goal in terms of speaking  
22 with the officers at roll call about that?

23 A Overall, it's to develop a mindset and, again, go to  
24 sort of the mental training aspect that we had talked  
25 about. In particular, sort of the mindset, the umbrella

# IMPOUNDED

Vol. I - 134

1 of mindset would include, you know, how we would approach  
2 that scenario, right, that situation; how, you know, not  
3 only mentally, but physically, our pace of our approach to  
4 that, to the call, whether it's in a cruiser or on foot.  
5 It would include the equipment that we would like to think  
6 about and bring to bear if we have it available to us for  
7 whatever call it would come out. And these usually, these  
8 trainings, or these little informal trainings like this,  
9 or a video, would prompt a larger discussion. And then,  
10 finally, it would entail the question, which we try to ask  
11 all the time, and I specifically ask this question of all  
12 of our people in these tactical trainings and situations  
13 is, who is in danger right now, which kind of gives us an  
14 opportunity to think about tactically how we are going to  
15 approach in the pace, in the overall umbrella of how we're  
16 going to go at a particular situation.

17 Q So in the conversation that morning, if I understand  
18 you correctly, the three takeaways were what is our  
19 approach, what equipment do we need, and who's in danger  
20 right now as you're responding to each of those instances;  
21 is that right?

22 A Yes. Yes.

23 Q In terms of your discussion for approach, I think you  
24 talked about it a little bit in your answer, about slowing  
25 things down and not rushing into it.

# IMPOUNDED

Vol. I - 135

1 A Yes.

2 Q What does that mean?

3 A Well, if that question, that third part, the question  
4 of who's in danger right now, if slowing it down, if we  
5 can afford to do that, meaning, if we ask that question of  
6 ourselves, which is kind of the primary question, who's in  
7 danger right now, that approach will either be faster or  
8 slower based on the answer to that question. In this  
9 particular instance, if you allow me to go into that, it  
10 would be --

11 Q So in the incident we're to talk about on the 23rd, I  
12 want to get into the details about why you took what  
13 approach in a little bit.

14 A Okay. Okay.

15 Q But I want to just establish now what the takeaway  
16 was from your morning discussion.

17 A Yes. So if, if the, if the situation is, you know,  
18 who is in danger right now, if the answer is only the  
19 subject that we're dealing with, because they are either  
20 barricaded or by themselves and there's no one else with  
21 them, then the answer is to slow the pace down, and that  
22 answer to that approach is much slower.

23 If the answer is that there's somebody else with them  
24 or there's somebody else in danger and we know that, it  
25 could potentially rise to the level from a, you know, a

# IMPOUNDED

Vol. I - 136

1 barricade, which is just that individual, to a hostage-  
2 potential situation, which would quicken our pace to  
3 approach, and it would force us to move further than we  
4 would if an individual is by themselves.

5 Q What about equipment? What was the discussion about  
6 the equipment Burlington PD had available to use in these  
7 types of situations?

8 A So with regards to equipment, the benefit of having  
9 the various different pieces of equipment is we try to  
10 bring them to bear in this heading called, "ICAT," which  
11 is Integrated Communications and Tactics. We use a team  
12 approach whenever possible to deal with situations of a  
13 tactical nature because it allows individuals to have  
14 different options. If everybody -- what we try to avoid  
15 in that situation is everybody, you know, there's  
16 situations in the past where you have, you know, multiple  
17 firearms out on a scene that adds a little bit of  
18 confusion and sometimes problems. Where if we have  
19 multiple officers, we try to bring as many tools to bear  
20 as we can which would allow us to vary our response  
21 depending on the stimulus that we get from the situation.

22 Q Other than lethal force, so obviously every officer  
23 is issued a firearm and carries that around all the time;  
24 is that right?

25 A Yes.



# IMPOUNDED

Vol I - 137

1 Q Other than lethal force, what types of tools did  
2 Burlington PD have in January of 2022 that could be used  
3 in responding to a call like this?

4 A Well, the, you know, 40 millimeter launcher, less  
5 lethal launcher, launches a foam projectile, is what we  
6 have, enough of those -- a number of those that are spread  
7 across our cruisers, our line cruisers.

8 We have various shields. We have ballistics shields  
9 and acrylic shields.

10 We have, you know, as far as less lethal goes, we  
11 have tasers. Each officer carries a taser.

12 We have a number of different things, and depending  
13 on -- it could elevate to a point where we have, we have  
14 AR-15 rifles in our line cruisers, as well, and, you know,  
15 that's mainly the cruisers.

16 We have medical equipment.

17 We have breaching equipment in the cars.

18 Q It may like be obvious, but just to be clear, the  
19 difference between a ballistics shield and an acrylic  
20 shield, ballistics shield could potentially stop a  
21 projectile fired from a firearm, versus an acrylic shield  
22 would not necessarily do that; is that correct?

23 A Yes. Acrylic shield will not -- it has no ballistics  
24 protection whatsoever. It will, however, in almost all,  
25 you know, instances, it's there for protection. It would

# IMPOUNDED

Vol. I - 138

1 not stop any type of ballistics event at all.

2 Q Who was part of this discussion that we've been  
3 talking about that was prompted by the Springfield  
4 incident?

5 A It was myself, sort of facilitating the discussion;  
6 Officer Reyes; Officer Miedico; and Officer Cochran.

7 Q What about Officer Smith?

8 A She was assigned to the desk that day, which is in a  
9 separate location in the dispatch room, versus the roll  
10 call room, which is on a separate floor.

11 Q So it was the three people, the three, plus yourself,  
12 who were going to be out on the street that day that were  
13 part of this?

14 A Yes.

15 Q Can you estimate how long this conversation took?

16 A I think it was a long time. Like it was a Sunday  
17 morning, and I think it was relatively slow that morning.  
18 So if I remember correctly, it was probably 45 minutes or  
19 so throughout that entire discussion.

20 Q What time would it have started in terms of the shift  
21 starting?

22 A 8 a.m. is the start of the shift, so we would have  
23 gone through our roll call, and then started that on the  
24 heels of our basic roll call information. So anytime  
25 between, you know, I guess 8:30 and 9:30 where we probably

# IMPOUNDED

Vol. I - 139

1 still were talking about it on some level. I might be, it  
2 could have been a half an hour, it could have been an  
3 hour. I don't know. It's roughly 45 --

4 Q You don't have a memory of how long it was?

5 A Roughly, say, 45 minutes would be my best guess.

6 Q Okay. Once that conversation ended, how did the day  
7 proceed from there?

8 THE COURT: I'm sorry. I'm going to just interrupt  
9 the question.

10 You talked about generally the types of equipment  
11 that the department has. You discussed all of that with  
12 everybody or -- I think when you started to answer the  
13 question, you talked generally about the equipment that's  
14 available. But, specifically, was all of that, was that  
15 part of the discussion that morning, or was it regarding  
16 just shields or some other equipment? What was the  
17 conversation focused on that morning?

18 THE WITNESS: I think the conversation was focused on  
19 all of our equipment in total, whatever we could bring to  
20 bear depending on what we needed. I think, specifically,  
21 the discussion probably spent more time on our less lethal  
22 and protective equipment, such as shields, 40 millimeters,  
23 tasers, and things of that nature.

24 THE COURT: Okay.

25 THE WITNESS: Less so because of the nature of it

# IMPOUNDED

Vol. I - 140

1 being an edged weapon that those officers were going up  
2 against, versus a firearm, it was less about the ballistic  
3 shields and more about acrylic shields, less about our  
4 rifles and more about our less lethal equipment.

5 THE COURT: Really, in response to the video?

6 THE WITNESS: Yes. Yes.

7 THE COURT: Okay. Thank you.

8 BY MR. HARREN:

9 Q So once you wrapped up with that, how did the day  
10 begin to proceed?

11 A He was pretty similar to other kind of slow Sunday  
12 mornings, usually. I don't recall any major calls  
13 occurring that morning other than this, this that day.  
14 There was nothing -- I don't think there was anything  
15 unique about the day to that point or to this point in the  
16 afternoon when this incident occurred.

17 Q Being the officer-in-charge, did you stay at the  
18 station --

19 A Yes.

20 Q -- for the most part that day?

21 A Yes.

22 Q Just after noon, were you at the station, and did you  
23 hear a call come in?

24 A Yes.

25 Q What do you recall initially hearing while you were

# IMPOUNDED

Vol. I - 141

1 | there?

2 | A     Officer Smith, who was the desk officer, dispatched  
3 | Officer Miedico and Officer Reyes to One Baron Park Lane  
4 | to the report of an individual that was potentially Q5,  
5 | who had a knife, and was not sure what they were going to  
6 | do with it.

7 | Q     What was your initial response to hearing that come  
8 | out?

9 | A     Immediately the thought process starts of, okay, how  
10 | are we going to respond, what officers are heading there,  
11 | and what equipment and situational tactical awareness can  
12 | we bring to the table from myself and those officers to  
13 | get rolling. I, shortly thereafter that thought process  
14 | started for me, I received a phone call, a cell phone call  
15 | from Officer Miedico.

16 | Q     How long after that dispatch came out did you get the  
17 | phone call?

18 | A     Within seconds, maybe 30 seconds, I would say, a  
19 | minute, tops.

20 | Q     What was Officer Miedico calling about?

21 | A     She called first to ask me if I had a 40 millimeter  
22 | launcher in my cruiser, my SWAT assigned cruiser. She had  
23 | checked the deployment room, which is where we keep a lot  
24 | of our equipment, and said that there was not a 40  
25 | millimeter launcher in there, and she just was hoping that

# IMPOUNDED

Vol. I - 142

1 I can bring one to the scene with me when I came, and I  
2 said yes. She also -- I asked her, as well, I said, "Can  
3 you grab an acrylic shield, as well?" She said, "Yes,"  
4 and we continued on.

5 Q When you say, "We continued on," did you continue  
6 speaking or --

7 A No. We hung up from there, and I think later I found  
8 that she had, shortly thereafter that call, located a 40  
9 millimeter launcher, as well as an acrylic shield, either  
10 in the department or in, or -- I'm sorry, inside the  
11 building or out in one of the cruisers and brought, and  
12 left for the scene from the station.

13 Q What did you do after the phone call?

14 A So I went down to dispatch, made my way to dispatch,  
15 and started to observe the call as it was unfolding there.  
16 Officer Smith was on the phone with the subject at the  
17 time, and we started a process of trying to gain  
18 information to try to do some background information check  
19 on the subject that was on the phone.

20 Q And what was that? What were you trying to do to get  
21 information?

22 A So it would be typical, in this particular case it  
23 was, we were looking for any criminal history: any  
24 in-house information relative to the name Paul  
25 Courtemanche; any BOP history, would be board of probation

# IMPOUNDED

Vol I - 143

1 check; or any WMS, a warrant check. We went through,  
2 there's a number of different checks that we do through  
3 the CJIS, criminal justice system, our computer system,  
4 that would allow us to see any criminal history that would  
5 be relative to the incident that would help us to paint a  
6 picture of the situation.

7 Q So let me ask you that. Why look for all that  
8 information? Why is all that information something you  
9 wanted to get at that time?

10 A It helps us in almost all of our calls to kind of  
11 have some idea of who it is that we're dealing with, some  
12 type of history if we can get it. It helps to paint an  
13 overall picture. In particular, when it comes to tactical  
14 situations, it really is relevant in those things that we  
15 talked about before, approach, the tools and tactics that  
16 we need to use, and any type of previous history that  
17 would indicate a potential, any potential threats or any,  
18 any history that would indicate what we're going to go up  
19 against or be dealing with as far as the individual that  
20 we're dealing with.

21 Q In this particular instance, as those searches were  
22 being done, did information come up that kind of told you  
23 a little bit more about who Mr. Courtemanche was or what  
24 officers may be walking into?

25 A Initially, no. I remember there being a period of

# IMPOUNDED

Vol. I-144

1 time where I was trying to make sure and check with  
2 Officer Smith on the 911 line continually. I was trying  
3 to look over her shoulder to get some information that she  
4 was writing down, and I was listening as that was going.  
5 But I was also talking with Officer Cochran, who was on  
6 the other desk, who was doing most of the searching, and  
7 we were -- I was trying to make sure that we had the right  
8 information, that we were searching the right subject  
9 information, because there wasn't anything that we could  
10 find coming up on most of those searches.

11 Q One thing I want to pause with right now. You had  
12 just mentioned Officer Cochran being in the dispatch, as  
13 well, right?

14 A Yes.

15 Q You had said that there were three officers who were  
16 going to be out on the street that day; Officers Miedico,  
17 Smith -- excuse me, Officers Miedico, Reyes, and Cochran,  
18 right?

19 A Uh-huh. Yes.

20 Q Why was Officer Cochran on the desk at that time and  
21 not out on the road?

22 A We run our shifts so that our desk and dispatch  
23 officers will get a meal break, a 45-minute meal break.  
24 Those start at noontime and then again the other officer  
25 leaves at one for a 45-minute meal break. During that



# IMPOUNDED

Vol. I - 145

1 time, it's our standard procedure, or standing operating  
2 procedure, that somebody will come in to cover one of  
3 those desk spots. It just so happened that Officer  
4 Cochran came in at noontime to cover for our dispatcher,  
5 Ed Kolhonen, while he took his meal break.

6 Q Okay. So policy requires there to be two people on  
7 the desk, and Cochran had -- excuse me, I just blanked on  
8 his name --

9 A Ed Kolhonen.

10 Q -- Kolhonen, had to come in to cover for the  
11 dispatcher who was on his noon break?

12 A Yes.

13 Q And that resulted in only having two officers who  
14 could deploy directly down to One Baron Park Lane?

15 A Yes.

16 Q So, I sidetracked us a little bit. We had been  
17 talking about trying to get information and checking over  
18 what Officer Kolhonen was looking at. At some point did  
19 you leave the dispatcher?

20 A Yes.

21 Q How long would you estimate, if you can, you were in  
22 dispatch for before you left?

23 A Maybe six, six minutes or so, maybe; maybe seven.

24 Q Officer Smith was still open on the 911 call with  
25 Mr. Courtemanche at the time you left; is that right?

# IMPOUNDED

Vol I - 146

1 A Yes.

2 Q Prior to your leaving, as Officers Miedico and Reyes  
3 were responding to One Baron Park Lane, did you give them  
4 any orders of what to do when they arrived?

5 A At one point, I don't recall whether it was before I  
6 left or while I was en route, but I advised for them to  
7 hold up outside so that we could all get there and create  
8 a plan.

9 Q Why did you say that?

10 A For that particular reason is, is, again, kind of  
11 alerting them to the idea of our overall arch -- our kind  
12 of primary question, which is who is in danger right now,  
13 and by all accounts, from the questions that were asked of  
14 Mr. Courtemanche at the time over the 911 line is that he  
15 was in his apartment by himself. So it was, in my mind,  
16 we wanted to slow it down. We wanted to slow our  
17 approach. We did not want to move into his apartment. So  
18 I believe that they, that Officer Reyes and Officer  
19 Miedico probably would be on the same page, but I wanted  
20 to put it out over the air just as a, so that we were  
21 definitively on the same page.

22 Q So they were to stay outside, not to go in and engage  
23 Mr. Courtemanche until you were able to get on scene with  
24 whatever information you had and perspective to develop a  
25 plan of how to approach him?

# IMPOUNDED

Vol I-147

1 A Yes. There was also some radio communication  
2 relative to, or similar to the phone call that I had with  
3 Officer Miedico where I believe Officer Miedico and  
4 Officer Reyes discussed our tools and equipment. They had  
5 interchanged a conversation or radio traffic about a  
6 shield, a 40 millimeter, and the like, over the radio.

7 Q Did you also request Officer Kolhonen to reach out to  
8 the fire department?

9 A It was Officer Cochran at the time, yes. But I  
10 asked, before I left the station, I asked him to call the  
11 fire department, let them know what we had, and asked them  
12 to stage nearby, as is our typical operating procedure in  
13 a situation where we have a potential Q5 situation like  
14 this.

15 Q When you say Q5, potentially suicidal individual?

16 A Yes.

17 Q That's just the acronym for it in law enforcement,  
18 correct?

19 A Yes.

20 Q Why is that your operating procedure? Why involve  
21 the fire department if you're responding down there in the  
22 manner that we've been discussing?

23 A If we have somebody that's having mental health  
24 problems, and, you know, clearly this was that situation,  
25 what it was brewing to be, a mental health related call,

# IMPOUNDED

Vol. I - 148

1 and there's also that potential for a Q5, when somebody  
2 calls us like that, our objective, our primary objective  
3 is to try to get them to the hospital for more definitive  
4 care, mental health care. So the ambulance, had an  
5 ambulance staged nearby, and the fire personnel who act as  
6 our medics would provide that medical care once we were  
7 able to kind of contain the scene and bring them into the  
8 mix.

9 Q At that time, so January of 2022, did the Burlington  
10 Police Department have any kind of a clinician, licensed  
11 social worker, someone to that effect, mental health  
12 counselor on staff?

13 A Yes.

14 Q Was that person working on that day during that shift  
15 of --

16 A No.

17 Q -- January 23, 2022?

18 A No. She works during the week. I believe at the  
19 time she has increased hours now, but I think at the time  
20 she was there approximately three days a week, various  
21 hours, but she was not there over the weekend, no.

22 Q In terms of the fire department responding down  
23 there, your understanding is that they would deploy both a  
24 fire truck and an ambulance; is that correct?

25 A That's standard for them. They always send both to,

# IMPOUNDED

Vol 1-149

1 I think, every call.

2 Q Would they typically pull right up to where officers  
3 may be with someone, or would they stage a little bit  
4 further away?

5 A No. They're staging -- I think we, I think we  
6 specifically generally ask them to stage in that  
7 particular instance. We would tell them either to -- they  
8 can come right to the scene or to stage, and I think that  
9 was the, I think the staging was the clear directive that  
10 I talked to Officer Cochran about.

11 Q Why have them stage versus go directly to the scene?

12 A In a situation like this, and as it was playing out,  
13 there's always a potential for danger in those situations,  
14 and they're unarmed. They don't have any protection,  
15 ballistics protection, and things of that nature. So it's  
16 on us to protect them in that situation and that type of  
17 environment. So we ask them to stage until we can secure  
18 the scene and allow them to come in to deal with the  
19 medical aspects.

20 Q What about if a clinician was on, the one who was on  
21 staff? Would it be the same situation for the clinician,  
22 that you stage until it was safe for them to come in?

23 A Yes. It would probably be a little bit down the line  
24 of it. Our clinician is a civilian in nature. She  
25 doesn't have any specific 911 or emergency services

# IMPOUNDED

Vol. I - 150

1 training. She's not a first responder. So that, there  
2 would be a little bit of a gap. It's similar, but not --  
3 it would be a layer beyond the fire department at that  
4 point.

5 Q So the fire department was to stage and not come in  
6 until you said it was clear to do so. The clinician would  
7 not come in until after the fire department?

8 A Right. Right.

9 Q And that's if, obviously, the clinician was on and  
10 working and available?

11 A Yes. Oftentimes, the clinician is separated by  
12 sometimes a day or two from the actual call that occurs.  
13 The clinician is not necessarily always brought -- it's,  
14 in fact, it's very, very rare that a clinician would be  
15 brought to a scene immediately, or even in the short term  
16 on a call like that. It would oftentimes be the knowledge  
17 that this is a secure -- we would have knowledge of the  
18 individual that we were dealing with, what type of  
19 demeanor and person. We would have some history that  
20 would allow that clinician to safely come in and deal with  
21 that situation with officer support.

22 Q So turning back now to this day of January 23, of  
23 2022, you tried to get information before you left. You  
24 told -- for fire to be notified to stage, and did you make  
25 your way to the scene?

# IMPOUNDED

Vol. I - 151

1 A Yes.

2 Q Why were you going to the scene?

3 A I would, it was my -- the way I was viewing the scene  
4 is this is a potential -- this is a tactical. We have to  
5 be tactical in our approach to the situation.

6 I listened for a good portion of the 911 call to see  
7 what the tone and the tenor of the call was, how the  
8 subject was responding to the prompts, and the questions  
9 in the conversation that Officer Smith was having with  
10 Mr. Courtemanche, was listening to that to try to get a  
11 sense of it, and there were a couple of things that  
12 concerned me. One is that she asked if he could put the  
13 knife down to go and talk with the officers that were  
14 responding, and he said he couldn't do that. That  
15 concerned me, and I knew at that point that we were going  
16 to have some -- this -- I wanted to make sure it was slow  
17 and tactical, and that our response was what we needed it  
18 to be, and I also wanted to go and help in that situation  
19 because I knew we were going to need it.

20 Q As you were en route, did you hear any radio  
21 broadcasts?

22 A Yes.

23 Q What did you hear?

24 A So I was close by the complex to the Lord Baron  
25 complex, and I heard, "151, shots fired."

# IMPOUNDED

Vol I-152

1 Q What does --

2 A "151 to Burlington; shots fired."

3 Q What does 151 signify?

4 A 151 is Officer Miedico's call number, her badge  
5 number.

6 Q What was your reaction to hearing that called over  
7 the radio?

8 A It was a little bit surreal for a second. It sped me  
9 up. I was getting there fairly quickly anyways, but it  
10 sped me up because it was a jarring statement over the  
11 radio. No -- I'm responsible for the officers that are  
12 under my care, under my charge, and clearly that was just  
13 a call that they were under duress at that moment. So I  
14 took that very seriously and tried to get there as soon as  
15 I could.

16 Q Did you hear another dispatch at some point after  
17 Officer Miedico called in shots fired?

18 A Yes. I don't know how many seconds later, maybe, I  
19 don't know, seven or eight seconds later, maybe somewhere  
20 in that vicinity, I heard Officer Reyes call over the  
21 radio, "Control, shots fired by the police, shots fired by  
22 the police."

23 Q What was your response to hearing that?

24 A It was a little bit of relief actually because a call  
25 of shots fired is, it's difficult to determine exactly



# IMPOUNDED

Vol I-153

1 what's going on. To hear "shots fired" by the police  
2 tells me a couple of things. One is that I at least have  
3 some indication that our officers are not the one shot, so  
4 that it wasn't our officers that are shot, and it also  
5 gives us an indication that the officers are probably not  
6 being shot at, at that moment, which allows me to respond  
7 in a little bit of a different way. Tactically, if it's  
8 just shots fired, I have to respond in such that I am  
9 prepared for shots being fired at me, as well as them, on  
10 approach, and how I am going to approach that scenario.  
11 When I hear shots fired by the police, it told me at least  
12 a little bit about what, you know, knowing that there was  
13 a knife involved earlier as part of the call, it kind of  
14 gave me an indication that it was our officers that had  
15 shot.

16 Q Were you still en route when you heard Officer Reyes  
17 call out that the shots were fired by the police?

18 A Yes. I was in the complex. It's kind of a -- if you  
19 know the complex, Terrace Hall Ave. is one entry to the  
20 complex; Middlesex Turnpike Extension is the other entry.  
21 Building 1 is at the Middlesex Turnpike end. Where I  
22 entered from was Terrace Hall Ave., which is on the total  
23 opposite end. It's got to be 600 yards from the location  
24 of the incident as it was called out, and I was coming  
25 from that side over speed bumps and things like that. So

# IMPOUNDED

Vol. I - 154

1 | it was, it felt like it was taking awhile to get there.

2 | But I was in the complex when I heard that.

3 | Q Did you get on scene -- how long after that did you  
4 | get on scene?

5 | A I think after Officer Reyes' radio transmission, I  
6 | was probably six, seven seconds after that, that I called  
7 | off on scene. I was kind of observing it probably within  
8 | the five seconds after his radio transmission, and then  
9 | continued to drive up closer within the next three to five  
10 | seconds.

11 | Q Where you say you called off on scene, what is your  
12 | radio number?

13 | A 112 is my call sign.

14 | Q You had an opportunity to listen to the radio  
15 | transmissions that day; is that right?

16 | A Yes.

17 | MR. HARREN: Your Honor, may I approach?

18 | BY MR. HARREN:

19 | Q Showing you a CD. Does this CD contain a copy of the  
20 | radio transmissions?

21 | A Yes.

22 | Q And is it fair to say there's two files; one are the  
23 | initial radio transmissions, and then the second file are  
24 | the transmissions of the shots fired (indiscernible at  
25 | 3:07:30); is that correct?

# IMPOUNDED

Vol. I - 155

1 A Yes.

2 Q The initial calls, the initial radio transmissions  
3 are not in time as things are playing out. They're just  
4 one after the other; is that right?

5 A Right.

6 Q The second file for when shots fired is called out,  
7 that's in real time; is that right?

8 A Yes. Those, I believe the second set of  
9 transmissions that you're talking about are in time from,  
10 you know, Officer Miedico's transmission to Officer Reyes  
11 transmission to my transmission, and then I think I have a  
12 second transmission on there, as well, calling for  
13 additional help from Sergeant DiDonato.

14 Q Thank you.

15 MR. HARREN: Your Honor, I'd moved to introduce this  
16 as, I think were up to Exhibit 5.

17 THE COURT: Okay.

18 THE CLERK: Five, yes.

19 THE COURT: Thank you.

20 (The clerks marks CD of 911 Call as Exhibit No. 5, in  
21 evidence.)

22 MR. HARREN: Your Honor, I'd like to play this  
23 exhibit now.

24 THE COURT: Yes.

25 UNKNOWN: Excuse me. Sorry. Can we close the window

# IMPOUNDED

Vol. I - 156

1 because there's traffic outside --

2 THE COURT: Oh, sure, yeah. I thought everybody  
3 might be getting warm. That's why I --

4 UNKNOWN: That's okay. I just want to be able to  
5 hear without the traffic --

6 THE COURT: Okay. Sure.

7 UNKNOWN: -- thank you.

8 THE COURT: Thank you.

9 UNKNOWN: You can open it after.

10 THE COURT: No, no, no. I think it's fine. I just  
11 wanted to get some air in. Thank you.

12 MR. HARREN: So I'm going to play the first file  
13 first, which is the initial transmission.

14 *(911 CALL PLAYED, 03:09:09 TO 3:12:29 ON FTR RECORDING.)*

15 BY MR. HARREN:

16 Q I'd just like to ask you a few questions about what  
17 we just heard before playing the next file. In the  
18 transmissions we hear 107 a few times. I know you said  
19 earlier Officer Miedico was 151 over the air. You were  
20 112 over the air. Who was 107?

21 A That's Officer Reyes, Rob Reyes.

22 Q So that other person in the conversation was Officer  
23 Reyes, who was also responding to the scene?

24 A Yes.

25 Q Each one of them called in asking dispatch if there

# IMPOUNDED

Vol. I - 157

1 was anyone else in the apartment; is that right?

2 A Yes.

3 Q What, if any, significance did that have to you  
4 monitoring the situation and assessing it?

5 A I was very pleased with that, actually, because I  
6 think it indicated that, again, looking to make sure that  
7 we're all on the same page in that team environment that  
8 we're looking to have; and I knew when they asked that  
9 question that they were asking that overarching question  
10 as to who was in danger right now, which we develop our  
11 plan and our approach based on that question. So I knew  
12 that that was being asked of them, like that they were  
13 asking themselves that question.

14 Q Officer Reyes, I believe it was, called in asking if  
15 Officer Miedico had a 40 millimeter in her cruiser; is  
16 that right?

17 A Yes.

18 Q What is the 40 millimeter in reference to?

19 A So the 40 millimeter is a 40 millimeter less lethal  
20 projectile launcher. So the 40 millimeter -- the 40  
21 millimeter speaks to the diameter of the foam projectile  
22 round that's fired from the launcher. Again, we have five  
23 40 millimeter launchers that are distributed across our 10  
24 or 11 line cruisers. And Officer Reyes was saying that he  
25 didn't have a 40 millimeter assigned to his cruiser that

# IMPOUNDED

Vol. I - 158

1 he was operating, so he asked Officer Miedico over the air  
2 if she could bring one from the station.

3 Q And I know that we previously discussed, you talked  
4 with Officer Miedico about the shield, but Officer Miedico  
5 called out asking if Officer Reyes had a shield in his  
6 cruiser; is that right?

7 A Yes.

8 Q So, again, what is the significance, if anything, to  
9 you monitoring these radio transmissions that in addition  
10 to asking if anyone was in the apartment, they were  
11 calling out asking about the 40 millimeter and asking  
12 about the shield?

13 A Again, it says to me that we were operating on the  
14 same page, similar to the things that we had discussed  
15 that morning. We were talking about our equipment that we  
16 were bringing to bear to the scene. All of those things  
17 are de-escalation efforts. We would put them under a  
18 heading of de-escalation. We were trying to slow the  
19 scene down, to minimize the opportunity for anything to go  
20 wrong, and bring all of our tools, thought process,  
21 mindset, and tactics to bear on the scene.

22 Q I'd now like to play the second file.

23 *(911 CALL PLAYED, 3:15:47 TO 3:16:44 ON FTR RECORDING.)*

24 BY MR. HARREN:

25 Q So you created the copy of this report; is that

# IMPOUNDED

Vol. I - 159

1 right?

2 A Yes.

3 Q And that last recording that we just heard plays  
4 through without clicking through on each transmission. So  
5 that's in real time?

6 A Yes.

7 Q Just for those who may not know, when an officer  
8 arrives on scene, they have to let dispatch know that  
9 they're out on scene; is that right?

10 A Yes.

11 Q So when you call in 112 -- I couldn't hear your exact  
12 words, but that you were there, dispatch responded that  
13 they had it acknowledging that they knew you were there?

14 A Yes.

15 Q So that was the time that you got in, and it's all in  
16 real time from the shots fired call?

17 A Yes.

18 Q You radioed for Sergeant DiDonato to respond down to  
19 the area?

20 A Yes.

21 Q You had talked earlier, or we had talked earlier,  
22 about there being three officers out on the street that  
23 day at patrol level -- you as the lieutenant, the officer-  
24 in-charge; the officer on the desk; and the dispatcher.  
25 How did Sergeant DiDonato fit in all of that?

# IMPOUNDED

Vol. I - 160

1 A He was working a paid detail, which is separate from  
2 our main operations within the department, patrol  
3 operations for the day. It's a separate assignment that's  
4 hired by an external company, not by the town, to do, in  
5 this particular instance, he was doing a traffic detail at  
6 the H Mart supermarket on the other side of town. And we  
7 also had -- I had looked. We had Officer Outerbridge at  
8 that same detail in a traffic assignment on the other side  
9 of town, as well, in a detail function.

10 Q So an officer on a detail wouldn't normally be pulled  
11 off of a call unless they were really needed; is that  
12 right?

13 A It's --

14 Q Maybe that's a bad way to ask the question?

15 A It's exceedingly rare that we would pull anybody from  
16 a detail because there's a number of factors why we  
17 wouldn't, but they're being -- they're assigned -- it's as  
18 if it's almost a separate function from our policing  
19 function at that moment. They're being hired for traffic  
20 control in this particular instance. Sometimes there's  
21 security functions. But they have a responsibility that  
22 they're being paid for separately from what we do on  
23 patrol. So for them to be pulled off, it would have to be  
24 something like, you know, we talk about it in situations  
25 like an active shooter or something like that in order to



# IMPOUNDED

Vol. I - 161

1 pull somebody from a detail to assist in a patrol call.

2 Q So when you arrive there, describe what you walked  
3 into?

4 A Through my main windshield, I could see the scene in  
5 front of me. Again, I came in from the Terrace Hall side.  
6 So I parked in front of the building to the right of  
7 Building 1. And as I got out, I could see Officer Miedico  
8 moving towards the cruisers --

9 Q Let me just clarify something you said. You parked  
10 in front of the building to the right of Building 1 or the  
11 right of Building 1?

12 A So if you're looking at the main entrance to  
13 Building 1, I parked in front of the building to the  
14 right.

15 Q Okay. I just wanted -- I wasn't clear on what you  
16 said.

17 A Yes.

18 Q Please continue.

19 A So as I got out of the cruiser, and as I'm, you know,  
20 or looking out of the windshield of the cruiser as I'm  
21 getting out, I saw Officer Miedico moving from the  
22 location where the subject, Mr. Courtemanche, was on the  
23 ground, and there were other individuals there. I saw  
24 Officer Miedico moving back to the cruiser, to where the  
25 cruisers were in front of the building. She got a medical

# IMPOUNDED

Vol I - 162

1 bag out of the back of the cruiser and headed back towards  
2 the location where Mr. Courtemanche was on the ground.  
3 And I saw Officer Reyes over Mr. Courtemanche at that  
4 point. I think when I first pulled up, he was handcuffing  
5 the subject. And I also saw the fire engine in front of  
6 Building 1 moving towards Building 1 at that time or  
7 stopped in front of Building 1, and there were  
8 firefighters that had already gotten to there or were in  
9 process of getting to them at that point. I think there  
10 was already one firefighter, Officer Duprez, that was with  
11 Officer Reyes over the subject.

12 Q. You had an opportunity to listen to the 911 call; is  
13 that right?

14 A. Yes.

15 Q. You listened to parts of it live as it was happening,  
16 and then you listened to it since that day on the  
17 recording; is that correct?

18 A. Yes.

19 Q. In listening to the call, would you agree that at  
20 roughly 6 minutes and 33 seconds into the call, there's  
21 noise that sounds consistent with Mr. Courtemanche  
22 potentially walking out of his physical apartment?

23 A. Yes. You could hear some, what sounds like doors  
24 being opened or shut or both in and around that time  
25 frame.

# IMPOUNDED

Vol I-163

1 Q At time 11 minutes and 12 seconds into the call,  
2 would you agree that you hear a noise consistent with  
3 opening the front door to One Baron Park Lane?

4 A Yes. You can hear, I think distinctly at that point,  
5 you can hear the whoosh of like outside air that's clear  
6 on the audio.

7 Q Then at 11 minutes and 25 seconds into the call, so  
8 13 seconds later, after you hear the door open, you hear  
9 Officers Miedico and Reyes issuing Mr. Courtemanche  
10 commands; is that correct?

11 A Yes.

12 Q Then at 11 minutes and 36 seconds into the call, or  
13 11 seconds after the officers start issuing commands, you  
14 hear the first shot rang out; is that correct?

15 A Yes.

16 Q And is your understanding that Officer Reyes deployed  
17 the 40 millimeter less than lethal first?

18 A I believe so, yes.

19 Q And that Officer Miedico fired her firearm a total of  
20 four times?

21 A Yes.

22 MR. HARREN: May I approach?

23 THE COURT: Yes.

24 BY MR. HARREN:

25 Q I'm showing you another CD. It's a CD containing a

# IMPOUNDED

Vol. I - 164

1 copy of the 911 call recording?

2 A Yes.

3 MR. HARREN: Your Honor, I'd moved to introduce this  
4 as the next exhibit.

5 THE COURT: Any objection?

6 MR. ANDERSON: No objection.

7 THE CLERK: Thank you.

8 THE COURT: Number six. It's number six, right?

9 THE CLERK: Six; yes, Judge. Sorry.

10 (The clerk marks the CD containing recording of 911 call  
11 was marked Exhibit No. 6, in evidence.)

12 MR. HARREN: May I play this?

13 THE COURT: Yes.

14 (911 CALL PLAYED, 3:24:20 TO 3:37:07 ON FTR RECORDING.)

15 BY MR. HARREN:

16 Q I know you previously described what you physically  
17 saw when you walked up. Did you interact with Officer  
18 Miedico when you walked up?

19 A Yes.

20 Q Can you describe how she appeared to you?

21 A Yeah. I initially went over. Everybody was around  
22 Mr. Courtemanche at that point. They were, both her and  
23 Officer Reyes were assisting with the medical at that  
24 point right there on scene, still close. So there was  
25 enough fire personnel to ask them to step back from the

# IMPOUNDED

Vol I - 165

1 scene.

2 Q Meaning Miedico and Reyes?

3 A I'm sorry? Yes --

4 Q Meaning you asked Miedico and Reyes to step back?

5 A -- Officer Miedico and Officer Reyes to just, to take  
6 a step back from the scene, allow the firefighters to  
7 handle the medical aspect of things, and then, you know,  
8 just kind of to move them off because they had also been  
9 involved in the situation, as well.

10 So looking at Officer Miedico, she, she was basically  
11 the picture of stress at that moment. She had, her face  
12 was kind of pale, and she had like red rings around her  
13 eyes and dark, you know, she just kind of had a look in  
14 her eyes, a little bit of a thousand-yard stare at that  
15 point. So -- she also had like blood spatter or droplets  
16 around on her face, kind of in the area of her mouth and  
17 nose. She, she was stressed; you could tell. And I kind  
18 of felt at that moment that she was almost in a little bit  
19 of a mild shock look, appeared like a little bit of a mild  
20 shock. She was breathing rapidly. You could tell  
21 probably her pulse was up high. So I asked, I just kind  
22 of took her, get her to look at me and just asked her to  
23 take some box breaths with me or take some deep breaths  
24 with me just to try to get her calm and focused on me at  
25 that moment.

# IMPOUNDED

Vol. I - 166

1 Q Did you eventually bring her over to your cruiser?

2 A Yes.

3 Q Why did you do that?

4 A Couple of reasons. Well, one, she, she was involved  
5 in the incident, right? It was clear, I could see, I was  
6 kind of trying to make out what had happened. I asked her  
7 at that moment before I brought her to the cruiser what  
8 happened basically after I asked her to just take some  
9 breaths with me, I asked her to tell me what happened, and  
10 she had described it.

11 Q What did she tell you?

12 A She said that they were, she pointed over to the  
13 backside of the cruisers by the side and said that they  
14 were there waiting, her and Rob were there waiting, and  
15 she said the subject, Mr. Courtemanche, came out of the  
16 front doors, and she was kind of pointing and showing me  
17 what she was talking about at the time. She said he came  
18 out and just starting coming at us and wouldn't stop. She  
19 commands; he wouldn't stop, just kept coming. And she  
20 said he, she -- he was coming; he had a knife, he was  
21 coming. And eventually she said she fell back, and I  
22 think, I think at the time she motioned like she had hit  
23 her head. I think, it seemed as if she might have hit her  
24 head. So she said she looked up and said, "That's it.  
25 I'm dead." And when she was doing that, she was kind of

# IMPOUNDED

Vol. I - 167

1 motioning like she was looking like reliving it in her  
2 head at that moment saying, "That's it; I'm dead." So she  
3 was clearly, she, you know, in my estimation, she had just  
4 been attacked with a knife.

5 Q Just keep it to what she said at this point.

6 A Okay. Okay.

7 So at that point, you know, based on what I could see  
8 around and the, you know, what she told me, I knew that I  
9 had to kind of get her situated and kind of get her to,  
10 get her some care, as well. So I brought her back to the  
11 cruiser to sit her in the cruiser. Just asked her to  
12 focus on her breathing. There was an investigative aspect  
13 that I had to kind of oversee at that point, as well, so  
14 that's kind of part of it. I just asked her to sit in the  
15 front of the cruiser and just take some breaths, focus on  
16 her breathing, try to -- just so that she could get her  
17 heart rate down and focus a bit.

18 Q You mentioned in that when you were first interacting  
19 with her like this, that you noted some blood on her face?

20 A Yes.

21 Q I know you said that she motioned to the back of her  
22 head of having hit her head. Did you see her actively  
23 bleeding from anywhere?

24 A I'm sorry. Could you say that again?

25 Q Did you see her actively bleeding from anywhere?

# IMPOUNDED

Vol I-168

1 A No. No.

2 Q Based on what you were able to observe, did you think  
3 that was her blood on her face?

4 A No. I could tell based on the scenario, it was  
5 pretty clear at that time that it was not her blood. I  
6 could see the scene as it was, as it was laid out at the  
7 time. It was blood spatter. It wasn't bleeding from her.  
8 It was spatter on her face.

9 I remember like initially kind of worried like, I  
10 hope -- it was all like in this area of her face, and I  
11 was saying, I was thinking to myself, I hope she didn't  
12 get any in her mouth. Like, it was that type of like that  
13 close to her nose and mouth.

14 Q And just for the record, as you were saying, "in this  
15 area," you were hovering right over your own mouth  
16 describing hers; is that correct?

17 A Yes.

18 Q Once she went into your car, what did you do?

19 A I went back over to Rob, Officer Reyes, to check on  
20 him. He was kind of in a, what I would consider like a  
21 hypervigilance or hypervigilance state at that time. He  
22 was looking, actively looking for work to do. He had  
23 made a call over the radio asking for additional, for  
24 control or for dispatch to send additional units, and he  
25 was kind of, you know, looking for things to do. I think,



# IMPOUNDED

Vol. I - 169

1 actually -- at some point, I think it was before, it was  
2 before either, either in between when I was, when I talked  
3 to Aurise and Rob or before I, after I asked them to move  
4 over, I had also uncuffed Mr. Courtemanche on the ground  
5 because clearly he was not, no longer a threat, physical  
6 threat at all. So it was -- I recognized that it would  
7 have been, it would be easier for the medics, the  
8 firefighters, to handle their responsibilities for medical  
9 care if he was uncuffed. So I did that with the help of  
10 Firefighter Duprez, and then I think I went to Officer  
11 Reyes, asked him, as well, what happened, and asked him to  
12 describe it for me.

13 Q In terms of Mr. Courtemanche being handcuffed, is  
14 that standard procedure?

15 A It would be in that situation, yeah.

16 Q So Officer Reyes cuffing him is consistent with what  
17 would be expected?

18 A Yes.

19 Q And then your uncuffing him was at that point, the  
20 scene had calmed down, and you determined he wasn't a  
21 threat to officers or anyone else at that point?

22 A Yes. He was -- it was clear he was no longer a  
23 threat. So it would help, it would be helpful in the  
24 situation and just appropriate at that point to uncuff  
25 him.

# IMPOUNDED

Vol. I - 170

1 Q What did Officer Reyes tell you happened when you  
2 spoke with him when you went over?

3 A I think his initial words were, "It was crazy, Dan.  
4 He just came out with a knife and charged at us. He just  
5 kept coming, "like, you know, he said, "I hit him with the  
6 less lethal; it didn't do a thing."

7 And then he said, you know, he was kind of pointing  
8 to the areas that all this was happening, as well. Like  
9 the front door where he came out of, it was clear that's  
10 the direction that he came from because he was pointing to  
11 the front doors, and then to the area of the cruisers. I  
12 saw as he was saying that, I could see the 40 millimeter  
13 projectile, the foam round, in the grass area between the  
14 door and where they were in.

15 At that time I was also trying to piece together, I  
16 also, I have, I had at that point commanded the scene. I  
17 had radioed that I had command on scene. And I think I  
18 radioed, you know, for other officers, other units  
19 responding to come from the Turnpike side and stay out of  
20 the egress of the ambulance because they had pulled up at  
21 that point too, and we knew we were going to have to get  
22 the ambulance out. I didn't want anybody blocking the  
23 road. So all this was kind of running through my mind as  
24 I was talking to them, trying to put together everything  
25 that happened because it's my responsibility to have an

# IMPOUNDED

Vol I-171

1 understanding of what had happened on scene, as well.

2 Q At some point did you go back over to Officer  
3 Miedico?

4 A Yes.

5 Q And did you seize her weapon at that time?

6 A Yes. Officer -- or Sergeant DiDonato arrived, and  
7 I -- we got Rob over to his cruiser, situated. I asked  
8 him to, Sergeant DiDonato to kind of, to just stay with  
9 Rob, care for him, and then also asked him to set up a  
10 perimeter, you know, an inner perimeter or an inner  
11 perimeter of scene and an outer scene with caution tape.  
12 And once all that was in place, I -- the ambulance --  
13 Mr. Courtemanche is being loaded into the ambulance prior  
14 to that, I believe, and then the ambulance left for the  
15 hospital. And then I went back over to Officer Miedico at  
16 the cruiser.

17 Q Why did you take her firearm at that time?

18 A Again, a couple of reasons. She had, she was  
19 actively crying at that time. She was clearly, clearly  
20 in, in some duress at that point. She's still breathing  
21 heavy, quick, short breaths. Could tell her heart rate is  
22 up. She's kind of, you know, trying to get air, I think.  
23 I also had in my mind that she had hit her head. And she  
24 was clearly kind of in a shocky [sic] state. She was in,  
25 she was experiencing mild shock at that moment; you could

# IMPOUNDED

Vol. I - 172

1 | tell based on all the physiological responses that I was  
2 | seeing from her.

3 |         So, number one, I wanted to take her weapon from her  
4 | to just alleviate her of that; but probably more  
5 | importantly is I knew that I was going to have her go to  
6 | the hospital, as well, and we had called for an ambulance  
7 | for her. I knew the investigation was going to require  
8 | that her weapon be part of that investigation. And I  
9 | also, based on her state, and the fact that she hit her  
10 | head, that she was, you know, in the state that she was  
11 | in, I wanted to remove it from her so that she could get  
12 | to the hospital.

13 | Q     What did you do with it when you took possession of  
14 | it?

15 | A     She was sitting in the cruiser at the time. So I  
16 | removed it, her holster was on my side, on the passenger  
17 | side front. So I just removed the, removed it -- I  
18 | removed her firearm from her holster myself, took the  
19 | magazine out, locked the slide to the rear, and extracted  
20 | the round that was in the chamber. At that point, in an  
21 | effort to kind of continue on in the process, I took the  
22 | firearm, moved to the center of the scene where  
23 | Mr. Courtemanche had been laying, and where all the other  
24 | evidence from the scene was, and I laid the firearm there,  
25 | locked back, slide locked back, and the magazine in the

# IMPOUNDED

Vol. I-173

1 rounds to the side of that.

2 Q So when crime scene came and processed the scene  
3 after that and documented where things were, where Officer  
4 Miedico's firearm is depicted is where you put it down?

5 A Yes.

6 Q Not necessarily directly representative of where she  
7 was or something else like that?

8 A No, no.

9 Q Did you learn that -- I think you've already said it,  
10 that Officer Reyes had deployed the 40 millimeter less  
11 lethal?

12 A Yes.

13 Q That ultimately ended up kind of laid on the ground  
14 in the parking lot, as well, or in that driveway to the  
15 parking lot; is that right?

16 A I believe so. I can't, can't picture it in my mind  
17 right now, but I believe through just my experience of the  
18 case, I believe, yes.

19 Q And that 40 millimeter, did it have what's known as a  
20 sling on it?

21 A No, it did not.

22 Q So what is a sling, and how could that affect how it  
23 was carried?

24 A Sling is a strap, basically, for all intents and  
25 purposes, that would go around the launcher itself or go

# IMPOUNDED

Vol I-174

1 around the body of the person carrying it, and it would  
2 allow for it to, to be slung, allow for the launcher to be  
3 slung on that individual so that the strap would hold it  
4 on their body versus having to physically hold it in your  
5 hand.

6 Q And as a result of that, that would have made it more  
7 cumbersome for Officer Reyes in dealing with the situation  
8 in terms of once he discharged it, whether it's dropping  
9 it, reloading it, things of that nature, not having the  
10 sling on it?

11 A Yeah. He -- it -- yes. He would have had to put it,  
12 he would have had to physically put it down. He couldn't,  
13 it wouldn't have been, he wouldn't have been able to  
14 continue to wear it on his body. Like, if it had a sling,  
15 he could wear, he could just kind of drop it on his  
16 person, and it would hang there. Without a sling, he  
17 would have to put it down if he's going to do anything  
18 else.

19 Q In the course of the investigation into this, have  
20 you had the opportunity to review three cell phone videos  
21 that were taken by a neighbor across the street?

22 A Yes.

23 Q And is it fair to say that those cell phone videos  
24 capture parts of the immediate aftermath that we've been  
25 talking about?

# IMPOUNDED

Vol 1-175

1 A Yes.

2 MR. HARREN: Your Honor, may I approach?

3 THE COURT: Yes.

4 BY MR. HARREN:

5 Q Showing you a CD. Does this CD contain the three  
6 cell phone videos that I just referenced?

7 A Yes.

8 MR. HARREN: Your Honor, I moved to introduce this as  
9 the next exhibit.

10 THE COURT: No objection?

11 MR. ANDERSON: No objection.

12 THE CLERK: Exhibit 7, Judge.

13 (The clerk marks the CD containing three cell phone videos  
14 was marked Exhibit No. 7, in evidence.)

15 THE CLERK: This is seven, Judge.

16 MR. HARREN: Thank you.

17 If I may, Your Honor, in prepping Mr. Courtemanche's  
18 family what was going to be displayed, I didn't prep them  
19 on this because, frankly, I had intended to play this  
20 tomorrow.

21 THE COURT: Okay.

22 MR. HARREN: But given a few things, I'd like to do  
23 it now. If I could just give them a warning that it does  
24 depict Paul on the ground in a state that you may not want  
25 to see him. So before I play it, if you want to leave.

# IMPOUNDED

Vol 1-176

1 You're welcome to stay. I just wanted to give you --

2 UNKNOWN: I'll step outside for a minute.

3 MR. HARREN: I just wanted to give you that warning.

4 Your Honor, playing it on, the CD sometimes skips a  
5 little bit as it's loading. I have it on my Surface Pro.  
6 Can I just play the downloaded version?

7 THE COURT: That's fine.

•8 MR. HARREN: It plays a little smoother.

9 THE COURT: Yeah.

10 THE CLERK: Judge, I'm going to shut the lights.

11 *(CD PLAYED - 3:53:35 TO 3:57:00 ON FTR RECORDING.)*

12 MR. HARREN: Your Honor, may I just have a moment?

13 THE COURT: Yes.

14 BY MR. HARREN:

15 Q Did you request the ambulance to come back to pick up  
16 Officers Miedico and Reyes?

17 A I think I had instructed, I had instructed somebody  
18 to call an ambulance to come down for them.

19 Q Why was that?

20 A They had been in a very traumatic situation. I  
21 act -- also within the department, one of my other  
22 functions and roles, and it has been for the better part  
23 of 15 years, is I operate as a Critical Incident Stress  
24 Coordinator for the department. I also act as a peer  
25 support coordinator for the department. So in that



# IMPOUNDED

Vol I-177

1 capacity, I've learned to understand the nature of trauma  
2 related to events, such as this, for officers. So  
3 relative to that, I knew that this was, I could see and  
4 feel, sense the stress that was involved in both, for both  
5 of these officers, and I knew that they were going to need  
6 some, in Aurise's case, she was going to need some  
7 physical, medical care, at least as it related to her head  
8 and potentially, the potential for any blood contamination  
9 that may have entered into her body during the incident.

10 She also had, her physiological stress response was  
11 very high at that moment. So I knew that she needed, she  
12 was going to need some care at the hospital, and that was  
13 best done at the hospital. I think, historically, that  
14 has not always been the case with law enforcement in these  
15 situations. We're left to just deal with the immediate  
16 aftermath and the long-term aftermath on our own, and  
17 that's not okay.

18 Q What about Officer Reyes? Why did you want him to  
19 get checked out?

20 A Similar. You know, in his state, he was directly  
21 involved with the situation, as well. His physiological  
22 response was very elevated. His stress response was very  
23 elevated. At that moment, I think it's -- or at that  
24 time, in the direct aftermath, it's very important to get  
25 baseline vital signs and things of that nature of each

# IMPOUNDED

Vol. I - 178

1 individual officer in case there were any, you know,  
2 physiological problems that are developing because of it,  
3 you know.

4 Rob, I believe he's in his late, you know, late  
5 forties, early fifties. And, you know, heart, heart  
6 involved things and related things are always a concern.

7 So, historically, again, we haven't worried about  
8 that stuff, and that has been wrong. So having that be  
9 part of the base of my training and experience and, you  
10 know, that's something that I wanted to make sure that we  
11 got ahead of, and that I particularly got ahead of on the  
12 scene.

13 Q Thank you.

14 MR. HARREN: Your Honor, I have no further questions  
15 at this time.

16 THE COURT: Mr. Anderson?

17 CROSS-EXAMINATION

18 BY MR. ANDERSON:

19 Q Good afternoon, Captain Hanafin.

20 A Good afternoon.

21 Q Ken Anderson; I represent Officer Miedico. We met a  
22 couple of days ago.

23 A Yes, sir.

24 Q A couple of quick questions about the videos.

25 In the first video that was just shown, did you see

# IMPOUNDED

Vol. I-179

1 | yourself and Officer Miedico leaving that area?

2 | A Yes.

3 | Q In the very beginning?

4 | A Yes.

5 | Q And I don't know if we could just play the very  
6 | beginning of that first video again so that I can identify  
7 | that? If the family would like to step out?

8 | MR. ANDERSON: I believe it's in the first five or  
9 | ten seconds of this first video.

10 | *(CD PLAYED - 4:02:22 TO 4:02:32 ON FTR RECORDING.)*

11 | MR. ANDERSON: We can stop it.

12 | BY MR. ANDERSON:

13 | Q Was that you and Officer Miedico heading down towards  
14 | your cruiser?

15 | A Yes.

16 | Q And can we just go to the second video? And towards  
17 | the end of the second video, did you actually see where  
18 | your cruiser was parked on scene? Is it in this one?

19 | Okay.

20 | A I think so.

21 | *(CD PLAYED - 4:02:59 TO 4:03:18 ON FTR RECORDING.)*

22 | A You may have missed it.

23 | *(CD PLAYED - 4:03:18 TO 4:03:51 ON FTR RECORDING.)*

24 | BY MR. ANDERSON:

25 | Q Is that your cruiser that's --

# IMPOUNDED

Vol 1-180

1 A Yes, it is.

2 Q Is that you on the other side of the cruiser?

3 A Yes, it is.

4 MR. ANDERSON: If I could just have him mark --

5 THE COURT: Sure.

6 MR. ANDERSON: -- on the diagram where his cruiser

7 was and where the other Burlington cruisers were?

8 I'd like to have it marked as an exhibit, first.

9 THE CLERK: So that's eight, right?

10 MR. ANDERSON: Yes.

11 (The clerk marks diagram as Exhibit No. 8, in evidence.)

12 BY MR. ANDERSON:

13 Q Let me show you the diagram. Do you recognize what

14 this depicts?

15 A Yes.

16 Q And on the bottom, left-hand corner is the Middle

17 Turnpike Extension?

18 A Middlesex Turnpike Extension.

19 Q Running from left to right, or right to left; and

20 that is --

21 A Yes.

22 Q -- Baron Park Lane?

23 A Yes.

24 Q And in the kind of top, left middle is Building

25 Number 1?

# IMPOUNDED

Vol. I - 181

1 A Yes.

2 Q And you were parked next to the building that's up by  
3 the right corner, correct?

4 A Yes.

5 Q And can you just put this Sharpie, just put a box and  
6 put your initials by where your cruiser was parked?

7 And if you could also -- when you were on scene, you  
8 took note of where the two Burlington cruisers, Officer  
9 Reyes and Officer Miedico's cruisers, were?

10 A Yes.

11 Q And can you put either a circle or a couple of boxes  
12 in that general area where they were?

13 And maybe if you could just write BPD next to them  
14 just so we know it's the Burlington Police Department?

15 A Yes. Sorry. Hopefully that's clear.

16 Q Yes.

17 MR. ANDERSON: Can you see that, Judge?

18 THE COURT: Yes -- no.

19 BY MR. ANDERSON:

20 Q Okay. This is Daniel Hanafin?

21 A Yes.

22 THE COURT: Oh, now I can see it, okay. Yeah.

23 BY MR. ANDERSON:

24 Q These are the Burlington police cruisers?

25 A Yes.

# IMPOUNDED

Vol. 1 - 182

1 Q We can turn the lights back on.

2 And it's fair to say that you had instructed Officer  
3 Reyes and Officer Miedico to slow this down and wait for  
4 you to get there to get a team response?

5 A Yes.

6 Q And from what you heard on the radio dispatch, they  
7 were both aware of that because both of them had asked if  
8 there was anybody in there with the suspect?

9 A Yes. And also Officer Reyes acknowledged my  
10 transmission to hold up until we got there, until we all  
11 got there.

12 Q And you could tell they were thinking about this  
13 tactically because they were asking, you know, to get the  
14 proper equipment on scene in the event it was needed?

15 A Yes.

16 Q And this is all consistent with the Burlington Police  
17 Department's training?

18 A Yes.

19 Q And it's consistent with what you had discussed that  
20 morning after roll call?

21 A Yes.

22 Q Now, as they were there from the radio calls, they  
23 knew there was an individual named Paul?

24 A Yes.

25 Q And they knew which apartment he was in?

# IMPOUNDED

Vol 1-183

1 A It came out over the air. I believe it was 223,  
2 maybe. I'm drawing a blank on the exact number now, but  
3 it did -- I know it did come out over the air, the  
4 building and apartment.

5 Q Okay. And the Lord Baron Apartments, you guys get a  
6 fair number of calls there?

7 A Yes.

8 Q And you're aware of the layout inside the building  
9 that the units have multiple entrances and exits?

10 A Yes.

11 Q And as they were there, I don't know if it's  
12 officially come into evidence yet, but at the scene today,  
13 it was pointed to us that if you're looking at the  
14 building, it's the second level, the second unit down to  
15 the left, opposite end of where the cruises were parked?

16 A Yes. If you look at that vestibule --

17 Q Yeah.

18 A -- at the main entry point, there's a level, there's  
19 a lower level of windows that are almost ground-level, or  
20 just above, and then there's a second tier of windows. It  
21 was on that floor, second-tier windows, and I believe it's  
22 the second window to the left of the vestibule on the  
23 second floor of windows.

24 Q Okay. And if the plan was to lay low and have a  
25 group approach and not spook anybody that the police were

# IMPOUNDED

Vol I - 184

1 there, is it fair to say these officers' cruisers were  
2 parked in a good strategic location on the other end of  
3 the building away from that individual's window?

4 A Yes. Actually, you have -- there was two things at  
5 play. You have the main doors, the main entry doors at  
6 the front, and you also have a side exit, you know, entry-  
7 exit door on the side of the building, on the right-hand  
8 side of the building that would be close there. There's  
9 another door, I believe, on the other side, but wouldn't  
10 necessarily be in play with the cruisers.

11 But for them to park where they parked, that would  
12 have been probably the best tactical positioning they  
13 could have been in based -- for two reasons. One is, you  
14 try to create some distance from the front door, whether  
15 it's a house, an office building, apartment building, as  
16 it was in this particular case, create some distance. So  
17 they had some distance from the side, entry door, and then  
18 also, say, 40 yards from the front, entry door; but it's  
19 close enough where you can help or affect change in the  
20 situation if something were to come up.

21 In this particular instance, where there was a knife  
22 involved in the scene, if somebody was being attacked, or  
23 there was some type of reason to get there fast, we  
24 weren't, they weren't too far away. So it was, it was  
25 probably the best tactical positioning they could be in at



# IMPOUNDED

Vol I - 185

1 that point.

2 Q Okay. And you agree with me that other than the fact  
3 it was a male and a name, they had no physical description  
4 whether this person was tall, short, fat, skinny, white,  
5 black, any clothing description? They had no idea if  
6 someone were to come out of that building and just walk  
7 around, either to get fresh air, walk a dog, go to the  
8 mailbox, do anything, they have no idea if that's the  
9 person who's in that radio call?

10 A No. No. We had no, we had no departmental history  
11 with Mr. Courtemanche at all, and we wouldn't -- no. We  
12 were -- remember, initially, we were struggling to make  
13 sure we had the right person at -- out of dispatch,  
14 because we weren't getting a whole lot of history like we  
15 would hope to have until we found like a driver history  
16 record that was a little bit down the line on our  
17 searching. So we didn't -- I don't think they had any  
18 idea what he looked like or who he -- if he walked out of  
19 the door, we would have no idea who he was.

20 Q Okay. And in terms of the 40 millimeter less lethal  
21 weapon, that's something that can only discharge one  
22 round, and then it has to be physically opened, removed,  
23 reloaded, and then taken up again?

24 A Yes. It's considered a break barrel launcher, which  
25 means that there's one projectile, you know. It's

# IMPOUNDED

Vol I-186

1 probably about the diameter of this or close to it, the  
2 end of the water bottle.

3 Q That's a water bottle?

4 A The water bottle, the diameter of the end of the  
5 water bottle is the projectile. The barrel is about that  
6 diameter. And it fits one projectile in it at a time.  
7 When that round is pressed off or fired, the casing is  
8 left in the barrel. You have to physically break the  
9 barrel with the latch, break the barrel, remove the  
10 casing, and input another round if you were to fire a  
11 second round.

12 Q Okay. And in this one here, there was no sling. So  
13 the only way Officer Reyes could hold it was to physically  
14 hold it with both hands?

15 A Yes. Yes.

16 Q And when that's used tactically in kind of a planned  
17 situation in the field, is there something that goes in  
18 tandem with using the less lethal weapon?

19 A Yes. There's a pouch or a bag that contains  
20 approximately 10 other less lethal rounds, as well as some  
21 medical equipment, trauma dressing, and some -- an ice  
22 pack, I believe, in the bag with it.

23 Q But what I meant is when the less lethal weapon is  
24 deployed, is it also something that's used with somebody  
25 using lethal cover in case the less lethal part fails?

# IMPOUNDED

Vol. I - 187

1 A In a situation where you have a weapon, in this case  
2 an edged weapon, on the scene, yes, you would typically  
3 have a lethal cover, along with a less lethal operator.  
4 So you would have a lethal cover officer with a less  
5 lethal launcher operator or, you know, a taser operator if  
6 it were a taser less lethal.

7 Q But it's your understanding that as Officers Miedico  
8 and Reyes were on the scene, they weren't prepared to  
9 engage. They were just waiting for you to have a team  
10 approach to this situation?

11 A They were positioned tactically and preparing for  
12 whatever plan we were creating. It's my opinion that they  
13 were actively engaged in the planning, you know, in the  
14 planning phase of an operation, yeah.

15 Q Okay.

16 MR. ANDERSON: I don't have any further questions.

17 THE COURT: Okay. Thank you.

18 Do you have anything further?

19 MR. HARREN: No. Thank you, Your Honor.

20 THE COURT: Okay. Thank you. You're all set.

21 THE WITNESS: Okay. Thank you.

22 THE COURT: Okay. So those are all the witnesses for  
23 today?

24 MR. HARREN: Yes, Your Honor.

25 THE COURT: All right. And so, you want to start at

# IMPOUNDED

Vol 1-188

1 ten tomorrow?

2 MR. HARREN: Yes, please.

3 THE COURT: Okay. Okay. Then I guess I'll see  
4 everybody --

5 MR. ANDERSON: Judge, if I can just ask a  
6 procedurally, because I know these --

7 THE COURT: Sure.

8 MR. ANDERSON: This is kind of a unique hearing.

9 In terms of everything that was sent to you in the  
10 file share system, like the medical records, the autopsy,  
11 do we need to offer them individually, or is that all  
12 considered to be as evidence before you?

13 THE COURT: I mean, I think it probably, I mean, to  
14 save paper and everything else, I mean, if you're all, if  
15 you're both in agreement that what is contained in that  
16 file is what is to be submitted at this hearing -- I just  
17 don't know how we mark that though. That's the problem.

18 THE CLERK: That's the only problem, Judge. From our  
19 standpoint, we do need a paper copy.

20 THE COURT: Right. You can't -- there's no record of  
21 it. Yeah.

22 MR. HARREN: I have paper copies of all the medical  
23 records I was intending to put in.

24 THE COURT: Okay. So I guess the short answer is  
25 yes.

# IMPOUNDED

Vol 1-189

1 MR. ANDERSON: Just in terms of, you know, Officer  
2 Miedico's medical records, I would like to reference them.  
3 I don't have -- I've got one physical copy here. Given my  
4 office's location, I probably won't be going there between  
5 now and --

6 THE COURT: Yeah. Well, we can make copies.

7 THE CLERK: Well, yeah, we can do that. That's no  
8 problem.

9 MR. ANDERSON: Okay. So that's all kind of agreed  
10 that that's going into evidence. You just need copies to  
11 be physically marked?

12 THE CLERK: Correct.

13 THE COURT: Correct. Okay.

14 THE CLERK: And we can help you with that. And if  
15 there's something you need to email to the Court and we  
16 have to print out, we can do that too.

17 THE COURT: Yeah.

18 MR. HARREN: Okay. If it's easy enough, I have them  
19 now, if we want to mark them now. My intention has been  
20 to put them in through Sergeant DeLucia just to lay a  
21 foundation. But if we all agree --

22 THE COURT: Do you want to wait or -- I mean, it's  
23 however you both want to --

24 MR. ANDERSON: Do you want to get here at 9:45 and  
25 just do it tomorrow morning before we start the evidence?

# IMPOUNDED

Vol. I - 190

1 | Whatever's good for the Court.

2 |       THE COURT:    Sure.

3 |       THE CLERK:    We can do it tomorrow, and then I can  
4 | just keep a track of it.

5 |       MR. ANDERSON:  Okay.

6 |       MR. HARREN:   The only question I had, and I think  
7 | from looking at the standards, I answered to be clear, in  
8 | terms of any redactions, there's some personal information  
9 | in there.  I know, obviously, it's a closed proceeding.  
10 | The report and the transcripts could eventually become  
11 | public.

12 |       THE COURT:    Right.

13 |       MR. HARREN:   In terms of any redactions, I don't  
14 | believe there need to be any redactions for personal  
15 | information from the medical records.

16 |       I looked at the standards when that question came to  
17 | my mind, and my resolution of the standard was that they  
18 | wouldn't become public, but I just wanted to make sure.

19 |       THE COURT:    That's what I -- I don't -- right.  I  
20 | don't think that they'll ever -- they don't become public.  
21 | So I don't think there's -- we need to redact anything.

22 |       THE CLERK:    I believe, Judge, that we need a superior  
23 | court order to hand them over to anybody.

24 |       THE COURT:    Okay.  Then we don't need to deal with  
25 | redactions.  All right.

# IMPOUNDED

Vol I - 191

1           So see you at 9:45 tomorrow morning. Thank you.

2           MR. HARREN: Thank you.

3 (Court adjourned at 4:16 p.m.)

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# IMPOUNDED

Vol. I - 192



The Commonwealth of Massachusetts  
OFFICE OF COURT MANAGEMENT  
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**CASE NAME:** IN RE: Inquest Into The Death  
Of Paul Courtemanche

**DOCKET NUMBER:** 2253IND000001

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# IMPOUNDED

Vol. 1-193

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*Cynthia A. Hart*

---

CYNTHIA A. HART, CER

MARCH 28, 2023

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# IMPOUNDED

Vol. I - 194

## A

**abilities [1]**  
45:23,  
**above [7]**  
24:20, 26 19,  
26:22, 27:18,  
53:18, 70:21,  
183:20,  
**abrupt [1]**  
28:11,  
**absolutely [6]**  
42.8, 64:7,  
71:20, 79 18,  
103.19, 104 17,  
**abundance [1]**  
31:18,  
**academies [2]**  
89:15, 89.15, 15,  
**academy [2]**  
36 14, 36:15,  
**access [6]**  
47:24, 52.6,  
58 16, 58:16, 16,  
94:7, 112.17,  
**accessible [1]**  
5 21,  
**accompanied [1]**  
34:3,  
**accompany [1]**  
34:2,  
**according [2]**  
102.13, 103:11,  
**accounts [1]**  
146:13,  
**accurate [2]**  
52:13, 102:17,  
**acknowledged [1]**  
182:9,  
**acknowledging [1]**  
159 13,  
**acronym [1]**

147:17,  
**across [3]**  
137.7, 157:23,  
174:21,  
**acrylic [7]**  
137:9, 137:19,  
137:21, 137:23,  
140 3, 142:3,  
142:9,  
**action [1]**  
97:17,  
**actions [3]**  
14 6, 23.10,  
24.5,  
**active [3]**  
128:11, 128:12,  
160:25,  
**actively [5]**  
167:22, 167.25,  
168:22, 171:19,  
187:13,  
**actual [3]**  
110 11, 130:1,  
150 12,  
**acute [2]**  
127:13, 127 14,  
**added [1]**  
124 25,  
**addition [6]**  
5.16, 59:15,  
126:10, 129.24,  
130.4, 158.9,  
**additional [8]**  
58:15, 68:14,  
81:12, 81:23,  
129:14, 155:13,  
168:23, 168:24,  
**address [5]**  
46 16, 46:17,  
46.21, 46:23,  
72:24,  
**adds [1]**  
136:17,  
**adjourned [1]**

191:3,  
**administrative [2]**  
125:1, 125 13,  
**administrativel y [1]**  
125 16,  
**advance [1]**  
69:16,  
**advanced [2]**  
13.14, 17:9,  
**advancing [1]**  
76.15,  
**advise [1]**  
8 25,  
**advised [3]**  
9:3, 10 20,  
146:6,  
**advocate [8]**  
3 19, 4.1, 4:5,  
5:1, 5.6, 5:18,  
5:22, 7.17,  
**aerial [3]**  
19:1, 23 5,  
52:11,  
**affect [2]**  
173:22, 184 19,  
**afford [1]**  
135:5,  
**aftermath [4]**  
174 24, 177.16,  
177.16, 16,  
177:24,  
**afternoon [18]**  
39:15, 62 17,  
67 13, 67.14,  
72:4, 83 1,  
83.18, 88.18,  
88:19, 100:20,  
100:21, 107.13,  
107 14, 123.1,  
123:2, 140.16,  
178.19, 178:20,  
**afternoons [1]**

91:7,  
**afterwards [2]**  
34 16, 117:7,  
**agencies [2]**  
128:15, 132:16,  
**agency [1]**  
128:18,  
**agent [2]**  
5 8, 5:10,  
**aggressively [3]**  
56:24, 57 2,  
64 17,  
**agitate [1]**  
47:5,  
**agonal [1]**  
33.17,  
**agree [12]**  
37:3, 42:6, 44 6,  
63:11, 63 17,  
80:11, 92 3,  
92:11, 162.19,  
163 2, 185.2,  
189 21,  
**agreed [1]**  
189:9,  
**agreement [1]**  
188 15,  
**ahead [7]**  
11:8, 76:5,  
76:11, 95:14,  
98:7, 178.11,  
178 11, 11,  
**alerting [1]**  
146:11,  
**alleviate [1]**  
172 4,  
**alleyway [1]**  
117 24,  
**allow [12]**  
6.15, 7:5, 7:13,  
7.13, 13, 135 9,  
136:20, 143:4,  
149 18, 150:20,

# IMPOUNDED

Vol. I - 195

165:6, 174 2,  
174:2,2,  
**allowed [4]**  
3:24, 4 2, 9.1,  
10 3,  
**allowing [1]**  
8.22,  
**allows [2]**  
136:13, 153:6,  
**ambulance [79]**  
17:3, 17 4, 17:7,  
17:8, 17 10,  
17:16, 32.14,  
33 5, 33:19,  
34.6, 47:24,  
48:13, 60 17,  
61.15, 61:16,  
61:16,16, 61.19,  
68.6, 68:7, 70:1,  
70:2, 70:3, 70.6,  
70:7, 70 8,  
70.18, 70 25,  
71:19, 73 8,  
73:10, 73:11,  
73 13, 73:14,  
80:18, 80:20,  
80:22, 81:13,  
81:23, 82.10,  
89:25, 90.1,  
90:2, 90:3,  
90.3,3, 90:21,  
90:25, 91:3,  
91:5, 91:19,  
92 1, 92 25,  
93:4, 93.6, 95:5,  
101.1, 102:14,  
107.25, 108:11,  
108:13, 108 16,  
108:22, 108:23,  
109 2, 109.4,  
113:25, 116 25,  
117 11, 117:19,  
148.4, 148:5,  
148:24, 170:20,

170:22, 171:12,  
171:13, 171:14,  
172:6, 176:15,  
176:18,  
**ambulances [2]**  
71:10, 81 14,  
**anderson [94]**  
1:26, 1:29, 2:5,  
2 8, 2.11, 2:14,  
2:17, 2:20, 3:9,  
3:10, 4:7, 4.12,  
4.19, 4:25, 6.4,  
6:8, 6 18, 6:21,  
7:23, 8.5, 9:9,  
19.20, 23:20,  
29:10, 35:10,  
35.12, 35:14,  
39.18, 39 20,  
42:11, 43:24,  
44.3, 53 8,  
62.14, 62 16,  
62:18, 63 7,  
63:10, 64:25,  
65:7, 66.16,  
66 19, 82:23,  
82:25, 83:2,  
83:14, 83:16,  
88:3, 100:16,  
100:19, 100:22,  
103.3, 104:18,  
105:7, 105:10,  
105:12, 117.15,  
117:17, 118.2,  
118:4, 118:8,  
118.10, 119:22,  
120:1, 120 8,  
120:25, 121:5,  
121:7, 122.3,  
122:11, 122:14,  
164.6, 175:11,  
178.16, 178 18,  
178:21, 179.8,  
179:11, 179:12,  
179:24, 180:4,

180 6, 180:10,  
180:12, 181:17,  
181:19, 181:23,  
187:16, 188:5,  
188 8, 189:1,  
189:9, 189:24,  
190:5,  
**angle [1]**  
37:17,  
**anne [1]**  
3:18,  
**annual [3]**  
127:8, 129:5,  
129:10,  
**annually [1]**  
129.21,  
**answer [15]**  
24:25, 26:1,  
42 20, 50:6,  
54 25, 83:21,  
86:6, 134:24,  
135:8, 135:18,  
135:21, 135.22,  
135:23, 139:12,  
188:24,  
**answered [1]**  
190:7,  
**answering [3]**  
74:12, 74.12,12,  
88 20,  
**anticipated [1]**  
106:3,  
**anticipating [1]**  
106:21,  
**anybody [8]**  
6 24, 8:22,  
108:25, 160:15,  
170.22, 182 8,  
183:25, 190.23,  
**anyone [11]**  
4 6, 7:22, 29:16,  
57 14, 57.16,  
59:16, 78:10,  
96:11, 157.1,

158:10, 169.21,  
**anything [36]**  
6:2, 9.1, 20:22,  
21.21, 35:5,  
38:20, 42:13,  
50:17, 54.20,  
56:7, 56:8, 65:1,  
66 2, 67:24,  
68.12, 70:12,  
76:7, 77:22,  
82:16, 82:17,  
88 4, 96.9,  
96.18, 97:7,  
100:15, 104 19,  
113:21, 122:4,  
140.14, 144:9,  
158:8, 158:19,  
174:17, 185:8,  
187:18, 190:21,  
**anytime [1]**  
138:24,  
**anyway [1]**  
103 12,  
**anyways [1]**  
152:9,  
**anywhere [3]**  
49.8, 167:23,  
167:25,  
**apartment [18]**  
18:4, 47 10,  
47:12, 47.13,  
101:4, 101:7,  
110.5, 111:18,  
117.22, 128:4,  
146:15, 146 17,  
157:1, 158:10,  
162 22, 182:25,  
183:4, 184:15,  
**apartments [6]**  
16:1, 17:24,  
37:21, 111.11,  
118:12, 183.5,  
**apologize [2]**  
9 9, 40:20,

# IMPOUNDED

Vol I - 196

**apparatus [5]**  
17:1, 46:7, 47 4,  
60:11, 60:19,  
**apparent [1]**  
97:4,  
**appearances [1]**  
1:19,  
**appeared [6]**  
51:3, 56:1,  
74 20, 99:5,  
164:20, 165:19,  
**apple [1]**  
63:16,  
**application [3]**  
124:9, 126:8,  
126:9,  
**applied [1]**  
33:22,  
**applying [3]**  
51 18, 51:22,  
52 1,  
**approach [33]**  
18:22, 23:2,  
39:18, 52:8,  
63:7, 65 2, 80:1,  
83:14, 101 23,  
118 2, 130:6,  
134:1, 134:3,  
134:15, 134:19,  
134 23, 135:7,  
135:13, 135:22,  
136:3, 136:12,  
143 15, 146 17,  
146:25, 151 5,  
153 10,  
153:10,10,  
154:17, 157:11,  
163:22, 175:2,  
183:25, 187 10,  
**approached [7]**  
22:14, 49 21,  
56:22, 60:25,  
61:1, 61:4,

86:20,  
**approaching [13]**  
16:16, 21:7,  
22:4, 22 7, 41:2,  
49:19, 56:15,  
56:16, 56:17,  
56:17,17, 56:23,  
56:24, 57:2,  
**appropriate [3]**  
71:2, 121:22,  
169 24,  
**approved [1]**  
1:2,  
**approximately [5]**  
49:25, 111:11,  
124 2, 148:20,  
186 20,  
**arcane [1]**  
6 19,  
**arch [1]**  
146:11,  
**areas [1]**  
170:8,  
**arms [1]**  
89:14,  
**around [15]**  
22:16, 74 21,  
82:19, 94:10,  
115:15, 132:15,  
136:23, 162:24,  
164:21, 165 12,  
165:16, 167:8,  
173:25, 174:1,  
185:7,  
**array [1]**  
13 5,  
**arrival [2]**  
20:22, 97:17,  
**arrive [1]**  
161:2,  
**arrived [6]**  
21:14, 47:22,

110:9, 113:7,  
146 4, 171:6,  
**arrives [1]**  
159:8,  
**arriving [1]**  
46:22,  
**article [1]**  
29 7,  
**ascending [1]**  
124:11,  
**asian [1]**  
38 19,  
**aspect [6]**  
126:25, 130 5,  
132:12, 133:24,  
165 7, 167:12,  
**aspects [3]**  
129:6, 129:25,  
149:19,  
**assess [2]**  
38:24, 69:20,  
**assessing [1]**  
157:4,  
**assigned [16]**  
14:10, 15:2,  
34:6, 89 25,  
90:21, 90 21,21,  
90 24, 91:3,  
93:3, 102:14,  
124:16, 126:17,  
138:8, 141:22,  
157:25, 160:17,  
**assignment [10]**  
14:5, 45:12,  
46:3, 89 24,  
108 1, 108:3,  
108:9, 109:3,  
160:3, 160:8,  
**assist [10]**  
37:25, 38:5,  
80:17, 81:15,  
82:3, 91:22,  
93:14, 98:9,

127:4, 161:1,  
**assistance [2]**  
39:9, 69:12,  
**assistant [2]**  
1:24, 5:9,  
**assisted [2]**  
82:6, 98:6,  
**assisting [7]**  
34:6, 38 9,  
38:13, 82:5,  
92 7, 98:17,  
164:23,  
**assume [2]**  
60:2, 79:23,  
**assumed [1]**  
114:16,  
**assuming [4]**  
54:5, 55:16,  
75:2, 85 18,  
**assumptions [1]**  
75:8,  
**athletics [1]**  
130:2,  
**attack [3]**  
22:4, 41:8,  
41:13,  
**attacked [2]**  
167:4, 184 22,  
**attempting [1]**  
31:17,  
**attend [1]**  
106:22,  
**attendance [1]**  
7:5,  
**attending [1]**  
61:15,  
**attention [10]**  
33 5, 50:18,  
76:18, 76:20,  
77:1, 77 13,  
77:15, 77 16,  
77:19, 81:21,  
**attorney [14]**

# IMPOUNDED

Vol I - 197

1:21, 1:24, 5:6,  
5:8, 5:9, 5:9,9,  
5:10, 5:15, 5:18,  
5:20, 6:3, 7:17,  
65:6, 82:23,  
**attorneys [2]**  
3:5, 10:6,  
**audibly [1]**  
24.25,  
**audience [1]**  
3:12,  
**audio [1]**  
163 6,  
**aurise [7]**  
1:25, 3:10,  
62:18, 131.18,  
131:18,18,  
169:3, 177.6,  
**automobile [1]**  
21:2,  
**autopsy [1]**  
188 10,  
**available [5]**  
106.9, 134.6,  
136.6, 139.14,  
150:10,  
**avenue [2]**  
1:22, 14:3,  
**average [1]**  
109.11,  
**avoid [1]**  
136.14,  
**aware [3]**  
112:8, 182:7,  
183:8,  
**awareness [1]**  
141:11,  
**away [17]**  
16:12, 33.21,  
33.23, 37.6,  
62.22, 74.21,  
74:23, 76:1,  
85.9, 94 18,  
110:10, 111:11,

111:23, 112.2,  
149:4, 184.3,  
184.24,  
**awhile [1]**  
154:1,  
**B**  
**background [2]**  
50.24, 142.18,  
**backing [3]**  
22:2, 85:13,  
86.20,  
**backside [2]**  
22:16, 166.13,  
**backup [2]**  
68.19, 90:2,  
**backward [1]**  
104.15,  
**backwards [10]**  
22 6, 22.7,  
28.14, 28:15,  
28:16, 42.7,  
58:17, 58.18,  
59.23, 99:24,  
**badge [1]**  
152:4,  
**bags [2]**  
82.6, 115.20,  
**ballistic [1]**  
140.2,  
**ballistics [6]**  
137.8, 137.19,  
137.20, 137:23,  
138 1, 149.15,  
**baron [78]**  
16:1, 17 24,  
18:4, 18.20,  
19:6, 19:9, 20:8,  
20.14, 20:18,  
20.21, 21.7,  
21:20, 21 22,  
23:6, 24.20,  
24.21, 37:21,  
46:11, 46:11,11,

47:8, 48:9,  
48.17, 48:20,  
48.24, 48:25,  
49.19, 49:21,  
50:2, 50:9,  
50:17, 52 12,  
52.12,12, 53.15,  
53 18, 72:5,  
72:16, 72:20,  
73:19, 73 22,  
73 24, 74.1,  
74 8, 92.20,  
93 23, 94.5,  
94:11, 94.18,  
94.19, 95 15,  
95.25, 101 7,  
110.15, 111 8,  
111:10, 111:12,  
111.14, 111.17,  
111 23, 112.9,  
112 16, 112.18,  
113.15, 113:18,  
114:24, 117.22,  
117.23, 117.25,  
118:12, 118 15,  
118:21, 119:14,  
141:3, 145.14,  
146.3, 151.24,  
163.3, 180.22,  
183:5,  
**barrel [5]**  
185 24, 186.5,  
186.8, 186:9,  
186:9,9,  
**barricade [4]**  
128.2, 128.6,  
128.11, 136:1,  
**barricaded [3]**  
110.5, 128.1,  
135:20,  
**barrier [1]**  
37.8,  
**baseline [1]**  
177.25,

**basic [6]**  
13:16, 17:12,  
36.9, 45:14,  
70:20, 138 24,  
**basically [5]**  
71:17, 96:25,  
165:10, 166.8,  
173:24,  
**basis [1]**  
38 9,  
**bear [6]**  
134:6, 136:10,  
136:19, 139.20,  
158.16, 158.21,  
**bearing [1]**  
56:18,  
**becoming [4]**  
90 18, 123.14,  
123.17, 127:17,  
**begun [2]**  
10.2, 10:4,  
**behalf [1]**  
3.8,  
**behind [3]**  
86:13, 112:21,  
121 21,  
**belief [1]**  
37:24,  
**believe [37]**  
6.13, 22 7, 24:6,  
27 5, 29:22,  
31:9, 51.22,  
52:7, 62 6, 62.9,  
75.22, 81.6,  
99.16, 110:22,  
117 23, 117:24,  
117:25, 119.2,  
133.4, 146:18,  
147.3, 148 18,  
155.8, 157.14,  
163:18, 171.14,  
173 16, 173.17,  
173 18, 178:4,  
179:8, 183.1,

# IMPOUNDED

Vol I - 198

183:21, 184:9,  
186:22, 190:14,  
190:22,  
**believed [4]**  
84:24, 84:25,  
86:22, 103:20,  
**below [2]**  
102:8, 131:7,  
**bend [1]**  
101:17,  
**benefit [1]**  
136 8,  
**bent [1]**  
26:23,  
**besides [2]**  
16:14, 76:8,  
**better [5]**  
35:3, 35:21,  
92:5, 95 9,  
176:22,  
**between [24]**  
18 8, 22:3, 26:5,  
37 8, 42:2,  
43:17, 49:15,  
52:6, 108 10,  
117:25, 119.14,  
121:1, 126:1,  
126.21, 127:12,  
128:15, 128 21,  
128:23, 129:1,  
137:19, 138:25,  
169:2, 170:13,  
189:4,  
**beyond [4]**  
80.24, 127 6,  
128:20, 150:3,  
**birth [1]**  
102:3,  
**black [2]**  
38.19, 185 5,  
**blade [8]**  
21:25, 27:8,  
27:10, 27.11,  
27:20, 27:22,

27:24, 28:4,  
**blank [2]**  
36.18, 183 2,  
**blanked [1]**  
145:7,  
**blanket [18]**  
54:6, 54.23,  
55:3, 55:5,  
55:14, 55.20,  
58 22, 59:4,  
62:25, 63:2,  
74.21, 75:10,  
75.14, 76 8,  
77:17, 78:22,  
78:25, 85:6,  
**bleeding [6]**  
33:15, 33:21,  
34:11, 167:23,  
167 25, 168:7,  
**block [1]**  
129:8,  
**blocked [1]**  
64.2,  
**blocking [2]**  
48:3, 170 22,  
**blocks [3]**  
129:15, 129.19,  
132:11,  
**blood [8]**  
31:18, 115:1,  
165 15, 167:19,  
168.3, 168 5,  
168:7, 177.8,  
**board [1]**  
142:25,  
**bodily [1]**  
91:9,  
**body [4]**  
174:1, 174:4,  
174:14, 177:9,  
**borrowed [1]**  
120:10,  
**boston [1]**  
1:28,

**bottle [4]**  
186.2, 186:3,  
186:4, 186 5,  
**bottom [4]**  
20:6, 63.12,  
110.23, 180:16,  
**boxes [1]**  
181:11,  
**brake [8]**  
51 14, 51.15,  
51:18, 51:23,  
52:1, 66:4, 66:6,  
66.12,  
**breaching [1]**  
137:17,  
**break [8]**  
144 23,  
144:23,23,  
144:25, 145:5,  
145 11, 185:24,  
186 8, 186:9,  
**breaking [1]**  
69.10,  
**breathing [7]**  
33:17, 33:17,17,  
33:18, 165:20,  
167:12, 167.16,  
171:20,  
**breaths [5]**  
165:23,  
165.23,23,  
166:9, 167:15,  
171:21,  
**brewing [1]**  
147:25,  
**bridge [1]**  
128:21,  
**bridgewater [1]**  
6:11,  
**bridging [2]**  
128 15, 128:25,  
**brief [1]**  
62:14,  
**brittany [3]**

4:9, 8:8, 8:11,  
**broad [1]**  
132:4,  
**broadcasts [1]**  
151:21,  
**broadly [1]**  
5:13,  
**brother [1]**  
3 15,  
**building [56]**  
37:21, 47:10,  
47 12, 47:13,  
47.14, 47 18,  
48:3, 48 12,  
74:5, 74:22,  
74 24, 75:1,  
75:12, 75:12,12,  
75 16, 94:8,  
101 8, 101:14,  
101:16, 110:16,  
110:18, 111:23,  
112.14, 113:19,  
118.18, 118 25,  
119:3, 119:4,  
119:15, 120:13,  
120 14, 128:3,  
142:11, 153.21,  
161:6, 161:7,  
161:10,  
161.10,10,  
161:11, 161:13,  
161.13,13,  
161.25, 162.6,  
162:6,6, 162.7,  
180:24, 181:2,  
183.4, 183:8,  
183:14, 184 3,  
184.7, 184:8,  
184:15,  
184:15,15,  
185 6,  
**buildings [4]**  
52:7, 108:18,  
117.25, 119:7,

# IMPOUNDED

Vol I - 199

**bullet [3]**  
32:6, 34:22,  
35:1,  
**bump [6]**  
99:17, 99:19,  
99:21, 104:3,  
104:10, 104:16,  
**bumps [3]**  
112:16, 112:20,  
153:25,  
**bunch [1]**  
70:10,  
**burlington [48]**  
4:8, 4:10, 8:15,  
11:25, 11:25,25,  
12:4, 13:12,  
13:23, 35:24,  
38:8, 38:9, 40:2,  
45:2, 67:19,  
89:6, 89:9,  
89:12, 89:22,  
90:12, 90:14,  
98:2, 107:19,  
107:22, 121:20,  
121:21, 123:8,  
123:9, 123:10,  
123:18, 124:4,  
124:20, 126:10,  
126:22, 127:12,  
128:24, 129:1,  
129:2, 129:15,  
130:19, 136:6,  
137:2, 148:9,  
152:2, 180:7,  
181:8, 181:14,  
181:24, 182:16,  
**busiest [1]**  
91:7,  
  
**C**  
**calendar [1]**  
63:16,  
**call [117]**  
2:26, 2:27, 3:3,

5:17, 16:1,  
16:23, 17:19,  
20:19, 20:23,  
32:20, 32:24,  
33:7, 33:11,  
37:24, 38:17,  
40:1, 45:23,  
46:16, 54:2,  
54:7, 59:2, 68:6,  
68:15, 68:23,  
69:5, 69:7,  
69:11, 69:17,  
69:25, 70:4,  
72:12, 72:17,  
72:19, 73:11,  
80:20, 81:14,  
83:18, 90:3,  
92:13, 92:22,  
93:9, 93:18,  
93:18,18, 93:19,  
94:7, 95:2, 95:3,  
98:7, 108:14,  
108:16, 108:23,  
110:3, 110:8,  
111:20, 111:25,  
112:4, 113:13,  
113:18, 114:15,  
127:3, 127:16,  
131:20, 131:22,  
131:24, 132:10,  
132:10,10,  
133:4, 133:22,  
134:4, 134:7,  
137:3, 138:10,  
138:23, 138:24,  
140:23, 141:14,  
141:14,14,  
141:17, 142:8,  
142:13, 142:15,  
145:24, 147:2,  
147:10, 147:25,  
149:1, 150:12,  
150:16, 151:6,  
151:7, 152:4,

152:13, 152:20,  
152:24, 153:13,  
153:17, 154:13,  
155:20, 156:14,  
158:23, 159:11,  
159:16, 160:11,  
161:1, 162:12,  
162:19, 162:20,  
163:1, 163:7,  
163:12, 164:1,  
164:10, 164:14,  
168:23, 176:18,  
182:20, 185:9,  
**called [20]**  
3:1, 72:9, 74:5,  
80:18, 97:16,  
110:1, 133:3,  
133:5, 136:10,  
141:21, 152:6,  
152:17, 153:24,  
154:6, 154:11,  
155:6, 156:25,  
157:14, 158:5,  
172:6,  
**calling [5]**  
33:7, 105:25,  
141:20, 155:12,  
158:11,  
**calls [31]**  
16:17, 16:22,  
44:11, 67:4,  
68:10, 68:16,  
68:19, 68:21,  
68:22, 88:9,  
91:8, 91:21,  
92:1, 92:6,  
107:4, 109:4,  
122:15, 127:6,  
127:15, 127:16,  
127:19, 127:23,  
129:3, 130:21,  
130:21,21,  
140:12, 143:10,  
148:2, 155:2,

182:22, 183:6,  
**calm [1]**  
165:24,  
**calmed [1]**  
169:20,  
**capacity [10]**  
12:4, 12:6, 45:3,  
67:20, 89:7,  
107:20, 107:23,  
125:22,  
125:22,22,  
177:1,  
**captain [16]**  
15:17, 104:25,  
105:4, 122:16,  
123:21, 124:3,  
124:5, 124:11,  
124:21, 124:25,  
124:25,25,  
125:2, 125:7,  
125:14, 126:2,  
178:19,  
**capture [1]**  
174:24,  
**captures [1]**  
33:7,  
**care [25]**  
13:4, 45:17,  
51:8, 59:13,  
61:2, 62:4, 69:6,  
69:11, 70:23,  
71:2, 81:1, 82:3,  
97:22, 98:14,  
98:18, 121:8,  
148:4, 148:4,4,  
148:6, 152:12,  
167:10, 169:9,  
171:9, 177:7,  
177:12,  
**career [1]**  
87:20,  
**carried [1]**  
173:23,  
**carries [3]**

# IMPOUNDED

Vol. I - 200

45:8, 136:23,  
137:11,  
**carry [1]**  
45:14,  
**carrying [2]**  
55 5, 174:1,  
**cars [2]**  
119:19, 137:17,  
**case [16]**  
6:2, 7:9, 8:24,  
8 24,24, 9:16,  
68 19, 70:11,  
82:16, 142 22,  
173:18, 177.6,  
177:14, 178:1,  
184:16, 186:25,  
187 1,  
**casing [2]**  
186:7, 186:10,  
**casualty [1]**  
36:8,  
**caution [4]**  
8.25, 11:4, 11.8,  
171:11,  
**cell [7]**  
2:28, 102:5,  
141:14, 174:20,  
174.23, 175:6,  
175.13,  
**center [1]**  
172:22,  
**certain [2]**  
17.19, 69:17,  
**certainly [3]**  
9:15, 66:22,  
84:7,  
**certificate [2]**  
90 14, 90:17,  
**certification [2]**  
71:4, 90:19,  
**certified [1]**  
1:2,  
**chair [1]**  
47 25,

**chamber [1]**  
172:20,  
**change [2]**  
91:10, 184:19,  
**changed [1]**  
18:10,  
**changes [1]**  
70:12,  
**charge [18]**  
60:19, 68 5,  
68 6, 68.8, 71:7,  
71:17, 71.17,17,  
77.8, 77:12,  
125.9, 126:4,  
131:4, 131 22,  
132 14, 133:11,  
140:17, 152 12,  
159 24,  
**charged [2]**  
133:7, 170.4,  
**charging [1]**  
59:17,  
**check [6]**  
106.1, 142:18,  
143.1, 143:1,1,  
144:1, 168:19,  
**checked [3]**  
30:17, 141:23,  
177.19,  
**checking [1]**  
145:17,  
**checks [1]**  
143.2,  
**chemist [1]**  
106:4,  
**chest [1]**  
97:18,  
**chief [2]**  
124 24,  
124.24,24,  
**choose [1]**  
111:22,  
**circle [3]**  
120:20, 120:22,

181:11,  
**circumstances [1]**  
35:5,  
**cities [2]**  
126:14, 127:2,  
**civil [1]**  
8:24,  
**civilian [1]**  
149:24,  
**cjis [1]**  
143.3,  
**clarify [6]**  
9:10, 24:19,  
34 25, 66:9,  
100.24, 161:9,  
**cleaned [1]**  
98:19,  
**clear [20]**  
18 14, 21:17,  
26.8, 42:23,  
54:11, 54:25,  
55:18, 70 14,  
70:14,14,  
137 18, 149.9,  
150:6, 161:15,  
163:5, 166:5,  
168:5, 169 22,  
170:9, 181 15,  
190.7,  
**clearly [7]**  
147.24, 152:12,  
167:3, 169 5,  
171:19,  
171 19,19,  
171 24,  
**clerk [34]**  
3.3, 7:25, 8:2,  
8:6, 10:25,  
19:22, 23:25,  
44 13, 53:10,  
67 6, 67.9,  
88:11, 105:13,  
107:6, 120:3,

120:6, 122 18,  
122:21, 155:18,  
164.7, 164:9,  
164:10, 175:12,  
175:13, 175 15,  
176:10, 180.9,  
180:11, 188:18,  
189:7, 189.12,  
189:14, 190:3,  
190:22,  
**clerks [1]**  
155:20,  
**clicking [1]**  
159:4,  
**clinic [3]**  
98:25, 121.9,  
121:24,  
**clinician [10]**  
148:10, 149 20,  
149:21, 149.24,  
150:6, 150.9,  
150:11, 150.13,  
150 14, 150:20,  
**clock [2]**  
104.23, 105:9,  
**close [14]**  
16:21, 20:21,  
25 25, 26.3,  
46.23, 59:10,  
86:23, 151:24,  
155:25, 164 24,  
168 13, 184.8,  
184.19, 186:1,  
**closed [5]**  
4:3, 7:21, 8:21,  
9:3, 190:9,  
**closer [7]**  
33:6, 38:23,  
57 24, 94:18,  
113:17, 119.15,  
154:9,  
**clothing [4]**  
29:8, 38 20,  
38:22, 185:5,



# IMPOUNDED

Vol I - 201

**clutching [1]**  
62:25,  
**cochran [10]**  
131.19, 138:6,  
144:5, 144:12,  
144:17, 144:20,  
145 4, 145:7,  
147:9, 149:10,  
**combined [1]**  
127 21,  
**command [12]**  
15 4, 60:10,  
60:15, 60 17,  
124:13, 124.23,  
125:2, 125:16,  
128:22, 131 5,  
131 8, 170:17,  
**commanded [1]**  
170:16,  
**commander [2]**  
15 17, 124:12,  
**commanding [1]**  
61:23,  
**commands [14]**  
50:22, 50.23,  
51:2, 55 22,  
55.25, 56 1,  
56:9, 56:12,  
56:14, 59:12,  
60:9, 163.10,  
163:13, 166 19,  
**commentary [1]**  
7.4,  
**commit [1]**  
16:2,  
**committed [1]**  
69.24,  
**common [1]**  
109:16,  
**commonwealth [15]**  
1:7, 1:20, 1:22,  
3 8, 5:3, 42 13,

44:11, 65:1,  
67 4, 88:9,  
104:19, 105.23,  
107.4, 120.10,  
122:15,  
**commotion [2]**  
51:11, 103:8,  
**communicating [2]**  
113:24, 114:1,  
**communication [1]**  
147:1,  
**communication s [2]**  
126:7, 136:11,  
**company [2]**  
45:4, 160:4,  
**complete [2]**  
22.18, 51:15,  
**completely [1]**  
17.20,  
**complex [10]**  
18:4, 32:15,  
101:5, 111:18,  
151:24, 151:25,  
153:18, 153:19,  
153.20, 154 2,  
**computer [1]**  
143:3,  
**concentrating [1]**  
77.7,  
**concern [1]**  
178:6,  
**concerned [2]**  
151:12, 151 15,  
**conducted [1]**  
6.13,  
**confines [1]**  
133:17,  
**confusion [1]**  
136.18,  
**connection [2]**

7:7, 7:11,  
**consider [2]**  
82:5, 168:20,  
**considered [2]**  
185:24, 188.12,  
**consistent [8]**  
41 10, 66.10,  
80 12, 162:21,  
163:2, 169.16,  
182:16, 182:19,  
**contact [4]**  
29 1, 80.25,  
81:2, 116:20,  
**contain [3]**  
148:7, 154.19,  
175:5,  
**contained [3]**  
128 2, 128:3,  
188:15,  
**containing [5]**  
2 27, 2:28,  
163 25, 164:10,  
175:13,  
**contains [1]**  
186:19,  
**contamination [1]**  
177.8,  
**continually [1]**  
144:2,  
**continue [6]**  
34 11, 34:11,11,  
142.5, 161:18,  
172.21, 174:14,  
**continued [5]**  
33:21, 111.7,  
142 4, 142:5,  
154 9,  
**continuum [1]**  
78:6,  
**control [7]**  
33:16, 33.21,  
34 11, 92.14,  
152.21, 160:20,

168:24,  
**conversation [14]**  
34:13, 34:14,  
34:17, 81:10,  
81:20, 87:16,  
134:17, 138:15,  
139.6, 139:17,  
139:18, 147:5,  
151:9, 156:22,  
**conversations [3]**  
9:4, 9:16,  
130:22,  
**convey [1]**  
10 9,  
**conveyed [1]**  
10:8,  
**coordinator [2]**  
176 24, 176:25,  
**copies [3]**  
188:22, 189:6,  
189.10,  
**copy [5]**  
154:19, 158 25,  
164:1, 188:19,  
189:3,  
**corner [6]**  
14:2, 39:22,  
94:11, 118.13,  
180 16, 181:3,  
**correct [136]**  
12:5, 12:22,  
13 18, 13:19,  
13:22, 14:20,  
15:5, 15:13,  
15 23, 16:10,  
17:6, 17:13,  
17:14, 17:25,  
18:20, 18 21,  
19:7, 19 8,  
19:11, 20:9,  
20 15, 20:16,  
24.22, 25:19,

# IMPOUNDED

Vol. I - 202

26:8, 27.4, 28.1,  
29:24, 29:25,  
32:21, 33:2,  
33.9, 33.25,  
34:1, 34:7, 34:8,  
36:1, 36:21,  
37.2, 37.6, 37:7,  
37.10, 37.18,  
37:23, 38.2,  
38:7, 39:1, 39:3,  
39.6, 39:10,  
40.10, 41.9,  
42.10, 43.21,  
45:25, 48.21,  
51.24, 53:16,  
53.17, 53:24,  
54:14, 57.8,  
58.4, 58.13,  
60.16, 61:20,  
61:21, 61:24,  
63.21, 66.6,  
66.12, 71.5,  
73.24, 73.25,  
75:21, 75:22,  
82.9, 83.21,  
84:6, 84.9,  
85:17, 90.7,  
91.20, 92:18,  
93.2, 93:16,  
95:23, 97.5,  
97:12, 97.24,  
98.15, 99:12,  
100:11, 100:13,  
101.8, 101.9,  
101.12, 102.17,  
102:18, 103:16,  
104.6, 110.25,  
111.1, 111:3,  
111:6, 111.9,  
111:13, 111.15,  
112.7, 112:23,  
113:4, 116.14,  
116.24,  
116.24,24,

117.2, 117.5,  
118.8, 118.23,  
119:18, 119:20,  
121:4, 121:10,  
121.11, 121:18,  
133:9, 137.22,  
147:18, 148.24,  
154.25, 162.17,  
163.10, 163:14,  
168:16, 181.3,  
189:12, 189.13,  
**correction [1]**  
6:12,  
**correctly [6]**  
48:9, 65:25,  
87.12, 111.4,  
134:18, 138:18,  
**council [1]**  
126.13,  
**counsel [1]**  
5.24,  
**counselor [1]**  
148.12,  
**country [1]**  
132:16,  
**county [3]**  
1:8, 1:21, 6.10,  
**couple [24]**  
12:15, 12.16,  
35.10, 35.17,  
35.23, 38:16,  
57:24, 62.14,  
77.14, 82.12,  
85.3, 100.16,  
117:15, 118.5,  
124.25, 128.9,  
132.20, 151:11,  
153.2, 166.4,  
171.18, 178.22,  
178:24, 181:11,  
**courtemanche [27]**  
1.14, 3.4, 3.14,  
3.15, 65.16,

98:15, 98.18,  
116.12, 142:25,  
143.23, 145:25,  
146:14, 146.23,  
151.10, 161.22,  
162.2, 162.3,  
162.21, 163.9,  
164:22, 166.15,  
169.4, 169.13,  
171.13, 172:23,  
175.17, 185.11,  
**courtroom [7]**  
1.31, 3:25, 4.3,  
11.7, 29.5,  
43:24, 105.13,  
**coven [2]**  
6:13, 6.15,  
**cover [7]**  
37.11, 145.2,  
145.4, 145:10,  
186.25, 187.3,  
187.4,  
**covid [1]**  
62.22,  
**crash [1]**  
21.2,  
**crazy [1]**  
170.3,  
**create [5]**  
37:6, 39:5,  
146.7, 184:14,  
184.16,  
**created [1]**  
158.25,  
**creating [2]**  
39.4, 187.12,  
**crew [4]**  
33:5, 71.19,  
72:1, 82.4,  
**crime [1]**  
173.2,  
**criminal [4]**  
8.24, 142.23,  
143.3, 143.4,

**criminals [1]**  
36.10,  
**critical [1]**  
176:23,  
**cross [9]**  
2.2, 35.11,  
62:15, 82.24,  
91:16, 100:18,  
108.10, 117.16,  
178.17,  
**cruiser [36]**  
22:13, 29.24,  
30.4, 30.9,  
30.10, 30.14,  
30:16, 30.19,  
31:8, 32.14,  
43.17, 113.17,  
134.4, 141.22,  
141:22,22,  
157:15, 157.25,  
158.6, 161.19,  
161.20, 161:24,  
162:1, 166.1,  
166.7, 167:11,  
167.11,11,  
167.15, 171.7,  
171:16, 172.15,  
179.14, 179.18,  
179.25, 180.2,  
180.6, 181.6,  
**cruisers [20]**  
95.11, 95.13,  
96.14, 96.19,  
137.7, 137.7.7,  
137.14, 137.15,  
142.11, 157:24,  
161.8, 161.25,  
166.13, 170.11,  
180.7, 181.8,  
181.9, 181:24,  
184.1, 184.10,  
**cruises [1]**  
183.15,  
**crying [1]**

# IMPOUNDED

Vol. I - 203

171:19,  
**cuffing [1]**  
169:16,  
**cumbersome [1]**  
174 7,  
**curb [2]**  
48.7, 49.1,  
**current [3]**  
123 20, 123.21,  
124.3,  
**currently [2]**  
124.5, 125 8,

## **D**

**danger [9]**  
134.13, 134.19,  
135:4, 135 7,  
135:18, 135.24,  
146.12, 149.13,  
157.10,  
**daniel [7]**  
1.24, 2.18, 3.7,  
122:16, 122.19,  
123:5, 181 20,  
**daniels [1]**  
40.7,  
**dark [1]**  
165 13,  
**dash [2]**  
24:14, 26:11,  
**date [6]**  
12 20, 63.22,  
64:5, 64:14,  
84.2, 102.3,  
**dayshift [1]**  
125:18,  
**dead [2]**  
166:25, 167.2,  
**deal [5]**  
136.12, 149:18,  
150:20, 177.15,  
190 24,  
**dealing [6]**

135.19, 143:11,  
143:19, 143:20,  
150:18, 174.7,  
**death [2]**  
1:12, 6 12,  
**deceased [2]**  
5.15, 7.7,  
**dechiero [1]**  
106:9,  
**decide [1]**  
95:7,  
**decision [3]**  
8:19, 21.3,  
130.11,  
**deconned [1]**  
98 20,  
**deep [1]**  
165.23,  
**defend [1]**  
51:4,  
**defense [1]**  
36 13,  
**defensive [3]**  
36:25, 126.6,  
129:22,  
**defer [1]**  
71:3,  
**defibrillator [3]**  
33:20, 33.22,  
34.12,  
**define [1]**  
5 13,  
**definitely [2]**  
56.20, 76 16,  
**definitive [1]**  
148 3,  
**definitively [1]**  
146.21,  
**delay [2]**  
57:3, 57 6,  
**delineate [1]**  
26.1,  
**delucia [2]**  
106.5, 189.20,

**demeanor [2]**  
56 25, 150:19,  
**denied [1]**  
61:2,  
**denise [1]**  
3.16,  
**denote [1]**  
25:21,  
**department [55]**  
11:25, 12.1,  
12 4, 12.10,  
35.25, 36 7,  
45:2, 45:3, 45:9,  
45.20, 67.19,  
67 20, 68.2,  
68 16, 68.24,  
69:13, 70.1,  
72.11, 89:6,  
89 7, 89.10,  
90:8, 90:11,  
90.12, 90:15,  
90.24, 91 22,  
107:19, 107.20,  
108:2, 109:20,  
123.8, 123:18,  
124.4, 124 7,  
124:19, 124 22,  
125.4, 126:11,  
139.11, 142:10,  
147.8, 147:11,  
147.21, 148.10,  
148.22, 150:3,  
150:5, 150 7,  
160.2, 176:21,  
176 24, 176.25,  
181:14, 182 17,  
**departmental [2]**  
129.11, 185.10,  
**departments [4]**  
71 10, 125:3,  
125.17, 127.1,

**depending [5]**  
45 23, 108:14,  
136:21, 137.12,  
139:20,  
**depict [1]**  
175.24,  
**depicted [2]**  
118:16, 173.4,  
**depicts [1]**  
180 14,  
**deploy [2]**  
145:14, 148:23,  
**deployed [6]**  
17.1, 19.6, 20.8,  
163.16, 173:10,  
186:24,  
**deployment [1]**  
141.23,  
**deputy [1]**  
124.24,  
**describe [23]**  
26:13, 26 14,  
26:18, 28 5,  
28.8, 28 13,  
30:3, 41.4,  
53.25, 56.21,  
57.5, 66 9, 70.2,  
81:20, 90 5,  
96.23, 99 5,  
121 25, 127.22,  
132.25, 161:2,  
164.20, 169:12,  
**described [16]**  
20.11, 23:13,  
27.3, 27.9,  
29 14, 53:25,  
55.21, 55.25,  
56:6, 58.21,  
75.9, 75 22,  
110 22, 113:10,  
164.16, 166:10,  
**describing [4]**  
23.10, 27.11,  
28.2, 168:16,

# IMPOUNDED

Vol. 1 - 204

**description [4]**  
38:18, 38:21,  
185.3, 185:5,  
**designated [1]**  
108:17,  
**desirable [2]**  
91:6, 91:8,  
**desk [12]**  
131:10, 131:13,  
131:15, 131:17,  
138:8, 141:2,  
144:6, 144:20,  
144.22, 145.3,  
145.7, 159.24,  
**destination [1]**  
20:19,  
**detail [8]**  
132:5, 160:1,  
160:5, 160:8,  
160:9, 160:10,  
160:16, 161:1,  
**details [5]**  
12:12, 12:13,  
132.24, 133:18,  
135.12,  
**detective [7]**  
4:8, 5:2, 6:22,  
40:7, 124:7,  
125:12,  
125:12,12,  
**determine [1]**  
152:25,  
**determined [1]**  
169:20,  
**develop [3]**  
133:23, 146:24,  
157:10,  
**developing [1]**  
178.2,  
**diagram [8]**  
2.30, 119.4,  
119:12, 119:13,  
122:12, 180:6,  
180:11, 180:13,

**diameter [4]**  
157:21, 186:1,  
186:4, 186:6,  
**diane [1]**  
3:16,  
**dictates [1]**  
94.8,  
**didonato [5]**  
155:13, 159:18,  
159.25, 171:6,  
171:8,  
**diesel [1]**  
85:20,  
**difference [4]**  
18:8, 26:5,  
126.1, 137:19,  
**different [20]**  
17:20, 28:10,  
36:11, 71:18,  
73:19, 124:19,  
126:14, 127:2,  
128.7, 128:12,  
129:6, 129:6,6,  
130:6, 130:7,  
132:16, 136:9,  
136.14, 137:12,  
143:2, 153.7,  
**differentiate [2]**  
52:23, 53:23,  
**differently [1]**  
72:10,  
**difficult [1]**  
152:25,  
**digital [1]**  
1:3,  
**direct [14]**  
2:2, 2:2,2,  
11:17, 44:18,  
49:2, 49:6,  
67:11, 88:16,  
88:21, 107:11,  
112:3, 122:24,  
125:15, 177.24,  
**directing [1]**

88:24,  
**direction [4]**  
31:13, 65.7,  
101:11, 170:10,  
**directionality [1]**  
13:8,  
**directive [1]**  
149:9,  
**directly [10]**  
30:1, 48:20,  
69:2, 74.6, 82.4,  
109:21, 145.14,  
149:11, 173:6,  
177.20,  
**discharge [1]**  
185:21,  
**discharged [1]**  
174.8,  
**disconnected [1]**  
49.24,  
**discretion [3]**  
5:13, 6:5, 6.5,5,  
**discuss [4]**  
6.24, 7.21, 9:1,  
9:17,  
**discussed [11]**  
5.16, 9:12, 11:6,  
106:8, 112:6,  
132.8, 139:11,  
147:4, 158:3,  
158:14, 182:19,  
**discussing [2]**  
28:24, 147:22,  
**discussion [10]**  
131:24, 134.9,  
134:23, 135:16,  
136:5, 138:2,  
138:5, 138:19,  
139.15, 139:21,  
**discussions [1]**  
130:22,  
**dispatch [22]**

15:25, 16:11,  
46:13, 69:3,  
70:1, 72:7, 72:8,  
109:22, 138:9,  
141:16, 142:14,  
142:14,14,  
144:12, 144.22,  
145:22, 152.16,  
156.25, 159:8,  
159:12, 168:24,  
182:6, 185.13,  
**dispatched [19]**  
14:16, 15:22,  
16:6, 16:19,  
46:10, 72:4,  
72:23, 73:9,  
73:12, 73:13,  
74.22, 75:2,  
90:4, 91:22,  
92:9, 92:20,  
98.23, 110.4,  
141:2,  
**dispatcher [8]**  
68:25, 131:10,  
131:13, 131:14,  
145:4, 145:11,  
145:19, 159:24,  
**displayed [1]**  
175:18,  
**distance [11]**  
22.3, 42:2, 42:4,  
94:25, 95:1,  
95:4, 121:23,  
121:25, 184:14,  
184:16, 184:17,  
**distinctly [1]**  
163.4,  
**distraught [3]**  
61:10, 72.25,  
99:6,  
**distributed [1]**  
157.23,  
**district [10]**  
1:8, 1:21, 1:24,

# IMPOUNDED

Vol I - 205

5:6, 5 8, 5:9,  
5:10, 5.15, 7.17,  
8:24,  
**divert [1]**  
77:1,  
**diverted [2]**  
77:13, 77:15,  
**divided [1]**  
93:17,  
**division [6]**  
124:7, 124 8,  
125.12, 125.18,  
126:3, 132:14,  
**divvy [1]**  
69:1,  
**docket [1]**  
1:9,  
**document [2]**  
39:21, 118:11,  
**documented [1]**  
173.3,  
**door [13]**  
16.7, 18:3,  
47.24, 163.3,  
163:8, 170:9,  
170:14, 184:7,  
184:9, 184:14,  
184:17, 184.18,  
185:19,  
**doors [5]**  
162 23, 166:16,  
170:11, 184:5,  
184:5,5,  
**down [60]**  
18.11, 20:6,  
27:2, 32.25,  
33 8, 33:14,  
37:12, 37:14,  
37.17, 37 19,  
37:22, 40:14,  
48:13, 48:16,  
48:17, 49.24,  
50:24, 51:6,  
51:6,6, 56:18,

59 24, 59:25,  
61:17, 63:12,  
92:3, 96.7,  
96:21, 96.22,  
96.24, 101:1,  
101:2, 101:11,  
110:16, 114:12,  
114:14, 121:16,  
125 6, 134:25,  
135:4, 135 21,  
142:14, 144:4,  
145:14, 146.16,  
147:21, 148:22,  
149:23, 151:13,  
158.19, 159 18,  
167:17, 169:20,  
173:4, 174:12,  
174:17, 176.18,  
179:13, 182:3,  
183:14, 185.16,  
**downloaded [1]**  
176:6,  
**draw [2]**  
77:15, 120:9,  
**drawing [2]**  
36:18, 183:2,  
**drawn [1]**  
28:21,  
**dressings [1]**  
186:21,  
**drew [2]**  
50:18, 77 19,  
**drinking [1]**  
55:17,  
**drive [7]**  
14:22, 45:6,  
46:20, 48 11,  
48.19, 114 12,  
154:9,  
**driver [10]**  
14.13, 14:17,  
14:21, 15:6,  
46.5, 46:15,  
93:8, 93 20,

109.2, 185 15,  
**driveway [2]**  
114:23, 173:14,  
**driving [6]**  
16.16, 47:8,  
47:19, 93.12,  
110:8, 117.11,  
**drop [2]**  
56:3, 174:15,  
**droplets [1]**  
165 15,  
**dropping [1]**  
174:8,  
**drove [4]**  
48.19, 49 7,  
97:1, 116 25,  
**duprez [22]**  
2:3, 2:22, 2.23,  
10:22, 11 1,  
11:23, 19:22,  
23:25, 35.13,  
39:22, 40.15,  
40 16, 44:1,  
76.22, 77 2,  
85:23, 86 10,  
86:16, 87:17,  
96:22, 162:10,  
169 10,  
**duress [2]**  
152:13, 171.20,  
**duties [8]**  
14:7, 14.8, 68:3,  
124:3, 124:10,  
124 13, 126:10,  
126:11,  
**duty [5]**  
14 20, 91:2,  
91:12, 91.14,  
131.10,  
**E**  
**each [11]**  
5:14, 10:4,  
25.25, 58:24,

112:12, 125.9,  
134:20, 137:11,  
156.25, 159:4,  
177:25,  
**earlier [10]**  
28:2, 28.19,  
30:11, 66:1,  
66:11, 110:19,  
153:13, 156:19,  
159 21,  
159:21,21,  
**early [1]**  
178.5,  
**earth [11]**  
2:22, 2 23, 2:24,  
2:25, 18:25,  
19:22, 23.5,  
23 25, 52:11,  
53:10, 120.6,  
**easier [1]**  
169 7,  
**east [1]**  
121:17,  
**easy [1]**  
189:18,  
**edged [2]**  
140:1, 187.2,  
**effect [2]**  
10:10, 148:11,  
**effort [1]**  
172 21,  
**efforts [1]**  
158:17,  
**egress [1]**  
170:20,  
**eight [9]**  
15 10, 15:11,  
36:23, 36:24,  
89.11, 123 21,  
131:11, 152:19,  
180:9,  
**elbow [1]**  
26:23,  
**element [1]**

# IMPOUNDED

Vol. I - 206

126 19,  
**elevate [1]**  
137:13,  
**elevated [2]**  
177 22, 177 23,  
**eleven [1]**  
107:24,  
**email [1]**  
189 15,  
**emergency [10]**  
13:1, 13 3, 13:4,  
45.6, 45:21,  
45:22, 66.12,  
112 2, 112:20,  
149.25,  
**emotional [1]**  
95:8,  
**emts [3]**  
13 13, 17:10,  
90 18,  
**encounter [2]**  
41:16, 130 8,  
**encountered [2]**  
133:3, 133:6,  
**encountering [1]**  
29 23,  
**ended [4]**  
29:23, 112:9,  
139.6, 173 13,  
**endure [1]**  
112 19,  
**enforcement [6]**  
47.5, 56.2,  
126:13, 132:16,  
147.17, 177 14,  
**engage [3]**  
130 20, 146:22,  
187 9,  
**engaged [2]**  
66.12, 187:13,  
**engine [22]**

14 11, 14.12,  
21 11, 45:4,  
45:6, 45 7, 46:5,  
46:6, 47:23,  
48 2, 50:23,  
68 5, 70:3, 70 6,  
73 2, 73.3,  
74:23, 76 1,  
91:1, 102 22,  
103 7, 162:5,  
**ensure [1]**  
92 10,  
**entail [1]**  
134 10,  
**entailed [1]**  
124:13,  
**entails [2]**  
129 9, 130:13,  
**entered [2]**  
153:22, 177.9,  
**entire [5]**  
84:14, 84.14, 14,  
124 14, 133 17,  
138.19,  
**entitled [1]**  
39:21,  
**entrance [3]**  
47 15, 80:23,  
161:12,  
**entrances [2]**  
48 4, 183:9,  
**entry [8]**  
129:18, 153:19,  
153.20, 183 18,  
184.5, 184 6,  
184:17, 184:18,  
**entryway [3]**  
119 19, 121.2,  
121:3,  
**environment [2]**  
149:17, 157 7,  
**equipment [23]**  
82:15, 115:7,

129:16, 134:5,  
134:19, 136 5,  
136:6, 136 8,  
136:9, 137 16,  
137 17, 139:10,  
139:13, 139 16,  
139:19, 139 22,  
140:4, 141 11,  
141 24, 147:4,  
158 15, 182 14,  
186:21,  
**escalation [2]**  
158:17, 158 18,  
**essentially [2]**  
15 3, 94:17,  
**establish [1]**  
135 15,  
**estimate [4]**  
42 2, 109:13,  
138:15, 145:21,  
**estimated [2]**  
106.23, 111 22,  
**estimation [1]**  
167:3,  
**eval [2]**  
92 24, 93.25,  
**evaluate [2]**  
21.1, 21:13,  
**evaluated [2]**  
98 25, 99 11,  
**evaluation [2]**  
46.18, 92:17,  
**event [5]**  
63:22, 106 20,  
107 4, 138 1,  
182.14,  
**events [4]**  
81.24, 116 15,  
133 16, 177 2,  
**eventually [5]**  
33 24, 61:19,  
166 1, 166.21,  
190.10,  
**evidence [17]**

9 15, 10:5,  
19:23, 24:1,  
53 11, 83:17,  
118 7, 120:7,  
155.21, 164:11,  
172:24, 175:14,  
180:11, 183 12,  
188:12, 189:10,  
189.25,  
**exact [6]**  
23 11, 72 8,  
72:9, 112:3,  
159 11, 183.2,  
**exactly [9]**  
34.23, 76 5,  
78.8, 91 8,  
91:15, 127 16,  
129:8, 130:8,  
152.25,  
**examination [14]**  
11 17, 35 11,  
42 15, 44:18,  
62 15, 65:4,  
67 11, 82.24,  
88:16, 100 18,  
107 11, 117:16,  
122 24, 178.17,  
**examiner [5]**  
106:4, 106 11,  
106:22, 106 24,  
106 25,  
**example [1]**  
7:6,  
**exceedingly [1]**  
160.15,  
**except [1]**  
87:22,  
**excite [3]**  
92 13, 95:2,  
95:3,  
**excludes [1]**  
3:25,  
**excuse [7]**

# IMPOUNDED

Vol I - 207

13:21, 46:11,  
74:1, 108:4,  
144:17, 145:7,  
155:25,  
**excused [4]**  
44:7, 67:1, 88:7,  
122:8,  
**exhibit [25]**  
19:18, 19:23,  
19:25, 20:5,  
23:17, 24:1,  
24:11, 25:20,  
53:6, 53:11,  
66:19, 110:20,  
119:23, 120:2,  
120:7, 155:16,  
155:20, 155:23,  
164:4, 164:11,  
175:9, 175:12,  
175:14, 180:8,  
180:11,  
**exhibits [4]**  
1:6, 2:21, 44:1,  
44:3,  
**exit [5]**  
51:7, 74:24,  
112:18, 184:6,  
184:7,  
**exited [4]**  
60:11, 110:14,  
112:14, 115:6,  
**exits [1]**  
183:9,  
**expect [1]**  
41:15,  
**expected [1]**  
169:17,  
**expecting [2]**  
41:16, 113:21,  
**experience [6]**  
91:25, 92:2,  
126:22, 126:24,  
173:17, 178:9,  
**experiencing**

**[2]**  
47:6, 171:25,  
**explained [1]**  
71:12,  
**explaining [1]**  
121:15,  
**extended [2]**  
27:20, 95:7,  
**extending [2]**  
27:22, 27:24,  
**extension [21]**  
18:6, 18:9,  
18:13, 18:18,  
18:19, 20:14,  
24:22, 37:17,  
37:20, 48:16,  
48:23, 48:24,  
50:9, 50:16,  
73:24, 101:2,  
112:10, 121:16,  
153:20, 180:17,  
180:18,  
**external [1]**  
160:4,  
**extra [4]**  
70:4, 70:12,  
70:22, 81:14,  
**extracted [1]**  
172:19,  
**eyes [3]**  
56:22, 165:13,  
165:14,

**E**  
**face [9]**  
22:17, 31:5,  
133:8, 165:11,  
165:16, 167:19,  
168:3, 168:8,  
168:10,  
**facedown [2]**  
114:25, 117:21,  
**facets [1]**  
125:4,

**facial [1]**  
31:18,  
**facilitating [1]**  
138:5,  
**facing [4]**  
26:23, 26:24,  
28:3, 28:4,  
**fact [7]**  
7:20, 64:6,  
84:23, 87:18,  
150:14, 172:9,  
185:2,  
**factors [2]**  
54:4, 160:16,  
**fails [1]**  
186:25,  
**fair [24]**  
16:8, 33:10,  
37:20, 41:20,  
43:19, 45:11,  
64:5, 73:22,  
85:3, 93:14,  
97:3, 109:15,  
109:16, 113:2,  
116:25, 118:18,  
121:15, 123:23,  
128:15, 154:22,  
174:23, 182:2,  
183:6, 184:1,  
**fairly [3]**  
105:3, 109:16,  
152:9,  
**falconer [8]**  
2:12, 88:10,  
88:12, 89:4,  
100:22, 102:1,  
102:13, 103:7,  
**fall [25]**  
4:22, 4:22, 22,  
5:11, 22:6, 42:9,  
43:5, 43:12,  
43:15, 58:19,  
59:9, 59:16,  
59:18, 59:20,

60:5, 60:21,  
65:22, 66:8,  
78:10, 78:13,  
78:19, 79:8,  
85:1, 100:12,  
103:25, 124:21,  
**fallen [3]**  
62:8, 99:23,  
99:23, 23,  
**falling [14]**  
58:16, 58:18,  
58:23, 59:6,  
59:19, 60:4,  
79:10, 100:4,  
100:4, 4, 100:10,  
103:8, 103:21,  
103:21, 21,  
104:14,  
**familiar [1]**  
99:6,  
**family [11]**  
4:2, 4:2, 2, 4:16,  
5:17, 5:19, 5:22,  
11:4, 106:21,  
133:5, 175:18,  
179:7,  
**fast [2]**  
30:5, 184:23,  
**faster [2]**  
42:6, 135:7,  
**feel [2]**  
104:8, 177:4,  
**feeling [1]**  
4:6,  
**feels [1]**  
38:14,  
**feet [2]**  
42:5, 42:5, 5,  
**fell [14]**  
22:7, 59:22,  
59:23, 59:24,  
59:25, 60:6,  
64:21, 64:21, 21,  
65:16, 77:4,

# IMPOUNDED

Vol. I - 208

78:22, 86:24,  
86:24,24,  
166:21,  
**fellow [1]**  
116:7,  
**felt [3]**  
94 25, 154:1,  
165:18,  
**female [8]**  
23 14, 23:15,  
38 19, 52:24,  
85:10, 85:12,  
100.4, 103.21,  
**ficociello [10]**  
2:9, 60.14, 67:5,  
67:7, 67:17,  
83:1, 85:12,  
86:21, 86:22,  
98:23,  
**field [4]**  
124:8, 130:3,  
130 4, 186:17,  
**fifties [1]**  
178:5,  
**file [7]**  
154:23, 155:6,  
156:12, 156.17,  
158.22, 188 10,  
188:16,  
**files [1]**  
154 22,  
**film [1]**  
130:14,  
**final [1]**  
51:5,  
**finally [1]**  
134:10,  
**find [3]**  
119.8, 132.15,  
144:10,  
**fine [6]**  
10:16, 24:12,  
26:2, 106:21,  
156:10, 176:7,

**finish [2]**  
50:6, 50:15,  
**fire [98]**  
11:25, 13:23,  
13:25, 14:22,  
15:4, 16:23,  
17.1, 17:2, 17.7,  
17:15, 17:23,  
19:4, 19.4.4,  
20.5, 21:16,  
34:5, 36:7,  
37:12, 38:8,  
39:7, 40:11,  
45:2, 45:3, 45:7,  
45.9, 45:20,  
45:21, 45:21,21,  
46 6, 46:7,  
48.19, 49:13,  
57:14, 57:16,  
67.19, 67:20,  
68.2, 68:16,  
68:24, 69 2,  
69:25, 70 1,  
70:17, 71:10,  
72:11, 73:3,  
73 14, 74:2,  
75:13, 82.10,  
85:10, 85.16,  
85:19, 89.6,  
89 7, 89.9,  
89.12, 89:22,  
90:8, 90:10,  
90:12, 90:15,  
90:21, 91:1,  
91:21, 95.17,  
95 25, 96:3,  
96:6, 96:19,  
100:2, 100 25,  
101:1, 101:10,  
101:19, 107:19,  
107:20, 108 1,  
108 17, 110:24,  
111:2, 111 5,  
112:8, 112.24,

113 6, 147:8,  
147.11, 147 21,  
148:5, 148:22,  
148:24, 150.3,  
150:5, 150.7,  
150.24, 162:5,  
164:25, 186:10,  
**firearm [9]**  
136 23, 137:21,  
140.2, 163:19,  
171:17, 172.18,  
172.22, 172:24,  
173:4,  
**firearms [4]**  
36 6, 126:5,  
129.11, 136 17,  
**fired [22]**  
97:16, 114:11,  
114 16, 114:18,  
137.21, 151:25,  
152:2, 152:17,  
152:21,  
152:21,21,  
152:25, 153.1,  
153 8, 153:9,  
153 11, 153:17,  
154:24, 155.6,  
157:22, 159:16,  
163:19, 186:7,  
**firefighter [29]**  
10.22, 12:24,  
14.19, 32:9,  
35:13, 43 25,  
44:12, 45 12,  
45:13, 62:17,  
67.22, 76:17,  
76.22, 77:1,  
77.12, 85:22,  
85:25, 88 10,  
89:8, 90:5,  
90 10, 91:17,  
96:22, 97:1,  
102.8, 102:16,  
107:21, 162 10,

169 10,  
**firefighters [17]**  
9:24, 13:12,  
14:14, 15 10,  
15:10,10, 15:11,  
15:18, 34:4,  
34:6, 68:5, 77:8,  
77.9, 116:8,  
117:3, 162:8,  
165.6, 169:8,  
**fires [1]**  
91.17,  
**firetruck [1]**  
95:19,  
**first [63]**  
5 5, 10:23, 11.3,  
11:22, 23:9,  
23:13, 23:15,  
24 3, 24:4,  
24 14, 31:23,  
34:20, 37 20,  
40.14, 42 1,  
44.23, 46.25,  
47:17, 47.18,  
51:10, 51:23,  
52 17, 56:22,  
59:22, 60:25,  
60:25,25, 61.4,  
65:8, 65.10,  
66:4, 67.16,  
75:10, 75:14,  
75:18, 86:5,  
89:3, 90 23,  
90:24, 92:10,  
94:10, 102:20,  
106 18, 107:16,  
112.14, 116 3,  
116:12, 118:11,  
119:22, 123:4,  
123:5, 141.21,  
150:1, 156:12,  
156 13, 162:4,  
163.14, 163 17,  
167:18, 178:25,



# IMPOUNDED

Vol. I - 209

179:6, 179:8,  
179:9, 180:8,  
**fist [1]**  
26:22,  
**fits [1]**  
186:6,  
**five [9]**  
9:24, 15:18,  
42:4, 125:8,  
154:8, 154:9,  
155:18, 157:22,  
179:8,  
**flagged [1]**  
96:21,  
**flat [1]**  
21:12,  
**floor [3]**  
138:10, 183:21,  
183:23,  
**fluid [1]**  
91:9,  
**fluids [1]**  
91:9,  
**foam [3]**  
137:5, 157:21,  
170:13,  
**focus [4]**  
132:21, 167:12,  
167:15, 167:17,  
**focused [5]**  
27:17, 46:16,  
139:17, 139:18,  
165:24,  
**focusing [3]**  
46:17, 56:10,  
74:15,  
**foley [4]**  
3:18, 3:18,18,  
5:18, 5:22,  
**foot [1]**  
134:4,  
**force [6]**  
89:16, 126:6,  
129:16, 136:3,

136:22, 137:1,  
**form [1]**  
33:17,  
**formalized [1]**  
130:16,  
**forth [1]**  
36:9,  
**forties [1]**  
178:5,  
**forward [13]**  
8:6, 20:24,  
21:10, 21:18,  
22:22, 26:23,  
28:1, 28:3, 42:7,  
76:15, 86:14,  
86:15, 101:10,  
**found [2]**  
142:7, 185:15,  
**foundation [1]**  
189:21,  
**four [6]**  
6:11, 15:17,  
89:18, 120:4,  
131:11, 163:20,  
**fourth [1]**  
6:9,  
**frame [2]**  
64:23, 162:25,  
**frank [1]**  
123:6,  
**frankly [2]**  
106:6, 175:19,  
**frequency [1]**  
109:14,  
**frequently [2]**  
91:24, 109:10,  
**fresh [2]**  
87:10, 185:7,  
**fresher [6]**  
64:5, 84:7, 85:3,  
86:19, 87:6,  
103:15,  
**friday [1]**  
106:9,

**front [43]**  
3:13, 15:2,  
18:16, 20:25,  
21:13, 21:15,  
21:17, 22:22,  
41:24, 41:25,  
47:24, 48:12,  
48:12,12, 53:16,  
60:12, 73:2,  
73:5, 73:5,5,  
73:7, 74:5, 74:6,  
75:12, 75:15,  
95:15, 101:16,  
117:12, 119:15,  
161:5, 161:6,  
161:10, 161:13,  
161:25, 162:5,  
162:7, 163:3,  
166:16, 167:15,  
170:9, 170:11,  
172:17, 184:6,  
184:14, 184:18,  
**function [3]**  
160:9, 160:18,  
160:19,  
**functions [3]**  
129:7, 160:21,  
176:22,  
**further [24]**  
16:19, 35:8,  
42:11, 43:7,  
43:22, 48:12,  
48:16, 48:17,  
62:11, 65:1,  
82:21, 88:3,  
94:18, 100:14,  
104:18, 104:19,  
112:2, 117:13,  
122:3, 136:3,  
149:4, 178:14,  
187:16, 187:18,

**G**  
**gain [1]**

142:17,  
**gate [1]**  
41:1,  
**gather [1]**  
57:25,  
**gathered [2]**  
46:15, 115:20,  
**gave [5]**  
39:15, 83:4,  
99:18, 116:6,  
153:14,  
**gear [1]**  
98:19,  
**general [3]**  
132:21, 132:25,  
181:12,  
**generally [6]**  
92:11, 94:7,  
98:6, 139:10,  
139:13, 149:6,  
**gentleman [5]**  
21:23, 46:19,  
50:21, 51:6,  
52:2,  
**gesture [1]**  
26:20,  
**gestured [1]**  
32:16,  
**ghost [1]**  
97:19,  
**glare [2]**  
35:20, 62:20,  
**glasses [2]**  
65:17, 66:22,  
**global [1]**  
68:24,  
**goal [1]**  
133:21,  
**goldman [1]**  
1:26,  
**google [14]**  
2:22, 2:23, 2:24,  
2:25, 18:25,  
19:22, 20:7,

# IMPOUNDED

Vol. I - 210

23:5, 23:25,  
52.11, 53:10,  
118:5, 118:12,  
120:6,  
**gotten [3]**  
7:2, 61:14,  
162 8,  
**grab [3]**  
33:19, 115.6,  
142 3,  
**grabbed [1]**  
30.19,  
**grass [1]**  
170 13,  
**grassy [1]**  
75:11,  
**great [2]**  
8:1, 10.24,  
**ground [41]**  
31:16, 43:5,  
43.12, 43:15,  
58 19, 58:23,  
59.7, 59:9,  
59:16, 59:20,  
59:22, 60 21,  
61:18, 62.7,  
62:7.7, 62:10,  
77.21, 77 23,  
78:10, 78 12,  
78:13, 78:19,  
79:8, 79.11,  
80 16, 82:1,  
85.1, 86:24,  
97:4, 114:25,  
115:5, 115:10,  
115:18, 116:12,  
117.21, 161:23,  
162.2, 169:4,  
173:13, 175 24,  
183:19,  
**group [1]**  
183:25,  
**guess [9]**  
17.15, 24:6,

24:19, 66:7,  
71:18, 138:25,  
139.5, 188:3,  
188.24,  
**guesstimate [1]**  
109:12,  
**gunfire [1]**  
51:4,  
**guns [1]**  
38:4,  
**gunshot [6]**  
32 6, 34:22,  
97.4, 116:16,  
116:20, 117 20,  
**gunshots [7]**  
57 12, 57:18,  
64:23, 77:25,  
78:7, 84.24,  
86:22,  
**guys [18]**  
11.10, 69:5,  
70:9, 71:17,  
71 19, 90:18,  
91:2, 91:4, 91.5,  
93:22, 94:1,  
94:24, 95 10,  
95.17, 95:21,  
97.25, 98:5,  
183:5,  
**H**  
**half [6]**  
8.18, 36:23,  
36.24, 89:11,  
121:20, 139 2,  
**halfway [1]**  
40.14,  
**hall [15]**  
14:3, 18.16,  
20:12, 40:11,  
46:9, 49:5,  
49:14, 49:15,  
89.23, 94:3,  
111:5, 111:7,

153:19, 153:22,  
161:5,  
**hanafin [9]**  
2:18, 104:25,  
105:4, 122:16,  
122:19, 123:5,  
123:6, 178:19,  
181 20,  
**hand [38]**  
8:7, 10:25,  
26:23, 27.12,  
27:14, 27 15,  
27:17, 27:17,17,  
27:21, 27:22,  
27.23, 27 24,  
28:1, 28 3, 39.2,  
44:13, 47:16,  
48:10, 50 20,  
50.21, 52:5,  
54:21, 55:20,  
62:24, 62:25,  
64:1, 64.9,  
64 11, 64.13,  
67:6, 88.11,  
101:4, 107:6,  
122.18, 174:5,  
180 16, 184:7,  
190:23,  
**handcuff [1]**  
31.17,  
**handcuffed [1]**  
169:13,  
**handcuffing [3]**  
36:11, 115:18,  
162:4,  
**handed [1]**  
82:5,  
**handle [4]**  
17:22, 27:22,  
165.7, 169:8,  
**handler [1]**  
89.14,  
**handling [1]**  
69:6,

**hands [5]**  
34:10, 36:10,  
104:8, 125:15,  
186:14,  
**hang [2]**  
70:10, 174.16,  
**happens [1]**  
6:24,  
**hard [3]**  
65:17, 109 11,  
120:16,  
**harm [4]**  
22:5, 68:22,  
110:6, 128:5,  
**harren [116]**  
1.24, 2:4, 2:7,  
2 10, 2:13, 2:16,  
2:19, 3:7, 3 8,  
5 5, 7.15, 9:23,  
10.8, 10:14,  
10.18, 10 20,  
11:14, 11 16,  
11:18, 18:22,  
18:24, 19:17,  
19 24, 20:2,  
20:4, 23:2, 23:4,  
23:17, 24:2,  
24:10, 24.13,  
29:13, 35 8,  
42:14, 42:16,  
43:7, 43:10,  
43:22, 44 11,  
44:17, 44 19,  
52:8, 52 10,  
53 5, 53.12,  
62.11, 65:2,  
65:5, 66:21,  
66.24, 67:1,  
67:4, 67:12,  
78:5, 80:1, 80:3,  
82.21, 83:4,  
88 5, 88:7, 88:9,  
88:14, 88:17,  
100:14, 104.20,

# IMPOUNDED

Vol I - 211

105:1, 105:3,  
105 11, 105:19,  
105:24, 106 3,  
106:8, 106:11,  
106:15, 106:18,  
106 20, 107:3,  
107:10, 107:12,  
117:13, 122:5,  
122:8, 122:15,  
122 23, 122:25,  
140.8, 154:17,  
154.18, 155:15,  
155:22, 156:12,  
156:15, 158:24,  
163:22, 163:24,  
164 3, 164:12,  
164 15, 175:2,  
175:4, 175:8,  
175 16, 175:22,  
176 3, 176:8,  
176:12, 176:14,  
178:14, 187:19,  
187:24, 188 2,  
188:22, 189 18,  
190:6, 190:13,  
191:2,  
**head [27]**  
22:1, 26:19,  
26:22, 27 18,  
41:17, 46:18,  
51:4, 64:10,  
64:11, 64:13,  
83:25, 86:8,  
87:11, 99:17,  
99:22, 99 24,  
104:3, 104:11,  
104:16, 166:23,  
166 24, 167:2,  
167:22,  
167:22,22,  
171:23, 172:10,  
177:7,  
**headed [1]**  
162 1,

**heading [4]**  
136:10, 141:10,  
158:18, 179:13,  
**headings [1]**  
126 9,  
**headquarters [1]**  
17:8,  
**health [6]**  
69 24, 127:20,  
147:23, 147:25,  
148.4, 148 11,  
**hearing [18]**  
1:17, 8 3, 9:2,  
9:3, 11:6, 11:11,  
22.14, 42:18,  
56 4, 56:5,  
56:12, 78:8,  
140 25, 141:7,  
152:6, 152:23,  
188:8, 188:16,  
**hearings [1]**  
9 5,  
**heart [4]**  
167:17, 171:21,  
178 5, 178.5,5,  
**heavy [1]**  
171:21,  
**hectic [1]**  
96:25,  
**heels [1]**  
138.24,  
**held [1]**  
12:14,  
**help [15]**  
61:1, 68:14,  
69.9, 81:12,  
81:23, 92:12,  
127:4, 133:5,  
143:5, 151:18,  
155.13, 169:9,  
169:23, 184:19,  
189.14,  
**helpful [1]**

169:23,  
**helping [1]**  
4:14,  
**helps [4]**  
13:9, 88:25,  
143:10, 143:12,  
**herron [1]**  
44.7,  
**hers [1]**  
168:16,  
**hierarchy [2]**  
124.21, 125:7,  
**high [3]**  
49:5, 165:21,  
177 11,  
**higher [2]**  
71:3, 94.10,  
**highlighted [2]**  
40:14, 102.21,  
**hired [4]**  
90 13, 90:18,  
160.4, 160:19,  
**hispanic [1]**  
38:19,  
**historically [2]**  
177:13, 178:7,  
**history [10]**  
142.23, 142 25,  
143:4, 143:12,  
143:16, 143:18,  
150 19, 185:10,  
185 14, 185:15,  
**hold [9]**  
43.8, 67:25,  
126:11, 146.7,  
174:3, 174:4,  
182.10, 186:13,  
186 14,  
**holding [6]**  
22:2, 26 14,  
30 11, 55.20,  
63:2, 97.18,  
**holster [2]**  
172.16, 172:18,

**homicidal [1]**  
127 14,  
**honest [4]**  
84:10, 85:5,  
86:19, 113:8,  
**honorable [1]**  
1:18,  
**hope [4]**  
47:1, 168:10,  
168 11, 185:15,  
**hopefully [2]**  
128:3, 181:15,  
**hoping [2]**  
46.24, 141:25,  
**hospital [31]**  
6:12, 16:25,  
33:24, 34:2,  
34:4, 61:20,  
69:21, 69 24,  
70:13, 71:1,  
82 7, 92.12,  
92 17, 95:7,  
97:25, 98:2,  
98.4, 98:8,  
98.14, 99:3,  
99:10, 117 1,  
117:4, 117:7,  
121 11, 148.3,  
171:15, 172:6,  
172:12, 177.12,  
177:13,  
**hostage [2]**  
128:10, 136:1,  
**hour [3]**  
106.23, 139:2,  
139:3,  
**hours [7]**  
82 12, 84.4,  
85:4, 103:13,  
128:20, 148 19,  
148:21,  
**house [5]**  
69 2, 125:1,  
128 3, 142:24,

# IMPOUNDED

Vol I - 212

184:15,  
**hovering [1]**  
168 15,  
**however [3]**  
26:18, 137:24,  
189:23,  
**huge [1]**  
21:17,  
**hung [1]**  
142:7,  
**hurried [1]**  
28:17,  
**hypervigilance [2]**  
168:21,  
168:21,21,

**I**  
**icat [2]**  
126.6, 136:10,  
**idea [9]**  
43.3, 44:6,  
130.6, 143:11,  
146.11, 185:5,  
185.8, 185:18,  
185:19,  
**ideation [3]**  
68.18, 71.13,  
72:22,  
**identical [1]**  
102:11,  
**identification [1]**  
2 31,  
**identified [1]**  
98:15,  
**identify [4]**  
3 6, 3.12, 29:7,  
179.6,  
**image [12]**  
2:22, 2:23, 2:24,  
2:25, 18:25,  
19:22, 23 5,  
23:25, 52:11,

53:10, 118:16,  
120.6,  
**images [2]**  
118:5, 118 12,  
**immediate [2]**  
174.24, 177:15,  
**immediately [5]**  
59:13, 115:6,  
115:22, 141.9,  
150:15,  
**important [3]**  
133.18, 133:19,  
177:24,  
**importantly [1]**  
172 5,  
**inch [2]**  
21:25, 27.9,  
**inches [3]**  
58:24, 59.6,  
64 20,  
**incident [34]**  
17.19, 40:3,  
40:5, 40:6, 48:2,  
50:25, 62 23,  
63:23, 64.6,  
64:14, 66:13,  
80:23, 83 10,  
83:18, 84 5,  
85:4, 87 5,  
99 25, 103:13,  
110 12, 130:12,  
130.12,12,  
131:25, 132 7,  
133:15, 133 20,  
135:11, 138.4,  
140 16, 143:5,  
153:24, 166:5,  
176.23, 177:9,  
**incidents [1]**  
36:8,  
**include [6]**  
75:8, 126.5,  
129:17, 130:13,  
134:1, 134:5,

**includes [3]**  
129:5, 129.11,  
129 15,  
**incorporated [1]**  
6:6,  
**increased [2]**  
127 16, 148:19,  
**ind [1]**  
1:9,  
**indicate [2]**  
143:17, 143.18,  
**indicated [2]**  
4:8, 157:6,  
**indicates [2]**  
63:15, 84 1,  
**indication [3]**  
153:3, 153.5,  
153:14,  
**indirect [2]**  
7:6, 7:11,  
**indiscernible [3]**  
7 4, 11.12,  
154.24,  
**individual [31]**  
38:1, 41:1, 47:6,  
56 14, 57.23,  
59 1, 59.17,  
59.24, 60:6,  
61:2, 62:8, 62:9,  
62:24, 64.16,  
69 14, 91.23,  
117 20, 128:1,  
132:1, 133:3,  
133:6, 136:1,  
136:4, 141:4,  
143:19, 147:15,  
150:18, 174:3,  
178.1, 182:23,  
184:3,  
**individually [1]**  
188:11,  
**individuals [5]**

3:12, 63.4,  
109.5, 136:13,  
161.23,  
**indoor [2]**  
129:13, 129:15,  
**inform [1]**  
132:5,  
**informal [4]**  
130:21, 132:11,  
133 21, 134:8,  
**information [26]**  
15.24, 16:14,  
34:24, 46 20,  
60:3, 72.23,  
110:2, 132:6,  
133 14, 133:19,  
138 24, 142:18,  
142 18,18,  
142:21, 142:24,  
143.8, 143:8,8,  
143.22, 144:3,  
144.8, 144 9,  
145:17, 146 24,  
150:23, 190.8,  
190:15,  
**initial [12]**  
22:5, 28:23,  
32:8, 56 10,  
56:11, 57:21,  
141 7, 154:23,  
155.2, 155:2,2,  
156:13, 170 3,  
**initially [9]**  
34:19, 42:17,  
79:5, 133.8,  
140:25, 143:25,  
164:21, 168:9,  
185.12,  
**initials [1]**  
181:6,  
**initiating [1]**  
33.15,  
**injured [1]**

# IMPOUNDED

Vol 1 - 213

45:18,  
**injury [1]**  
31:18,  
**inmate [1]**  
6:13,  
**inner [2]**  
171:10,  
171:10,10,  
**input [1]**  
186:10,  
**inquest [10]**  
1 12, 3:23, 4 22,  
6:9, 6:12, 6.14,  
6:15, 6 24, 8:20,  
39:24,  
**inquire [4]**  
44:16, 67:10,  
107 9, 122:22,  
**inside [6]**  
85:16, 85:19,  
113 19, 125:4,  
142:10, 183 8,  
**instance [6]**  
135.9, 143.21,  
149:7, 160.5,  
160 20, 184:21,  
**instances [2]**  
134:20, 137.25,  
**instinct [1]**  
22:5,  
**instructed [3]**  
176 17,  
176:17,17,  
182.2,  
**instruction [5]**  
125:25, 129:16,  
129 20, 129:22,  
132:11,  
**instructive [1]**  
125:25,  
**instruments [1]**  
129:17,  
**intact [1]**  
98:20,

**integrated [2]**  
126:6, 136.11,  
**intended [1]**  
175:19,  
**intending [1]**  
188:23,  
**intention [1]**  
189:19,  
**intents [1]**  
173.24,  
**interact [5]**  
99:1, 115.24,  
116 2, 117:10,  
164:17,  
**interacting [1]**  
167:18,  
**interactions [2]**  
31.2, 32:8,  
**interchanged [1]**  
147:5,  
**interest [1]**  
7:5,  
**interested [3]**  
5:6, 5.11, 5 13,  
**interfere [1]**  
47 5,  
**internal [1]**  
130:19,  
**interrupt [1]**  
139:8,  
**interrupting [1]**  
9:10,  
**intersection [3]**  
49:10, 49:12,  
49.15,  
**intersects [1]**  
24:21,  
**interview [6]**  
4:13, 39:14,  
39.22, 83.3,  
85:2, 102 8,  
**interviewed [9]**  
39:11, 40:2,

63:3, 63 22,  
64:8, 82:14,  
84:2, 87:21,  
87 25,  
**introduce [6]**  
19:17, 23.17,  
53:5, 155:15,  
164 3, 175:8,  
**intuitively [1]**  
14:21,  
**investigation [4]**  
7:8, 172:7,  
172:8, 174:19,  
**investigative [1]**  
167:12,  
**involuntarily [1]**  
69:23,  
**involve [2]**  
127 20, 147:20,  
**involved [17]**  
3 24, 4.19, 6:9,  
6 10, 51:9,  
59:14, 91:21,  
125:20, 125.23,  
132.18, 153 13,  
165:9, 166:4,  
177.4, 177:21,  
178:6, 184.22,  
**iphone [1]**  
63:16,  
**issue [1]**  
6 21,  
**issued [1]**  
136:23,  
**issues [2]**  
4:15, 106.12,  
**issuing [2]**  
163:9, 163:13,  
**item [1]**  
27:5,  
**itself [7]**  
83:10, 85:2,

101:1, 110:11,  
110:18, 113:13,  
173.25,

**J**  
**January [23]**  
1.32, 12 18,  
13:20, 13:21,  
14:1, 15:21,  
46:1, 63.15,  
63.18, 63:19,  
67:25, 71:22,  
83:19, 89 19,  
92:19, 108:4,  
108:4.4, 109:7,  
130.25, 137:2,  
148.9, 148.17,  
150:22,  
**jarred [1]**  
100:7,  
**jarring [1]**  
152:10,  
**jillisa [1]**  
131:16,  
**joining [2]**  
89:12, 90.14,  
**judge [19]**  
3:3, 6.8, 6:13,  
6 14, 7.25, 8 2,  
8:5, 105:8,  
105.13, 121:13,  
122.11, 164.9,  
175:12, 175 15,  
176:10, 181:17,  
188 5, 188.18,  
190:22,  
**jump [5]**  
39:7, 77 6,  
77:10, 86:3,  
96:11,  
**jumped [14]**  
16 6, 22:9,  
22.20, 24:15,  
25:2, 25:5,

# IMPOUNDED

Vol. I - 214

25:18, 29:14,  
29:20, 43 15,  
76:17, 76:23,  
77:4, 87:17,  
**jumping [3]**  
30.8, 77 11,  
86:16,  
**jumps [1]**  
85 23,  
**junior [1]**  
91:5,  
**jurisdictions [2]**  
126:14, 127:3,  
**justice [1]**  
143.3,

## **K**

**keefe [1]**  
63 13,  
**keep [3]**  
141 23, 167:5,  
190 4,  
**kenneth [2]**  
1 29, 3:10,  
**kept [3]**  
86 20, 166:19,  
170.5,  
**kill [4]**  
22:5, 22:8, 41:8,  
41:14,  
**killed [2]**  
132:2, 133:12,  
**killilea [13]**  
2:15, 2:25,  
93.21, 97:1,  
102:9, 102:16,  
104 24, 105:3,  
107:4, 107:7,  
107:17, 117:18,  
120:6,  
**knife [40]**  
21:24, 21:25,  
23 13, 25:8,  
26:14, 26:14,14,

27.3, 27:6, 27:7,  
27:10, 27:12,  
27 13, 27:18,  
27 22, 29:15,  
30:11, 38:24,  
41:16, 46:19,  
52:18, 53:20,  
54:1, 54:3, 54:5,  
54:5.5, 54:7,  
56:3, 62 5, 62:7,  
110:5, 132:1,  
133:2, 133:7,  
141:5, 151:13,  
153:13, 166 20,  
167:4, 170 4,  
184:21,

## **knives [1]**

27:7,  
**knowledge [2]**  
150:16, 150:17,  
**kolhonen [6]**  
131:14, 145:5,  
145.9, 145:10,  
145:18, 147:7,  
**kurt [9]**  
2 3, 2:22, 2.23,  
10 22, 11:1,  
11:23, 19:22,  
23 25, 39:22,

## **L**

**lahey [5]**  
98:2, 98:25,  
121.9, 121:11,  
121.24,  
**laid [4]**  
56:22, 168:6,  
172:24, 173 13,  
**lane [61]**  
18:20, 19:6,  
19:10, 20:8,  
20:14, 20:18,  
20:21, 21:7,  
21:20, 21:22,

23:6, 24:20,  
24:20,20, 24:21,  
47:8, 48.10,  
48:17, 48.20,  
48:24, 48:25,  
49:19, 49:21,  
50.2, 50 9,  
50:17, 52.12,  
52:13, 53:15,  
53.18, 72:5,  
72:16, 72:20,  
74:1, 74:8,  
92 20, 93.23,  
94 5, 94:18,  
94:19, 95 15,  
96:1, 110.15,  
111.8, 111 10,  
111:12, 111.14,  
111:17, 111.24,  
112:9, 112.16,  
112:18, 113.15,  
113:18, 118.15,  
118 21, 119:15,  
141.3, 145:14,  
146:3, 163:3,  
180.22,  
**large [2]**  
21:24, 70.5,  
**larger [3]**  
15.19, 127 17,  
134:9,  
**latch [1]**  
186 9,  
**late [2]**  
178.4, 178:4,4,  
**later [9]**  
29:1, 39 11,  
60:3, 64:17,  
100 7, 142:7,  
152:18, 152 19,  
163:8,  
**launcher [11]**  
137:4, 137.5,  
141 22, 141:25,

142.9, 157:20,  
157:22, 173:25,  
174:2, 185.24,  
187:5,  
**launchers [1]**  
157.23,  
**launches [1]**  
137:5,  
**lawn [3]**  
52:5, 56:12,  
101:16,  
**layer [1]**  
150:3,  
**laying [2]**  
31.16, 172.23,  
**layout [1]**  
183:8,  
**leader [2]**  
126.19,  
126:19,19,  
**lean [2]**  
20:24, 86.14,  
**leaned [2]**  
21:10, 21.12,  
**leaning [3]**  
22 22, 86:11,  
105:8,  
**learn [2]**  
38 25, 173:9,  
**learned [3]**  
64:17, 116 12,  
177:1,  
**least [6]**  
13:17, 78.9,  
128 8, 153:2,  
153.11, 177 7,  
**leave [12]**  
6.6, 10:14, 11.7,  
37:12, 61:23,  
70:21, 71:13,  
105.16, 114:6,  
114.9, 145:19,  
175:25,  
**leaves [1]**

# IMPOUNDED

Vol I - 215

144:25,  
**leaving [5]**  
16:3, 43:17,  
70:11, 146:2,  
179:1,  
**left [59]**  
17:5, 18:2,  
18:2,2, 18 14,  
19:4, 20:7, 20:9,  
20 11, 24:21,  
37:13, 39:22,  
47 16, 47:17,  
47:18, 48:3,  
48:5, 48 6,  
48:11, 49.1,  
49 14, 50:20,  
52:5, 53:16,  
53 19, 55:7,  
55:8, 55:13,  
55:20, 62:25,  
82 10, 94:9,  
95:21, 101:8,  
101:25, 110:15,  
111:10, 112:8,  
117:23, 118.1,  
118:13, 118:22,  
118:25, 121.2,  
121.19, 142 12,  
145:22, 145:25,  
146:6, 147:10,  
150 23, 171:14,  
177:15, 180:16,  
180.19,  
180.19,19,  
180:24, 183.15,  
183 22, 186:8,  
**legal [2]**  
45:18, 129:6,  
**lengthy [1]**  
105:4,  
**less [21]**  
129:16, 129:17,  
137:4, 137:10,  
139.21, 139.25,

140:2, 140:3,  
140:4, 157:19,  
163:17, 170:6,  
173:10, 185:20,  
186:18, 186:20,  
186.23, 186:25,  
187.3, 187.4,  
187:6,  
**lethal [23]**  
129.16, 129 17,  
136:22, 137.1,  
137:5, 137.10,  
139:21, 140:4,  
157:19, 163:17,  
170:6, 173 11,  
185:20, 186 18,  
186:20, 186:23,  
186.25,  
186:25,25,  
187:3, 187 3,3,  
187:4, 187 5,  
187:6,  
**level [11]**  
13:10, 13:17,  
71:4, 125:2,  
135:25, 139:1,  
159 23, 183:14,  
183:18, 183.19,  
183 19,19,  
**liar [1]**  
87 7,  
**license [2]**  
45:14, 45:19,  
**licensed [2]**  
13:4, 148:10,  
**lieutenant [27]**  
15.1, 15:3,  
15:16, 60:14,  
67:5, 67.21,  
67:22, 68.2,  
83 1, 85:12,  
86:21, 86:22,  
98:23, 123 24,  
124:1, 124:10,

125:7, 125:9,  
125:12, 125:13,  
125:14, 125:19,  
125:23, 126:1,  
131:3, 132:14,  
159.23,  
**lieutenants [2]**  
125:8, 125:11,  
**life [7]**  
13.14, 13:16,  
17.9, 17 12,  
27:7, 45:15,  
90:9,  
**lights [5]**  
49:19, 49:21,  
49.22, 176 10,  
182:1,  
**liken [1]**  
130.2,  
**limit [1]**  
75:5,  
**line [9]**  
53:18, 119.16,  
137:7, 137:14,  
144 2, 146:14,  
149:23, 157.24,  
185:16,  
**list [1]**  
4:5,  
**listed [1]**  
9 23,  
**listen [3]**  
32:19, 154:14,  
162:12,  
**listened [4]**  
59.12, 151:6,  
162:15, 162.16,  
**listening [4]**  
33:11, 144:4,  
151:10, 162:19,  
**literal [1]**  
6.4,  
**little [35]**  
15:21, 24.7,

49.9, 49:16,  
64:2, 82:11,  
83:11, 84:21,  
88 21, 100:6,  
106.11, 110.10,  
112:2, 112.10,  
132:9, 132:21,  
134 8, 134:24,  
135:13, 136.17,  
143:23, 145:16,  
149 3, 149:23,  
150:2, 152:8,  
152:24, 153:7,  
153.12, 165 14,  
165:18, 165.19,  
176:5, 176.8,  
185:16,  
**live [1]**  
162:15,  
**loaded [1]**  
171:13,  
**loading [1]**  
176 5,  
**local [1]**  
16:25,  
**located [2]**  
46 23, 142.8,  
**location [12]**  
16:7, 16:18,  
16.19, 22 15,  
112:18, 133.4,  
138:9, 153.23,  
161 22, 162:2,  
184:2, 189:4,  
**locations [1]**  
25.17,  
**lock [1]**  
51:20,  
**locked [3]**  
172:19, 172:25,  
172:25,25,  
**long [21]**  
8:16, 12:1,  
12:14, 16:11,

# IMPOUNDED

Vol I - 216

36:22, 45:9,  
60:21, 82:19,  
85:25, 89:9,  
89:17, 107:22,  
123:10, 124:1,  
138:15, 138:16,  
139:4, 141:16,  
145:21, 154:3,  
177:16,  
**longer [4]**  
5:17, 12:19,  
169:5, 169:22,  
**lord [10]**  
16:1, 17:24,  
18:4, 37:21,  
46:10, 73:18,  
73:22, 101:7,  
151:24, 183:5,  
**loss [1]**  
31:18,  
**lost [3]**  
22:13, 43:20,  
76:19,  
**loud [5]**  
65:10, 65:12,  
80:6, 85:16,  
85:21,  
**loudly [1]**  
32:25,  
**lowell [1]**  
36:20,  
**lower [1]**  
183:19,

## **M**

**magazine [2]**  
172:19, 172:25,  
**mailbox [1]**  
185:8,  
**main [7]**  
73:10, 160:2,  
161:4, 161:12,  
183:18, 184:5,  
184:5,5,

**mainly [3]**  
68:11, 126:18,  
137:15,  
**major [1]**  
140:12,  
**male [14]**  
25:17, 26:7,  
31:16, 38:18,  
38:21, 38:24,  
40:15, 40:16,  
41:16, 52:24,  
85:6, 85:9,  
86:20, 185:3,  
**mall [2]**  
121:20, 121:21,  
**management [1]**  
125:3,  
**manner [6]**  
22:8, 27:1,  
28:17, 56:21,  
96:23, 147:22,  
**manpower [3]**  
17:17, 17:21,  
70:4,  
**march [1]**  
45:10,  
**mark [4]**  
119:22, 180:4,  
188:17, 189:19,  
**marked [9]**  
19:23, 24:1,  
110:20, 118:6,  
120:3, 164:11,  
175:14, 180:8,  
189:11,  
**marker [1]**  
23:8,  
**marks [8]**  
19:22, 23:25,  
53:10, 120:6,  
155:20, 164:10,  
175:13, 180:11,  
**married [1]**

90:25,  
**mart [1]**  
160:6,  
**mass [4]**  
11:25, 36:8,  
36:9, 123:9,  
**massachusetts [8]**  
1:7, 1:23, 1:28,  
1:30, 12:19,  
40:1, 63:4,  
126:12,  
**master [1]**  
89:13,  
**materials [1]**  
11:5,  
**matter [5]**  
3:4, 26:4, 26:5,  
32:20, 105:25,  
**maxi [1]**  
51:14,  
**meal [4]**  
144:23,  
144:23,23,  
144:25, 145:5,  
**meaning [6]**  
27:21, 49:2,  
59:25, 135:5,  
165:2, 165:4,  
**meant [1]**  
186:23,  
**mechanism [1]**  
6:25,  
**medical [41]**  
12:24, 13:1,  
13:3, 13:4,  
16:24, 30:18,  
32:2, 39:17,  
45:22, 71:2,  
71:15, 80:18,  
81:21, 82:3,  
82:6, 93:11,  
98:9, 98:18,  
99:8, 106:4,

106:11, 106:22,  
106:24, 106:25,  
112:20, 115:20,  
115:23, 117:19,  
137:16, 148:6,  
149:19, 161:25,  
164:23, 165:7,  
169:8, 177:7,  
186:21, 188:10,  
188:22, 189:2,  
190:15,  
**medically [1]**  
71:8,  
**medics [2]**  
148:6, 169:7,  
**meeting [1]**  
83:6,  
**member [4]**  
4:12, 6:16,  
89:16, 133:5,  
**members [1]**  
4:2,  
**memory [33]**  
21:6, 40:25,  
54:11, 55:10,  
55:12, 55:15,  
62:19, 62:23,  
64:5, 64:12,  
65:23, 66:10,  
79:3, 79:6, 79:7,  
79:10, 79:13,  
81:10, 83:10,  
84:19, 84:22,  
86:19, 100:6,  
100:8, 100:9,  
101:19, 103:9,  
103:25, 104:2,  
104:9, 104:14,  
114:2, 139:4,  
**menkello [8]**  
2:6, 2:24, 44:12,  
44:14, 44:24,  
44:24,24, 53:10,  
62:17,



# IMPOUNDED

Vol I - 217

**mental [10]**  
69 24, 126:8,  
127.14, 127 20,  
130.4, 133:24,  
147.23, 147:25,  
148:4, 148:11,  
**mentally [2]**  
130 9, 134 3,  
**mentioned [3]**  
125:20, 144:12,  
167:18,  
**merely [2]**  
7.6, 7:11,  
**merged [1]**  
49.17,  
**microphone [2]**  
13:7, 88 22,  
**middle [5]**  
21:11, 118 22,  
121 1, 180 16,  
180 24,  
**middlesex [33]**  
1 21, 3:19, 6 10,  
14:2, 18:3, 18 5,  
18.5,5, 18:8,  
18.9, 18 12,  
18:17, 18 19,  
20:13, 20.13,13,  
24 21, 37:14,  
37.17, 37 19,  
47.15, 48 16,  
48 22, 48:23,  
49 15, 50:8,  
50 16, 73.23,  
101:2, 118 13,  
121.16,  
121:16,16,  
153 20, 153.21,  
180 18,  
**midnight [2]**  
125:10, 125 11,  
**miedico [80]**  
1:25, 3 10, 4:14,  
4 14,14, 4.17,

7:1, 7.10, 7 13,  
8.13, 9:11,  
29 11, 29:16,  
29 20, 29:23,  
30.4, 31.2,  
34:14, 35 14,  
38:25, 41 2,  
41 5, 41:12,  
41 23, 42:9,  
43:5, 43 12,  
62:18, 64 18,  
65:11, 65 16,  
81 8, 83:2,  
86 17, 97:17,  
98:24, 99 1,  
99:17, 100 23,  
104.2, 131 18,  
131:18,18,  
138.6, 141 3,  
141.15, 141 20,  
144:16, 144 17,  
146:2, 146:19,  
147 3, 147:3,3,  
152 4, 152.17,  
155.10, 156:19,  
157:15, 158 1,  
158 4, 158:4,4,  
161 7, 161 21,  
161:24, 163.9,  
163:19, 164:18,  
165.2, 165 4,  
165.5, 165 10,  
171:3, 171:15,  
173 4, 176:16,  
178 21, 179:1,  
179.13, 181 9,  
182:3, 187:7,  
189:2,  
**mild [3]**  
165:19,  
165:19,19,  
171 25,  
**mile [2]**  
121 20,

121:20,20,  
**miles [1]**  
122:1,  
**millimeter [20]**  
129.17, 137 4,  
141:21, 141:25,  
142:9, 147:6,  
157.15, 157:18,  
157.19,  
157 19,19,  
157:20, 157.21,  
157:23, 157:25,  
158 11, 163 17,  
170.12, 173 10,  
173:19, 185 20,  
**millimeters [1]**  
139 22,  
**mind [13]**  
30:23, 31 3,  
84 7, 85:3, 87.6,  
95 6, 100.24,  
103 15, 146:15,  
170 23, 171 23,  
173:16, 190:17,  
**mindset [5]**  
130.5, 133 23,  
133:25, 134 1,  
158:21,  
**minimize [1]**  
158:19,  
**minute [6]**  
16 13, 76.19,  
141 19, 144 23,  
144 25, 176:2,  
**minutes [8]**  
83:4, 138 18,  
139 5, 145.23,  
162 20, 163.1,  
163:7, 163:12,  
**missed [1]**  
179:22,  
**mistake [1]**  
33 18,  
**misunderstood**

**[1]**  
65:25,  
**mode [4]**  
22:4, 41:8,  
41 14, 51.15,  
**moment [15]**  
10:11, 30:8,  
56:10, 152 13,  
153 6, 160.19,  
165.11, 165 18,  
165:25, 166 7,  
167:2, 171:25,  
176 12, 177:11,  
177 23,  
**momentarily [1]**  
32.16,  
**moments [1]**  
59:21,  
**monitor [2]**  
19 25, 110:19,  
**monitoring [2]**  
157:4, 158 9,  
**month [3]**  
38 16, 109 12,  
128:9,  
**monthly [2]**  
127 8, 128.8,  
**months [5]**  
36:23, 36.24,  
123:22, 124:25,  
132.20,  
**morning [27]**  
3:3, 3 7, 3:9,  
3.14, 3 18,  
11 19, 11.20,  
35 13, 35:15,  
44.20, 44:21,  
106:12, 130 25,  
131 1, 132 13,  
132:17, 134:17,  
135:16, 138 17,  
138 17,17,  
139.15, 139:17,  
140:13, 158 15,

# IMPOUNDED

Vol. I - 218

182:20, 189:25,  
191:1,  
**mornings [1]**  
140.12,  
**mother [1]**  
3:15,  
**motioned [2]**  
166.22, 167:21,  
**motioning [1]**  
167:1,  
**mouth [4]**  
165:16, 168:12,  
168:13, 168 15,  
**move [14]**  
23:17, 24.7,  
35:19, 53.5,  
61:13, 61:13.13,  
71:11, 71:11.11,  
82:16, 88.21,  
136 3, 146:17,  
165 8, 169:3,  
**moved [6]**  
19:17, 61:12,  
155.15, 164 3,  
172.22, 175 8,  
**movement [1]**  
28:12,  
**moving [22]**  
22:24, 23 1,  
24:8, 25:5,  
28:16, 51:16,  
62.19, 75.17,  
75:20, 76:24,  
76 25, 77:3,  
77.6, 77:10,  
85:23, 86.3,  
86:16, 86:17,  
161:8, 161:21,  
161:24, 162:6,  
**multiple [8]**  
112:16, 112.20,  
125:3, 125 17,  
129:12, 136.16,  
136:19, 183:9,

**N**  
**name [18]**  
8:10, 11:21,  
35:13, 44.22,  
62.17, 67:15,  
83:1, 89 2,  
100:22, 107:15,  
122.12, 123 3,  
123 5, 123:6,  
131:15, 142:24,  
145:8, 185.3,  
**named [1]**  
182:23,  
**names [7]**  
11.22, 44:23,  
67.16, 89:3,  
107:16, 123:4,  
131:12,  
**nancy [1]**  
3:15,  
**nature [21]**  
45:23, 46 13,  
48:17, 69:25,  
72:17, 72:19,  
91:18, 108.16,  
124:20, 127:21,  
128:6, 128:13,  
129 23, 136:13,  
139.23, 139 25,  
149:15, 149:24,  
174:9, 177 1,  
177.25,  
**navy [3]**  
89:13, 89.16,  
89 17,  
**near [2]**  
96:18, 110.17,  
**nearby [2]**  
147:12, 148:5,  
**necessarily [4]**  
137.22, 150 13,  
173:6, 184 10,  
**necessary [2]**

7:5, 38:6,  
**negotiations [1]**  
128.11,  
**neighbor [1]**  
174:21,  
**neighboring [1]**  
109 1,  
**nemlac [2]**  
126:22, 127:12,  
**nemlec [4]**  
126 11, 126:12,  
128 18, 129.1,  
**never [2]**  
17:17, 70:4,  
**nicholas [4]**  
2:6, 44:12,  
44:14, 44 24,  
**night [3]**  
79:17, 79 19,  
99:25,  
**nighttime [1]**  
91 7,  
**nine [1]**  
126:14,  
**nods [2]**  
83.25, 86 8,  
**noise [6]**  
24 24, 42:20,  
50.24, 85:16,  
162:21, 163:2,  
**noisy [1]**  
85 18,  
**noon [5]**  
15:21, 46.10,  
92.19, 140.22,  
145:11,  
**noontime [2]**  
144:24, 145.4,  
**normal [1]**  
77.6,  
**normally [3]**  
8:23, 48:11,  
160:10,  
**northeast [1]**

126:12,  
**nose [2]**  
165:17, 168.13,  
**notations [1]**  
24:11,  
**note [3]**  
5.16, 21:21,  
181 8,  
**noted [1]**  
167:19,  
**notice [2]**  
76:7, 111:21,  
**noticed [1]**  
74 10,  
**notified [1]**  
150:24,  
**notify [1]**  
16:20,  
**number [28]**  
15:7, 19:5,  
47:14, 49.5,  
52:12, 94:7,  
94:8, 102.5,  
111:2, 118:25,  
120.1, 120:9,  
120.12, 128:6,  
133:14, 137:6,  
137:12, 143:2,  
152 4, 152:5,  
154.12, 160:16,  
164:8, 164 8.8,  
172:3, 180.25,  
183 2, 183:6,  
**numbers [3]**  
25:21, 49:4,  
94.10,  
**numerical [1]**  
119:24,  
  
**O**  
**objection [10]**  
4:25, 6:1, 19.20,  
23:19, 23.20,  
53:8, 164:5,

# IMPOUNDED

Vol. I - 219

164.6, 175:10,  
175.11,  
**objective [2]**  
148:2, 148:2,2,  
**observation [2]**  
54.15, 56:11,  
**observations**  
**[11]**  
22 20, 24:15,  
28.7, 41:19,  
54:11, 57 1,  
74:9, 74:16, -  
74:18, 86:12,  
96:6,  
**observe [5]**  
50.17, 51:1,  
99:19, 142:15,  
168:2,  
**observed [9]**  
28.14, 50:25,  
66:2, 74.13,  
75:6, 75:18,  
85:6, 85 12,  
132 25,  
**observing [2]**  
106:24, 154:7,  
**obtain [1]**  
90:19,  
**obvious [1]**  
137:18,  
**obviously [9]**  
4:1, 4:15, 4.16,  
5:9, 59 13,  
65:15, 136.22,  
150:9, 190:9,  
**occur [1]**  
129 20,  
**occurred [8]**  
63:15, 78 16,  
97 14, 132:15,  
132:19, 133:11,  
133.17, 140:16,  
**occurring [1]**  
140:13,

**occurs [2]**  
130:12, 150.12,  
**offer [1]**  
188:11,  
**office [7]**  
1.2, 1:21, 3:19,  
7.18, 67 23,  
184:15, 189:4,  
**officer [257]**  
4.9, 4:14,  
4:14,14, 4:16,  
5:1, 5:25, 6:1,  
6:1,1, 6.10, 7:1,  
7:1,1, 7:10,  
7:10,10, 7:12,  
7.19, 8:13, 9.11,  
9:24, 14:13,  
14:18, 14:24,  
14.25, 15:7,  
15.16, 22 1,  
22:2, 22 6,  
23:14, 23:15,  
25:17, 25.22,  
25:24, 26:7,  
26:19, 27:19,  
28 4, 28:6,  
28:13, 28:24,  
29:3, 29 5,  
29:11, 29:16,  
29 19, 29:20,  
29:23, 30:3,  
31:2, 31:17,  
31:20, 31:21,  
31:23, 32:1,  
32 9, 32:14,  
34.14, 34:17,  
35:14, 35 24,  
37.4, 38:25,  
41:2, 41.4,  
41:12, 41:17,  
41:23, 42:9,  
43:4, 43:11,  
51:6, 51:7, 53:3,  
56:23, 56.24,

57 4, 57:9,  
57.24, 58:2,  
58:3, 58.5, 58:6,  
58:9, 58.12,  
58 14, 58:22,  
59:1, 59:3, 59:6,  
59:9, 59:15,  
59:17, 59 19,  
59 23, 60:1,  
60:5, 60:15,  
60:25, 61 4,  
61:8, 61:9,  
61:11, 61:23,  
61:25, 64:17,  
64.18, 65:11,  
65:16, 65.22,  
66:8, 70:16,  
73.7, 77:8,  
78 13, 78:19,  
79:8, 81:8,  
81:18, 81 24,  
83:2, 84:24,  
85:10, 85.13,  
86:10, 86:16,  
86 17, 86:20,  
86 23, 87:9,  
87:14, 87:16,  
97:13, 97.17,  
97 20, 98.24,  
98:24,24, 99:1,  
99.2, 99:8,  
99:16, 99 17,  
100:4, 100:23,  
103:21, 104.2,  
106 9, 115:17,  
115.19, 116 9,  
117:10, 117.18,  
123:12, 123:14,  
123:17, 123:18,  
124:13, 126:4,  
128.24, 131.4,  
131:5, 131:8,  
131:10, 131:16,  
131:16,16,

131:18,  
131:18,18,  
131:19, 132.18,  
136:22, 137.11,  
138:6, 138:6,6,  
138:6,6,6,  
138.7, 140:17,  
141:2, 141:2,2,  
141:3, 141:3,3,  
141.15, 141:20,  
142:16, 144.2,  
144:5, 144:12,  
144:20, 144:24,  
145 3, 145:18,  
145.24, 146 18,  
146:18,18,  
147.3, 147:3,3,  
147.4, 147:7,  
147:9, 149:10,  
150.21, 151:9,  
152.4, 152 17,  
152:20, 153.16,  
154:5, 155.10,  
155:10,10,  
156:19, 156:21,  
156:22, 157:14,  
157 15, 157:24,  
158:1, 158.4,  
158:4,4, 158:5,  
159 7, 159:23,  
159.24, 160:7,  
160:10, 161.7,  
161:21, 161:24,  
162:3, 162.10,  
162:11, 163:16,  
163:19, 164:17,  
164.23, 165:5,  
165.5,5, 165.10,  
168:19, 169.10,  
169 16, 170:1,  
171:2, 171:6,  
171:15, 173:3,  
173:10, 174:7,  
177:18, 178.1,

# IMPOUNDED

Vol. I - 220

178:21, 179:1,  
179 13, 181:8,  
181:9, 182:2,  
182:3, 182:9,  
186.13, 187:4,  
189:1,  
**officers [60]**  
6:12, 15:10,  
51:4, 52:19,  
52:21, 52:24,  
52 24,24, 53:3,  
53:22, 56:18,  
57 17, 76:2,  
76.3, 76:11,  
76:14, 80:25,  
96:16, 97:10,  
115:15, 115:24,  
117:6, 124:15,  
125:15, 129:2,  
129:4, 130:16,  
131:9, 131:17,  
133 3, 133:6,  
133 8, 133:22,  
136:19, 140 1,  
141:10, 141 12,  
143:24, 144:15,  
144.16, 144 17,  
144:23, 145:13,  
146.2, 149:2,  
151.13, 152:11,  
153:3, 153.4,  
153 5, 153:14,  
159 22, 163:9,  
163:13, 169:21,  
170.18, 176 16,  
177:2, 177 5,  
184:1, 187.7,  
**official [3]**  
50 22, 51:2,  
56.1,  
**officially [1]**  
183:12,  
**oftentimes [3]**  
129 5, 150:11,

150:16,  
**once [28]**  
30:16, 31:10,  
33.13, 33:19,  
47:22, 49 18,  
50:19, 56.14,  
59:11, 60:24,  
61:11, 70:7,  
98.13, 98 19,  
101:7, 113:9,  
113 11, 113:23,  
114 15, 115:3,  
115:4, 115:20,  
139:6, 140 9,  
148:6, 168 18,  
171:12, 174:8,  
**ones [1]**  
9:23,  
**ongoing [4]**  
127:7, 129:14,  
129 23, 129:25,  
**open [4]**  
8:22, 145:24,  
156.9, 163:8,  
**opened [2]**  
162:24, 185.22,  
**opening [2]**  
114 23, 163:3,  
**operate [4]**  
45.6, 45:21,  
126:18, 176:23,  
**operating [5]**  
145:1, 147:12,  
147 20, 158:1,  
158.13,  
**operation [2]**  
71:6, 187.14,  
**operations [6]**  
124:5, 124:6,  
124:17, 126:23,  
160:2, 160:3,  
**operator [7]**  
46:5, 68 25,  
126:17, 126:19,

187.3, 187:5,  
187:5,5,  
**opinion [1]**  
187:12,  
**opportunity [6]**  
32.19, 134 14,  
154:14, 158 19,  
162:12, 174.20,  
**opposed [1]**  
125:16,  
**opposite [3]**  
73:21, 153.23,  
183 15,  
**options [1]**  
136:14,  
**order [11]**  
3 1, 6:22, 10:3,  
10:10, 10 21,  
16:18, 112:3,  
119:25, 130 10,  
160:25, 190:23,  
**ordered [1]**  
10:12,  
**orders [1]**  
146.4,  
**organization [1]**  
126 13,  
**organizations [1]**  
128:16,  
**originally [2]**  
26:10, 38 3,  
**others [2]**  
4:19, 128.5,  
**otherwise [1]**  
4.6,  
**ourselves [2]**  
130:9, 135.6,  
**outdoor [1]**  
129.13,  
**outer [1]**  
171:11,  
**outerbridge [1]**  
160:7,

**outside [8]**  
69:16, 75:11,  
113:21, 146:7,  
146:22, 156:1,  
163:5, 176:2,  
**overarching [1]**  
157.9,  
**oversee [3]**  
68:4, 124.6,  
167:13,  
**overseeing [2]**  
72.1, 125:17,  
**oversight [2]**  
126:2, 126:3,  
**overtime [1]**  
71.23,  
**oxygen [1]**  
34:12,

**P**  
**pace [8]**  
28:5, 28:9,  
28:11, 28.13,  
134:3, 134.15,  
135:21, 136.2,  
**pack [3]**  
99 18, 104:5,  
186:22,  
**page [6]**  
2:21, 101.25,  
146:19, 146:21,  
157:7, 158.14,  
**pages [1]**  
1:5,  
**paid [2]**  
160:1, 160:22,  
**paint [2]**  
143:5, 143:12,  
**pale [2]**  
99 7, 165:12,  
**palm [1]**  
26:23,  
**palpate [1]**  
104:7,

# IMPOUNDED

Vol I - 221

**paper [3]**  
188:14, 188:19,  
188:22,  
**paragraph [7]**  
40:14, 65:8,  
84:14, 84:14, 14,  
84:15, 102:13,  
102:20,  
**paramedics [3]**  
70:19, 71:8,  
73:11,  
**parameters [1]**  
45:19,  
**park [71]**  
18:20, 19:6,  
19:9, 20:8,  
20:14, 20:18,  
20:21, 21:7,  
21:20, 21:22,  
23:6, 24:20,  
24:21, 46:11,  
46:11, 11, 47:8,  
48:10, 48:17,  
48:20, 48:24,  
48:25, 49:19,  
49:21, 50:2,  
50:9, 50:17,  
52:12, 52:12, 12,  
53:15, 53:18,  
66:6, 72:5,  
72:16, 72:20,  
73:22, 73:24,  
74:1, 74:8,  
92:20, 93:23,  
94:5, 94:11,  
94:18, 94:19,  
95:15, 96:1,  
110:15, 111:8,  
111:10, 111:12,  
111:14, 111:17,  
111:24, 112:9,  
112:16, 112:18,  
113:11, 113:15,  
113:18, 114:24,

115:6, 117:25,  
118:15, 118:21,  
119:14, 141:3,  
145:14, 146:3,  
163:3, 180:22,  
184:11,  
**parked [21]**  
22:13, 51:13,  
52:4, 65:22,  
65:24, 66:8,  
66:14, 95:15,  
113:3, 113:5,  
113:17, 113:23,  
161:6, 161:9,  
161:13, 179:18,  
181:2, 181:6,  
183:15, 184:2,  
184:11,  
**parking [7]**  
51:15, 54:8,  
66:3, 114:23,  
117:24, 173:14,  
173:15,  
**particularly [2]**  
127:15, 178:11,  
**parties [2]**  
3:24, 105:22,  
**partner [2]**  
102:9, 102:10,  
**parts [3]**  
84:22, 162:15,  
174:24,  
**party [3]**  
5:7, 5:11, 5:14,  
**pasciucco [1]**  
1:26,  
**passenger [4]**  
15:2, 73:6, 73:7,  
172:16,  
**past [3]**  
12:23, 109:5,  
136:16,  
**patient [17]**  
45:17, 61:18,

61:19, 62:4,  
62:4, 4, 92:15,  
93:10, 104:4,  
113:19, 115:5,  
115:7, 115:18,  
115:22, 119:8,  
120:21, 121:8,  
121:24,  
**patients [1]**  
13:5,  
**patrick [1]**  
63:12,  
**patrol [11]**  
124:6, 124:15,  
124:15, 15,  
125:9, 125:18,  
131:9, 131:17,  
159:23, 160:2,  
160:23, 161:1,  
**paul [5]**  
1:14, 3:14,  
142:24, 175:24,  
182:23,  
**pause [8]**  
10:19, 40:21,  
64:4, 80:9,  
84:18, 103:1,  
120:18, 144:11,  
**paused [2]**  
30:7, 30:9,  
**pavement [2]**  
117:21, 119:14,  
**peer [7]**  
4:12, 5:25, 6:3,  
8:14, 8:16, 9:18,  
176:24,  
**people [14]**  
3:11, 5:14,  
10:14, 33:18,  
68:15, 68:17,  
69:3, 93:3, 95:5,  
103:8, 131:12,  
134:12, 138:11,  
145:6,

**percent [1]**  
127:19,  
**perform [2]**  
13:4, 14:20,  
**perhaps [1]**  
65:25,  
**perimeter [3]**  
171:10,  
171:10, 10,  
171:11,  
**period [4]**  
12:21, 95:7,  
131:11, 143:25,  
**peripheral [1]**  
50:20,  
**person [89]**  
3:20, 3:21, 5:19,  
7:7, 14:22, 16:2,  
16:15, 16:23,  
16:25, 22:3,  
23:12, 23:13,  
25:8, 25:9,  
25:12, 25:13,  
26:13, 27:11,  
27:18, 28:6,  
33:14, 35:1,  
35:5, 37:6,  
38:18, 41:13,  
47:7, 47:10,  
52:3, 52:17,  
53:25, 54:12,  
54:17, 54:17, 17,  
54:20, 54:22,  
55:3, 56:6, 56:7,  
56:8, 56:11,  
56:12, 56:16,  
56:22, 56:25,  
57:1, 58:18,  
59:20, 59:25,  
68:20, 69:20,  
70:5, 70:7,  
72:21, 72:25,  
74:10, 74:20,  
74:24, 75:9,

# IMPOUNDED

Vol. I - 222

75:13, 75:23,  
75:25, 76:7,  
76:10, 76:13,  
76:14, 77:16,  
77:19, 80:19,  
86:15, 92:3,  
93:12, 97:8,  
97:14, 97:22,  
98:14, 110:4,  
112:1, 114:25,  
115:10, 115:11,  
148:14, 150:19,  
156:22, 174:1,  
174:16, 185:4,  
185:9, 185:13,  
**personal [4]**  
46:16, 106:12,  
190:8, 190:14,  
**personnel [6]**  
68:7, 70:7,  
70:13, 70:17,  
148:5, 164:25,  
**persons [1]**  
4:5,  
**pharmaceutical  
[1]**  
123:15,  
**phase [1]**  
187:14,  
**phone [15]**  
2:28, 5:19,  
63:21, 102:5,  
141:14,  
141:14,14,  
141:17, 142:13,  
142:16, 142:19,  
147:2, 174:20,  
174:23, 175:6,  
175:13,  
**phonetic [1]**  
106:9,  
**photo [1]**  
20:6,  
**phrase [1]**

41:7,  
**physical [7]**  
126:8, 130:1,  
162:22, 169:5,  
177:7, 185:3,  
189:3,  
**physically [8]**  
134:3, 164:16,  
174:4, 174:12,  
185:22, 186:8,  
186:13, 189:11,  
**physiological  
[4]**  
172:1, 177:10,  
177:21, 178:2,  
**pick [1]**  
176:15,  
**picked [1]**  
121:24,  
**picks [1]**  
13:7,  
**picture [4]**  
143:6, 143:13,  
165:11, 173:16,  
**piece [1]**  
170:15,  
**pieces [3]**  
91:6, 133:14,  
136:9,  
**pinky [1]**  
27:24,  
**place [5]**  
38:5, 46:11,  
46:11,11, 51:20,  
171:12,  
**plan [11]**  
38:3, 47:21,  
48:8, 48:15,  
74:2, 110:7,  
146:8, 146:25,  
157:11, 183:24,  
187:12,  
**planned [2]**  
112:12, 186:16,

**planning [2]**  
187:13, 187:14,  
**play [13]**  
5:14, 56:13,  
126:21, 155:22,  
156:12, 158:22,  
164:12, 175:19,  
175:25, 176:6,  
179:5, 184:5,  
184:10,  
**played [7]**  
156:14, 158:23,  
164:14, 176:11,  
179:10, 179:21,  
179:23,  
**playground [8]**  
94:12, 94:14,  
94:16, 94:22,  
95:24, 96:20,  
111:17, 111:19,  
**playing [5]**  
66:13, 149:12,  
155:3, 156:17,  
176:4,  
**plays [2]**  
159:3, 176:8,  
**pleased [1]**  
157:5,  
**plenty [1]**  
17:21,  
**plus [1]**  
138:11,  
**point [68]**  
10:2, 10:9, 13:6,  
22:21, 27:6,  
27:16, 29:7,  
30:13, 30:25,  
31:4, 39:7, 42:9,  
48:18, 51:13,  
52:23, 63:4,  
64:20, 65:7,  
79:9, 80:22,  
81:23, 86:15,  
87:7, 87:11,

87:22, 98:11,  
101:21, 113:16,  
113:25, 114:6,  
114:11, 114:14,  
115:8, 115:17,  
115:19, 118:1,  
119:9, 121:23,  
125:24, 127:6,  
137:13, 140:15,  
140:15,15,  
145:18, 146:5,  
150:4, 151:15,  
152:16, 162:4,  
162:9, 163:4,  
164:22, 164:24,  
165:15, 167:5,  
167:7, 167:13,  
169:1, 169:19,  
169:21, 169:24,  
170:16, 170:21,  
171:2, 171:20,  
172:20, 183:18,  
185:1,  
**pointed [2]**  
166:12, 183:13,  
**pointing [3]**  
166:16, 170:7,  
170:10,  
**points [2]**  
28:23, 94:7,  
**pole [1]**  
91:14,  
**policing [1]**  
160:18,  
**policy [1]**  
145:6,  
**portion [5]**  
7:16, 125:25,  
125:25,25,  
127:18, 151:6,  
**portions [1]**  
32:22,  
**pose [1]**  
27:1,

# IMPOUNDED

Vol. I - 223

**position [14]**  
5:4, 12:14, 30:1,  
36:3, 45 11,  
45:20, 47:4,  
54:12, 54:13,  
54:17, 55:3,  
67:25, 95:10,  
128:25,  
**positioned [2]**  
50.19, 187.11,  
**positioning [2]**  
184:12, 184.25,  
**positive [1]**  
92:14,  
**possession [1]**  
172:13,  
**possible [6]**  
17:21, 46:18,  
48 3, 87.9,  
87 14, 136:12,  
**possibly [4]**  
110.6, 127 14,  
130:8, 130 10,  
**potential [14]**  
69:13, 69:23,  
113:18, 114 16,  
115:5, 128.1,  
136:2, 143:17,  
143:17,17,  
147:13, 148:1,  
149 13, 151:4,  
177.8,  
**potentially [11]**  
16:15, 16:23,  
91:23, 109:5,  
128:2, 135:25,  
137.20, 141 4,  
147.15, 162:22,  
177:8,  
**pouch [1]**  
186 19,  
**power [1]**  
48:1,  
**practical [1]**

124.8,  
**practice [2]**  
109:17, 130.3,  
**precipitating [1]**  
133:16,  
**precise [1]**  
79:7,  
**predict [1]**  
130:7,  
**prep [1]**  
175:18,  
**preparation [3]**  
39:24, 39.25,  
46:22,  
**prepare [1]**  
20.22,  
**prepared [2]**  
153.9, 187:8,  
**preparing [1]**  
187:11,  
**prepping [1]**  
175:17,  
**presence [2]**  
46:25, 49:17,  
**present [4]**  
3:5, 5:7, 5.23,  
105:22,  
**pressed [1]**  
186.7,  
**presumed [1]**  
113:20,  
**presuming [1]**  
54:4,  
**pretty [5]**  
46 23, 85:21,  
91:11, 140.11,  
168:5,  
**previous [1]**  
143:16,  
**previously [3]**  
118.6, 158:3,  
164:16,  
**primarily [1]**

91:3,  
**primary [6]**  
90:2, 93 11,  
93.12, 135:6,  
146:12, 148:2,  
**print [1]**  
189.16,  
**prior [13]**  
6:11, 50.2, 51:5,  
90:14, 90:18,  
109.7, 116 19,  
123:14, 123 23,  
124:11, 132.20,  
146:2, 171:13,  
**private [1]**  
123:13,  
**probation [2]**  
7 2, 142:25,  
**problem [6]**  
10.13, 62:20,  
106:19, 188:17,  
188:18, 189 8,  
**problems [4]**  
47:6, 136 18,  
147 24, 178:2,  
**procedurally [1]**  
188:6,  
**procedure [6]**  
6:18, 145.1,  
145:2, 147:12,  
147.20, 169:14,  
**proceed [6]**  
10:7, 11:14,  
88:14, 105.23,  
139 7, 140:10,  
**proceeded [2]**  
80.17, 110:15,  
**proceeding [7]**  
6:16, 7:21, 8:21,  
10 2, 35.16,  
43 25, 190:9,  
**proceedings [4]**  
1:3, 8:23, 10:5,

106:25,  
**process [12]**  
5 24, 66:2, 70:2,  
115:18, 130:11,  
130:11,11,  
141:9, 141.13,  
142:17, 158:20,  
162.9, 172:21,  
**processed [1]**  
173:2,  
**program [1]**  
132.12,  
**progress [1]**  
76.14,  
**projectile [8]**  
137:5, 137.21,  
157:20, 157.21,  
170 13, 185:25,  
186:5, 186.6,  
**promoted [1]**  
125:6,  
**prompt [1]**  
134.9,  
**prompted [1]**  
138:3,  
**prompts [1]**  
151.8,  
**proper [1]**  
182:14,  
**protect [1]**  
149:16,  
**protection [4]**  
137.24, 137:25,  
149.14, 149:15,  
**protective [2]**  
6:22, 139 22,  
**protocols [1]**  
70:6,  
**provide [5]**  
69.12, 108 25,  
114:13, 116.18,  
148:6,  
**proximity [2]**  
86.23, 121:15,

# IMPOUNDED

Vol I - 224

**psych [2]**  
46 18, 93:25,  
**psychiatric [1]**  
112.1,  
**psychological [1]**  
92:24,  
**public [5]**  
8:22, 9 2,  
190:11, 190:18,  
190:20,  
**pull [10]**  
46.24, 48 11,  
49:13, 74:5,  
92:12, 92:14,  
114 21, 149:2,  
160:15, 161:1,  
**pulled [26]**  
16:12, 21.20,  
48:8, 66:6,  
66:12, 74:4,  
74 4.4, 74:10,  
95 10, 95:17,  
95:24, 113 3,  
113:5, 114:20,  
114:22,  
114:22,22,  
115.3, 115:3,3,  
115:4, 115 15,  
117:18, 132.9,  
160:10, 160:23,  
162 4, 170:20,  
**pulling [13]**  
41:20, 48:9,  
48.16, 51:14,  
66:4, 74:8,  
74:18, 85:22,  
86:11, 95.25,  
96.7, 101:19,  
103:7,  
**pulse [2]**  
33:20, 165.21,  
**pump [1]**  
45 8,

**purpose [1]**  
99:10,  
**purposes [1]**  
173.25,  
**Q**  
**qualifications [1]**  
12.11,  
**quarter [1]**  
121:20,  
**question [32]**  
11:3, 17 15,  
24:3, 34:25,  
35 4, 36:14,  
43.9, 50:6, 59:1,  
71:18, 92 4,  
92.5, 108:6,  
108:7, 123 16,  
134:10, 134 11,  
135.3, 135 3,3,  
135:5, 135 6,  
135:8, 139.9,  
139:13, 146.12,  
157.9, 157 9,9,  
157:11, 157.13,  
160:14, 190.6,  
190.16,  
**questions [21]**  
5 21, 35:8, 35 9,  
35 10, 35:17,  
42.14, 62:13,  
62:14, 79:2,  
80:12, 88.3,  
88:21, 100.16,  
117 14, 117:15,  
146:13, 151:8,  
156:16, 178:14,  
178:24, 187:16,  
**quick [11]**  
17:21, 18:2,  
18:3, 18:17,  
18 18, 37:13,  
89.15, 100:16,

105:3, 171:21,  
178:24,  
**quicken [2]**  
130 10, 136:2,  
**quickest [1]**  
112:17,  
**quickly [2]**  
54:9, 152.9,  
**quite [5]**  
60:6, 91 24,  
105 4, 123:11,  
126 24,  
**R**  
**radio [23]**  
80 21, 85:20,  
97:15, 114 10,  
147 1, 147:5,  
147.6, 151:20,  
152:7, 152:11,  
152 21, 154:5,  
154.8, 154 12,  
154:14, 154 20,  
154:23, 155.2,  
158.9, 168 23,  
182.6, 182.22,  
185:9,  
**radioed [3]**  
159 18, 170:17,  
170:18,  
**raise [7]**  
8:7, 10:25,  
44.13, 67:6,  
88:11, 107 6,  
122:18,  
**raised [7]**  
26:21, 55:12,  
58.22, 64:11,  
64:13, 78:25,  
79:14,  
**rang [1]**  
163:14,  
**range [4]**  
129.12, 129:13,

129:13,13,  
129:15,  
**rank [3]**  
67:22, 123:20,  
123.21,  
**rapidly [2]**  
86:20, 165:20,  
**rare [2]**  
150.14, 160 15,  
**rate [2]**  
167:17, 171:21,  
**reach [3]**  
50 5, 69.8,  
147.7,  
**reached [3]**  
33:13, 76.13,  
76.16,  
**reaching [3]**  
50:2, 57 25,  
104:23,  
**reaction [3]**  
77:9, 89:16,  
152 6,  
**read [19]**  
7.3, 40:13,  
40:17, 40 23,  
40 25, 63:25,  
64 3, 65:9,  
65:10, 80:4,  
80.6, 80 11,  
83.11, 84:13,  
87:12, 102:19,  
102 23, 102:24,  
103 4,  
**reading [9]**  
6:4, 7:14, 7 15,  
19:11, 36.20,  
36:21, 65:17,  
65:20, 84:19,  
**ready [5]**  
10:7, 16:8,  
44:10, 88 15,  
105:23,  
**real [3]**



# IMPOUNDED

Vol. I - 225

155:7, 159:5,  
159:16,  
**realized [1]**  
31:23,  
**rear [3]**  
30:3, 31:8,  
172:19,  
**reason [2]**  
146:10, 184:23,  
**reasons [4]**  
69:24, 166:4,  
171:18, 184:13,  
**receive [5]**  
12:25, 15:24,  
16:14, 72:7,  
129:2,  
**received [7]**  
16:1, 72:11,  
114:10, 127:11,  
127:23, 128:14,  
141:14,  
**recent [1]**  
127:17,  
**recently [3]**  
7:2, 124:24,  
131:25,  
**recessed [1]**  
105:20,  
**recognize [6]**  
33:3, 43:1,  
52:13, 115:13,  
118:16, 180:13,  
**recognized [1]**  
169:6,  
**recollection [5]**  
5:12, 53:4,  
94:15, 94:20,  
119:16,  
**record [16]**  
1:3, 3:6, 6:8,  
8:2, 11:22,  
26:20, 42:23,  
44:23, 55:1,  
67:16, 89:3,

107:16, 123:4,  
168:14, 185:16,  
188:20,  
**recorded [3]**  
1:3, 83:23, 86:8,  
**recording [14]**  
1:3, 2:27, 8:3,  
156:14, 158:23,  
159:3, 162:17,  
164:1, 164:10,  
164:14, 176:11,  
179:10, 179:21,  
179:23,  
**records [5]**  
83:25, 188:10,  
188:23, 189:2,  
190:15,  
**recross [1]**  
2:2,  
**redact [1]**  
190:21,  
**redactions [4]**  
190:8, 190:13,  
190:14, 190:25,  
**redfield [1]**  
1:27,  
**redid [1]**  
18:10,  
**redirect [2]**  
42:15, 65:4,  
**refer [1]**  
69:22,  
**reference [3]**  
90:25, 157:18,  
189:2,  
**referenced [2]**  
31:20, 175:6,  
**referring [1]**  
76:21,  
**refresh [4]**  
40:25, 83:10,  
84:19, 84:22,  
**regardless [1]**  
79:3,

**regional [3]**  
126:13, 126:15,  
126:16,  
**regular [2]**  
16:5, 38:9,  
**regularly [1]**  
128:8,  
**related [4]**  
147:25, 177:2,  
177:7, 178:6,  
**relates [3]**  
7:10, 7:16, 44:4,  
**relation [2]**  
59:19, 94:14,  
**relationship [3]**  
8:13, 117:22,  
119:7,  
**relative [8]**  
96:9, 127:24,  
129:2, 132:18,  
142:24, 143:5,  
147:2, 177:3,  
**relatively [1]**  
138:17,  
**relevant [2]**  
121:13, 143:14,  
**relief [1]**  
152:24,  
**relieved [4]**  
98:10, 98:11,  
98:13, 98:17,  
**reliving [1]**  
167:1,  
**reloaded [1]**  
185:23,  
**reloading [1]**  
174:9,  
**remain [1]**  
82:16,  
**remaining [1]**  
104:24,  
**remember [22]**  
12:20, 22:14,  
22:17, 32:5,

39:11, 58:1,  
61:16, 63:3,  
63:22, 76:5,  
78:8, 78:11,  
81:22, 83:6,  
86:10, 87:2,  
87:3, 87:4,  
138:18, 143:25,  
168:9, 185:12,  
**remove [2]**  
172:11, 186:9,  
**removed [6]**  
62:5, 172:16,  
172:17,  
172:17,17,  
172:18, 185:22,  
**render [12]**  
16:24, 39:8,  
45:17, 45:22,  
51:8, 59:13,  
80:19, 81:1,  
99:8, 115:23,  
116:5, 117:19,  
**rendered [1]**  
97:22,  
**rendering [3]**  
32:2, 62:4,  
121:8,  
**repeat [1]**  
43:9,  
**replied [1]**  
81:22,  
**report [27]**  
39:14, 39:16,  
63:8, 63:11,  
65:6, 65:21,  
66:11, 79:22,  
80:5, 80:13,  
83:3, 83:9, 84:1,  
87:13, 101:25,  
102:11, 103:12,  
116:4, 116:6,  
116:10, 116:11,  
116:15, 116:16,

# IMPOUNDED

Vol I - 226

116:17, 141:4,  
158:25, 190:10,  
**reports [2]**  
39:17, 51:3,  
**represent [7]**  
25:16, 35:14,  
53:22, 62:18,  
83 2, 100:23,  
178:21,  
**representative [2]**  
6:15, 173.6,  
**represented [2]**  
5 18, 5:24,  
**representing [1]**  
25:7,  
**request [7]**  
4:21, 109:19,  
109:21, 109:25,  
110:1, 147:7,  
176:15,  
**requested [2]**  
4:8, 110:10,  
**require [1]**  
172.7,  
**required [2]**  
108:23, 110:12,  
**requirement [3]**  
90:13, 90:16,  
90.17,  
**requires [1]**  
145:6,  
**rereading [1]**  
6:17,  
**rescue [1]**  
128:10,  
**resolution [1]**  
190:17,  
**resources [1]**  
126:15,  
**respective [1]**  
25:16,  
**respectively [1]**

26:7,  
**respond [9]**  
14:16, 45:21,  
94:8, 108:15,  
130.22, 141:10,  
153:6, 153.8,  
159:18,  
**responded [2]**  
126:25, 159:12,  
**responder [1]**  
150 1,  
**responding [15]**  
37:24, 69 13,  
91:17, 127:13,  
127:23, 129:2,  
134:20, 137.3,  
146:3, 147:21,  
148:22, 151.8,  
151:14, 156:23,  
170 19,  
**response [10]**  
14:7, 136:20,  
140.5, 141:7,  
151.17, 152:23,  
177:10, 177.22,  
177:22,22,  
182 4,  
**responses [1]**  
172:1,  
**responsibilities [3]**  
68.3, 128:22,  
169 8,  
**responsibility [3]**  
132:13, 160:21,  
170:25,  
**responsible [6]**  
124.13, 124:14,  
126:2, 129.4,  
131:9, 152:11,  
**rest [3]**  
50:25, 52:16,

53.14,  
**result [2]**  
104:15, 174:6,  
**resulted [1]**  
145.13,  
**resume [1]**  
106:24,  
**resumed [1]**  
105.21,  
**return [1]**  
98:24,  
**review [2]**  
83 3, 174:20,  
**reviewed [1]**  
83:9,  
**reyes [53]**  
31:17, 31 20,  
31:21, 31:23,  
32.1, 32 10,  
34:18, 61 8,  
61:9, 61:11,  
81 18, 97:20,  
98:24, 99.2,  
99:16, 131:18,  
138.6, 141:3,  
144.17, 146 2,  
146:18, 147 4,  
152 20, 153:16,  
154:5, 155 10,  
156:21,  
156:21,21,  
156:23, 157:14,  
157:24, 158:5,  
162 3, 162:11,  
163.9, 163:16,  
164:23, 165.2,  
165:4, 165:5,  
168:19, 169:11,  
169 16, 170:1,  
173.10, 174:7,  
176:16, 177.18,  
181:9, 182:3,  
182:9, 186.13,  
187:8,

**ride [1]**  
73:1,  
**rifles [2]**  
137 14, 140:4,  
**right [175]**  
4:11, 4:18, 4:24,  
5:7, 7:15, 8:7,  
9:8, 9.14, 9:22,  
10.7, 10:25,  
15:20, 18.3,  
18:4, 18.12,  
18:17, 18:18,  
19 13, 20:12,  
20:13, 20:14,  
20:19, 26 21,  
27:3, 27:12,  
27:12,12, 27:16,  
28:8, 28 12,  
28:19, 29.9,  
33:1, 33:11,  
33:15, 33.21,  
33:22, 35.1,  
37 14, 37:16,  
39.1, 44:13,  
45:24, 48:10,  
48.23, 48:25,  
51:12, 53:19,  
54:1, 55:7,  
55.13, 55:20,  
57.12, 58:9,  
62:9, 62 24,  
64:1, 64.11,  
64 13, 66:3,  
66:5, 67:6,  
68:14, 73:23,  
74:15, 75:3,  
75:15, 76:11,  
78:16, 82.8,  
87 5, 88.11,  
88:24, 90:6,  
92:17, 93 1,  
93.4, 94:6, 94.9,  
94:15, 94.16,  
94:20, 94.22,

# IMPOUNDED

Vol. I - 227

95:22, 96:14,  
96:25, 97:11,  
97:23, 100:1,  
100:2, 100:5,  
101:4, 101:17,  
103:21, 105:5,  
106:2, 106:13,  
107:1, 107:2,  
107:6, 110:14,  
111:5, 112:5,  
112:6, 112:15,  
113:3, 114:24,  
116:13, 117:9,  
118:22,  
118:22,22,  
119:3, 120:3,  
120:12, 120:14,  
121:1, 121:2,  
122:6, 122:13,  
122:18, 125:4,  
130:17, 132:22,  
133:15, 134:2,  
134:13, 134:20,  
134:21, 135:4,  
135:7, 135:18,  
136:24, 144:7,  
144:8, 144:11,  
144:13, 144:18,  
145:25, 146:12,  
149:2, 149:8,  
150:8, 150:8,8,  
154:15, 155:4,  
155:5, 155:7,  
157:1, 157:10,  
157:16, 158:6,  
159:1, 159:9,  
160:12, 161:6,  
161:10, 161:11,  
161:14, 162:13,  
164:8, 164:24,  
166:5, 168:15,  
173:15, 173:17,  
180:9, 180:19,  
180:19,19,

181:3, 184:7,  
185:13, 187:25,  
188:20, 190:12,  
190:19, 190:25,  
**rings [1]**  
165:12,  
**rise [2]**  
29:9, 135:25,  
**road [13]**  
18:11, 32:15,  
48:10, 49:17,  
52:6, 58:16,  
58:16,16, 80:24,  
94:17, 131:9,  
131:9,9, 144:21,  
170:23,  
**roadway [1]**  
19:12,  
**role [12]**  
9:11, 9:13, 9:14,  
9:18, 12:8, 14:6,  
14:17, 93:6,  
93:7, 108:22,  
109:2, 131:3,  
**roles [4]**  
93:17, 126:21,  
127:12, 176:22,  
**roll [9]**  
131:20, 131:22,  
131:24, 132:10,  
133:22, 138:9,  
138:23, 138:24,  
182:20,  
**rolling [1]**  
141:13,  
**roof [2]**  
19:4, 19:9,  
**room [6]**  
98:6, 98:10,  
129:18, 138:9,  
138:10, 141:23,  
**roots [1]**  
112:13,  
**rote [1]**

132:12,  
**rough [1]**  
91:11,  
**roughly [3]**  
139:3, 139:5,  
162:20,  
**round [7]**  
157:22, 170:13,  
172:20, 185:22,  
186:7, 186:10,  
186:11,  
**rounds [2]**  
173:1, 186:20,  
**route [15]**  
17:23, 18:1,  
49:2, 49:6, 74:4,  
94:1, 94:4,  
110:13, 112:6,  
112:15, 112:17,  
112:21, 146:6,  
151:20, 153:16,  
**routing [1]**  
18:10,  
**rule [6]**  
5:12, 6:4, 6:6,  
6:17, 7:9, 7:14,  
**rules [2]**  
3:23, 6:19,  
**running [34]**  
22:10, 22:12,  
22:14, 31:13,  
41:4, 41:13,  
42:7, 43:16,  
43:18, 43:19,  
50:21, 50:23,  
52:2, 52:4,  
52:18, 54:14,  
56:6, 57:4, 57:5,  
57:7, 57:9,  
64:16, 66:14,  
74:20, 74:21,  
74:23, 75:23,  
75:25, 76:10,  
85:6, 85:9,

113:12, 170:23,  
180:19,  
**runs [1]**  
118:21,  
**rushing [1]**  
134:25,

**S**  
**safe [4]**  
38:5, 68:11,  
92:10, 149:22,  
**safely [1]**  
150:20,  
**safety [1]**  
77:7,  
**sales [1]**  
123:15,  
**same [21]**  
13:12, 15:15,  
22:21, 24:6,  
25:21, 32:15,  
39:4, 65:6,  
67:25, 70:15,  
79:19, 95:20,  
95:25, 101:22,  
102:11, 146:19,  
146:21, 149:21,  
157:7, 158:14,  
160:8,  
**saturday [1]**  
36:23,  
**save [1]**  
188:14,  
**scenario [4]**  
130:8, 134:2,  
153:10, 168:4,  
**scenarios [1]**  
130:7,  
**scene [91]**  
16:16, 16:21,  
17:16, 17:21,  
21:13, 31:24,  
34:13, 34:17,  
38:23, 38:24,

# IMPOUNDED

Vol I - 228

47:22, 50:17,  
60:20, 61:25,  
62:3, 68:4,  
68:11, 69:18,  
70:11, 70:14,  
71:14, 72:24,  
73:9, 74:9,  
74:19, 81:13,  
82:11, 82:15,  
86:12, 92:10,  
93:14, 97:2,  
97:11, 97:23,  
98:21, 98:22,  
99:2, 110:11,  
112:1, 114:12,  
114:20, 115:1,  
115:16, 115:25,  
116:8, 117:4,  
136:17, 142:1,  
142:12, 146:23,  
148:7, 149:8,  
149:11, 149:18,  
150:15, 150:25,  
151:2, 151:3,  
154:3, 154:4,  
154:7, 154:11,  
156:23, 158:16,  
158:19, 158:21,  
159:8, 159:9,  
161:4, 164:24,  
165:1, 165:6,  
168:6, 169:20,  
170:16, 170:17,  
171:1, 171:11,  
171:11,11,  
172:22, 172:24,  
173:2, 173:2,2,  
178:12, 179:18,  
181:7, 182:14,  
183:12, 184:22,  
187:2, 187:8,  
**scheduling [1]**  
106:1,  
**screen [1]**

118:19,  
**sealed [2]**  
8:3, 8:3,3,  
**sean [8]**  
2:15, 93:21,  
102:9, 104:24,  
105:3, 107:4,  
107:7, 107:17,  
**searches [2]**  
143:21, 144:10,  
**searching [3]**  
144:6, 144:8,  
185:17,  
**seat [4]**  
15:2, 60:12,  
73:6, 73:7,  
**seated [3]**  
3:13, 52:16,  
53:14,  
**second [28]**  
26:4, 26:5,  
32:12, 57:24,  
58:3, 58:5,  
58:5,5, 58:11,  
58:14, 87:9,  
87:14, 89:25,  
90:1, 152:8,  
154:23, 155:6,  
155:8, 155:12,  
158:22, 179:16,  
179:17, 183:14,  
183:14,14,  
183:20, 183:21,  
183:22, 183:23,  
186:11,  
**seconds [17]**  
59:21, 60:23,  
77:14, 141:18,  
141:18,18,  
152:18, 152:19,  
154:6, 154:8,  
154:10, 162:20,  
163:1, 163:7,  
163:8, 163:12,

163:13, 179:9,  
**secrecy [1]**  
6:21,  
**section [4]**  
38:10, 38:13,  
68:17, 69:23,  
**sector [1]**  
123:13,  
**secure [3]**  
69:18, 149:17,  
150:17,  
**secured [1]**  
105:13,  
**security [2]**  
12:13, 160:21,  
**seek [1]**  
92:12,  
**seize [1]**  
171:5,  
**self [2]**  
36:13, 68:22,  
**send [6]**  
69:2, 69:4, 70:3,  
70:6, 148:25,  
168:24,  
**senior [2]**  
91:2, 91:4,  
**seniority [1]**  
90:23,  
**sense [8]**  
7:11, 66:20,  
104:12, 104:15,  
132:4, 132:21,  
151:11, 177:4,  
**sensitive [1]**  
11:5,  
**sent [1]**  
188:9,  
**sentence [7]**  
40:13, 63:25,  
65:8, 65:10,  
87:12, 87:13,  
103:6,  
**sentences [3]**

83:12, 102:20,  
102:21,  
**separate [7]**  
125:13, 129:10,  
138:9, 138:10,  
160:1, 160:3,  
160:18,  
**separated [1]**  
150:11,  
**separately [1]**  
160:22,  
**sequestration [3]**  
10:3, 10:10,  
10:21,  
**sergeant [7]**  
106:5, 155:13,  
159:18, 159:25,  
171:6, 171:8,  
189:20,  
**sergeants [1]**  
124:16,  
**seriously [1]**  
152:14,  
**service [7]**  
127:15, 127:19,  
129:5, 129:8,  
129:10, 130:17,  
133:4,  
**services [6]**  
1:2, 45:6,  
108:25, 113:13,  
114:13, 149:25,  
**session [1]**  
4:3,  
**seven [7]**  
15:11, 21:24,  
89:11, 145:23,  
152:19, 154:6,  
175:15,  
**several [1]**  
89:15,  
**share [1]**  
188:10,

# IMPOUNDED

Vol. I - 229

**sharpie [2]**  
120:10, 181:5,  
**shelby [1]**  
1:18,  
**shield [15]**  
22:2, 28:18,  
39:2, 62:22,  
137:19, 137:20,  
137:20,20,  
137:21, 137 23,  
142:3, 142:9,  
147:6, 158.4,  
158:5, 158:12,  
**shields [8]**  
129.18, 137:8,  
137:8,8, 137:9,  
139:16, 139 22,  
140:3, 140.3,3,  
**shift [20]**  
14.4, 14 7, 14:9,  
15:17, 38 14,  
71:23, 72:2,  
124 12,  
124:12,12,  
124:14, 124:16,  
124.17, 125:10,  
131 4, 131:6,  
131:7, 131.20,  
138 20, 138:22,  
148.14,  
**shifts [1]**  
144:22,  
**shock [5]**  
22:18, 31.5,  
165:19, 165:20,  
171:25,  
**shockey [1]**  
171:24,  
**shocking [1]**  
57 22,  
**shoot [2]**  
87:9, 87:14,  
**shooter [2]**  
128:11, 160:25,

**shooting [3]**  
12.11, 51 5,  
132:18,  
**shootings [2]**  
6 10, 36:9,  
**short [6]**  
38.20, 132:10,  
150:15, 171.21,  
185:4, 188.24,  
**shortly [3]**  
83:18, 141:13,  
142:8,  
**shot [18]**  
35:6, 58.2,  
84 24, 86:23,  
97.14, 97:22,  
116.13, 116:16,  
116.18, 116:23,  
132:1, 133:7,  
133:12, 153:3,  
153.4, 153:6,  
153.15, 163:14,  
**shots [27]**  
51:5, 56 15,  
57:21, 57.24,  
58 3, 58:8,  
58:11, 58:15,  
60:5, 97 15,  
114 11, 114:16,  
114:18, 151:25,  
152:2, 152:17,  
152.21,  
152:21,21,  
152:25, 153 1,  
153:8, 153.9,  
153 11, 153:17,  
154:24, 155:6,  
159.16,  
**shoulder [3]**  
26:22, 55.7,  
144 3,  
**shouldered [1]**  
55 6,  
**shouted [2]**

50:22, 51:3,  
**shouting [1]**  
51:2,  
**show [14]**  
23.5, 26:16,  
39:21, 47:1,  
52:11, 63:11,  
63:16, 65:6,  
83.25, 84:1,  
101:25, 118:4,  
118:11, 180:13,  
**showed [1]**  
33 19,  
**showing [5]**  
18:25, 154 19,  
163 25, 166.16,  
175:5,  
**shown [2]**  
11:6, 178:25,  
**shut [3]**  
49:24, 162:24,  
176:10,  
**sick [1]**  
45:18,  
**side [28]**  
41:22, 41:23,  
41:23,23, 41 25,  
47:16, 48:10,  
50.20, 52:5,  
55:13, 64:1,  
95:9, 121:2,  
121 2,2, 153:25,  
160:6, 160:8,  
161:5, 166:13,  
170.19, 172 16,  
172:17, 173 1,  
180:2, 184.6,  
184 7, 184.8,  
184.9, 184:17,  
**sidetracked [1]**  
145:16,  
**sight [4]**  
22:13, 43 20,  
48:15, 92.13,

**sign [7]**  
6:23, 6:23,23,  
44:1, 66 19,  
66:21, 120:12,  
154 13,  
**significance [2]**  
157:3, 158:8,  
**signify [1]**  
152 3,  
**signs [1]**  
177:25,  
**silent [1]**  
80:5,  
**silently [1]**  
65:9,  
**similar [8]**  
118.5, 125:24,  
127.20, 140 11,  
147:2, 150:2,  
158:14, 177:20,  
**single [1]**  
124.24,  
**siren [2]**  
49:9, 49 20,  
**sister [1]**  
3:15,  
**sitting [2]**  
5:1, 172 15,  
**situated [2]**  
167 9, 171:7,  
**situation [32]**  
4.1, 4:15, 38:13,  
39:2, 130 24,  
134:2, 134:16,  
135:17, 136:2,  
136 15, 136:21,  
143.6, 147:13,  
147:13,13,  
147:24, 149:12,  
149 16, 149:21,  
150.21, 151:5,  
151:18, 157:4,  
165.9, 169:15,  
169:24, 174 7,

# IMPOUNDED

Vol. I - 230

176:20, 177:21,  
184:20, 186:17,  
187:1, 187:10,  
**situational [1]**  
141:11,  
**situations [16]**  
38 10, 126:25,  
127:5, 127:13,  
130:7, 130:9,  
132:15, 133:18,  
134:12, 136 7,  
136:12, 136:16,  
143:14, 149:13,  
160:24, 177:15,  
**size [4]**  
21 2, 21:13,  
21:19, 124:19,  
**skinny [1]**  
185.4,  
**skips [1]**  
176.4,  
**skull [1]**  
33.16,  
**slide [2]**  
172:19, 172:25,  
**sling [7]**  
173:20, 173:22,  
173:24, 174:10,  
174:14, 174:16,  
186:12,  
**slow [8]**  
135:21, 138 17,  
140:11, 146 16,  
146.16,16,  
151.16, 158:18,  
182:3,  
**slower [2]**  
135:8, 135:22,  
**slowing [2]**  
134:24, 135:4,  
**slowly [1]**  
76:25,  
**slung [2]**  
174:2, 174:3,

**small [1]**  
114.23,  
**smell [1]**  
91:11,  
**smith [9]**  
1:18, 131 16,  
138:7, 141:2,  
142:16, 144.2,  
144 17, 145:24,  
151:9,  
**smoother [1]**  
176:8,  
**social [1]**  
148:11,  
**sole [1]**  
131.5,  
**solely [1]**  
6 25,  
**sometime [1]**  
132.19,  
**soon [3]**  
21:4, 21 22,  
152:14,  
**sorry [20]**  
3:22, 23:21,  
32 11, 36:18,  
40:18, 42.24,  
43:8, 43 8,8,  
66:22, 74.14,  
86:7, 86:9,  
127.2, 139:8,  
142.10, 155 25,  
164:9, 165:3,  
167:24, 181:15,  
**sort [10]**  
32 7, 34:23,  
95:9, 97:17,  
108.25, 129 24,  
132:11, 133:24,  
133 25, 138:5,  
**sounded [1]**  
50:22,  
**sounds [4]**  
107:1, 121 22,

162:21, 162:23,  
**space [3]**  
37:6, 39 4, 39:5,  
**spatter [3]**  
165:15, 168:7,  
168:8,  
**speak [17]**  
7.20, 9:11, 9.14,  
9:18, 10 4, 31:6,  
32 1, 61:25,  
81.2, 81:5, 81:8,  
81:18, 81:24,  
97:10, 97 13,  
99:13, 116.2,  
**speaking [4]**  
5:5, 106:20,  
133 21, 142:6,  
**speaks [1]**  
157.21,  
**special [4]**  
12 7, 12:9,  
35:24, 126:23,  
**specialized [1]**  
128:21,  
**specific [5]**  
36:14, 38:18,  
45:12, 55.10,  
149:25,  
**specifically [8]**  
62:8, 125.18,  
127 24, 129 12,  
134.11, 139 14,  
139:20, 149:6,  
**specifics [1]**  
115:9,  
**spectacles [1]**  
65.14,  
**sped [2]**  
152:8, 152:10,  
**speed [5]**  
57:3, 57:6,  
112:16, 112:20,  
153.25,  
**spell [8]**

11:21, 44:22,  
67:15, 89:2,  
107:15, 123 3,  
131.14, 131:15,  
**spent [1]**  
139.21,  
**spoke [6]**  
78.15, 79:17,  
81:6, 81 11,  
99:25, 170:2,  
**spook [1]**  
183.25,  
**spot [3]**  
21:12, 69 17,  
80:17,  
**spots [1]**  
145:3,  
**spread [1]**  
137 6,  
**springfield [4]**  
131:25, 132:7,  
132:19, 138 3,  
**stab [1]**  
22:12,  
**stabbing [1]**  
41:17,  
**staff [5]**  
15:19, 124 23,  
125:2, 148:12,  
149:21,  
**staffed [1]**  
15.15,  
**stage [28]**  
38.3, 46:24,  
47:2, 47:3,  
47:21, 71:10,  
73 20, 73:21,  
74:3, 94:14,  
94.25, 95:1,  
95:4, 110 10,  
110:17, 111.22,  
112:1, 112.2,  
112 19, 147:12,  
149:3, 149:6,

# IMPOUNDED

Vol. I - 231

149:8, 149:11,  
149:17, 149:22,  
150:5, 150:24,  
**staged [16]**  
74:6, 94:10,  
95:10, 96:4,  
100:25, 101:11,  
101:13, 101:21,  
111:11, 113:2,  
113:2,2, 113:9,  
113:11, 114:7,  
114:9, 148:5,  
**staging [3]**  
92:12, 149:5,  
149:9,  
**stair [1]**  
47:25,  
**stand [8]**  
44:12, 61:22,  
62:22, 67:5,  
69:15, 88:10,  
107:5, 122:16,  
**standard [5]**  
4:23, 145:1,  
148:25, 169:14,  
190:17,  
**standards [2]**  
190:7, 190:16,  
**standby [3]**  
92:9, 93:25,  
110:11,  
**standing [2]**  
58:16, 145:1,  
**standpoint [2]**  
71:6, 188:19,  
**stands [2]**  
17:12, 126:12,  
**stare [2]**  
99:6, 165:14,  
**stars [1]**  
64:2,  
**start [8]**  
80:18, 106:15,  
131:13, 138:22,

144:24, 163:13,  
187:25, 189:25,  
**started [13]**  
22:10, 22:12,  
33:15, 33:20,  
33:22, 43:16,  
61:17, 138:20,  
138:23, 139:12,  
141:14, 142:15,  
142:17,  
**starting [2]**  
138:21, 166:18,  
**starts [3]**  
40:15, 64:1,  
141:9,  
**state [36]**  
4:13, 6:11, 11:4,  
11:21, 30:22,  
31:3, 40:1,  
44:22, 63:4,  
63:23, 64:8,  
64:14, 67:15,  
78:15, 79:16,  
83:6, 87:3, 87:8,  
87:21, 89:2,  
92:8, 97:8,  
103:18, 106:4,  
106:5, 107:15,  
119:10, 121:14,  
123:3, 127:14,  
168:21, 171:24,  
172:9, 172:10,  
175:24, 177:20,  
**stated [1]**  
103:20,  
**statement [2]**  
40:23, 152:10,  
**statements [2]**  
79:23, 110:6,  
**states [1]**  
89:13,  
**stating [1]**  
55:24,  
**station [49]**

13:25, 14:2,  
15:7, 15:12,  
15:14, 15:15,  
15:16, 15:19,  
15:19,19, 16:4,  
16:12, 17:2,  
17:5, 17:10,  
17:24, 18:2,  
18:15, 18:16,  
19:4, 19:5, 20:5,  
20:12, 37:13,  
40:11, 46:8,  
46:9, 48:19,  
49:13, 71:24,  
71:25, 73:12,  
89:21, 89:22,  
94:1, 94:3, 94:4,  
94:6, 94:9,  
100:2, 110:14,  
110:24, 111:2,  
111:5, 112:9,  
140:18, 140:22,  
142:12, 147:10,  
158:2,  
**stationed [1]**  
13:25,  
**stations [2]**  
13:23, 17:8,  
**stay [9]**  
30:19, 70:14,  
82:10, 82:18,  
140:17, 146:22,  
170:19, 171:8,  
176:1,  
**staying [1]**  
48:15,  
**step [11]**  
8:6, 11:9, 14:11,  
14:12, 14:15,  
125:6, 164:25,  
165:4, 165:6,  
176:2, 179:7,  
**steps [2]**  
16:3, 70:20,

**still [14]**  
24:7, 25:5,  
56:15, 56:16,  
75:20, 76:23,  
83:25, 113:12,  
113:20, 139:1,  
145:24, 153:16,  
164:24, 171:20,  
**stimulus [1]**  
136:21,  
**stipulate [1]**  
29:10,  
**stood [1]**  
21:21,  
**stop [14]**  
22:19, 30:2,  
30:6, 49:7, 52:3,  
56:2, 85:22,  
94:24, 115:2,  
137:20, 138:1,  
166:18, 166:19,  
179:11,  
**stopped [10]**  
22:9, 22:25,  
32:15, 39:8,  
51:16, 75:17,  
77:3, 77:11,  
96:20, 162:7,  
**stopping [2]**  
49:3, 49:7,  
**straight [4]**  
49:3, 49:7,  
95:14, 97:1,  
**strap [2]**  
173:24, 174:3,  
**strategic [1]**  
184:2,  
**street [7]**  
1:27, 52:6,  
67:23, 138:12,  
144:16, 159:22,  
174:21,  
**stress [5]**  
165:11, 176:23,

# IMPOUNDED

Vol I - 232

177:4, 177:10,  
177 22,  
**stressed [1]**  
165:17,  
**stretch [2]**  
6:5, 18:11,  
**stretcher [3]**  
47 25, 98:19,  
98.20,  
**strike [1]**  
27 2,  
**striking [4]**  
26:25, 27 1,  
27.1,1, 42:4,  
**struck [1]**  
35 1,  
**structure [1]**  
124:20,  
**struggling [1]**  
185:12,  
**stuck [1]**  
82 19,  
**study [1]**  
130.14,  
**stuff [6]**  
12:13, 32 3,  
82 5, 105 16,  
115:20, 178:8,  
**subduing [1]**  
36.10,  
**subject [35]**  
5:15, 25:7,  
25.22, 25-22,22,  
29:15, 30:11,  
31 16, 32:9,  
53:20, 58.21,  
59:3, 60.1,  
60:21, 65.22,  
66:4, 66:8,  
78 21, 78 25,  
79:10, 79.13,  
80.15, 81.25,  
82:3, 86:24,  
97:4, 133:2,

135:19, 142:16,  
142:19, 144:8,  
151 8, 161:22,  
162:5, 162:11,  
166:15,  
**submitted [1]**  
188:16,  
**subsequent [1]**  
133.11,  
**substantial [1]**  
7:6,  
**substantially [1]**  
127.17,  
**suffering [1]**  
117:20,  
**suggest [1]**  
66:17,  
**suicidal [11]**  
16:15, 16.23,  
38:1, 68 17,  
69:13, 71:13,  
72:21, 91:23,  
109:5, 127:14,  
147 15,  
**suicide [1]**  
16:2,  
**summary [1]**  
102:8,  
**sunday [6]**  
36.24, 63.15,  
63:18, 83:18,  
138 16, 140:11,  
**superior [2]**  
59:12, 190:22,  
**supermarket [1]**  
160 6,  
**supervising [3]**  
70:16, 70:17,  
125:3,  
**supervision [2]**  
68:9, 71:21,  
**supervisor [1]**

125 15,  
**supervisors [1]**  
124:15,  
**support [20]**  
4:13, 5:23, 5:25,  
6 3, 6:25, 7 10,  
7:12, 8:14, 8:17,  
9:11, 9:13, 9:19,  
13:14, 13.16,  
17 9, 17:13,  
45:15, 47 1,  
150.21, 176.25,  
**supportive [1]**  
9:14,  
**surface [1]**  
176:5,  
**surfaced [1]**  
132 18,  
**surreal [1]**  
152 8,  
**suspect [3]**  
41:21, 120:21,  
182.8,  
**swap [2]**  
93:18, 126:17,  
**swat [9]**  
89:15, 126.16,  
126:25, 127.3,  
127:15, 127:18,  
128:9, 128:22,  
141 22,  
**swear [1]**  
7.25,  
**sworn [8]**  
4:9, 8.8, 11:1,  
44 14, 67:7,  
88:12, 107.7,  
122:19,  
**system [4]**  
1:3, 143.3,  
143 3,3, 188 10,

**I**  
**table [1]**

141.12,  
**tactical [11]**  
126:8, 127:5,  
134 12, 136:13,  
141:11, 143.13,  
151:4, 151.5,  
151:17, 184:12,  
184:25,  
**tactically [5]**  
134:14, 153:7,  
182:13, 186:16,  
187:11,  
**tactics [12]**  
37.1, 124 9,  
126:5, 126.6,  
126:7, 126.23,  
127:10, 129.19,  
129:22, 136:11,  
143.15, 158.21,  
**takeaway [1]**  
135:15,  
**takeaways [1]**  
134:18,  
**taking [1]**  
154.1,  
**talk [7]**  
50 12, 92:10,  
93:22, 130:25,  
135:11, 151:13,  
160.24,  
**talked [14]**  
35:4, 92:25,  
112.12, 130:15,  
133:24, 134:24,  
139.10, 139 13,  
143:15, 149.10,  
158 3, 159.21,  
159:21,21,  
169:2,  
**talking [17]**  
13:6, 19 1, 26:3,  
29.15, 42 18,  
78:6, 92 3,  
109:23, 138:3,



# IMPOUNDED

Vol I - 233

139:1, 144:5,  
145:17, 155:9,  
158:15, 166:17,  
170:24, 174:25,  
**tall [3]**  
38:19, 108:18,  
185:4,  
**tandem [1]**  
186:18,  
**tape [1]**  
171:11,  
**tapped [1]**  
49:9,  
**target [1]**  
7 8,  
**taser [3]**  
137:11, 187:5,  
187:6,  
**tasers [4]**  
38:4, 129:17,  
137:11, 139:23,  
**team [10]**  
98:8, 98:9,  
126:19, 126:20,  
127:3, 127:18,  
136:11, 157:7,  
182:4, 187:9,  
**tech [1]**  
93:7,  
**technically [2]**  
4:22, 70:19,  
**technician [6]**  
13:1, 13:3, 93:7,  
93:8, 93:9,  
93:20,  
**telling [7]**  
78:18, 78:21,  
78:24, 79:2,  
87:3, 87:4,  
100:3,  
**tells [1]**  
153:2,  
**tend [1]**  
112:2,

**tenor [1]**  
151:7,  
**term [3]**  
99:7, 150:15,  
177:16,  
**terms [26]**  
41:1, 49:6,  
62:19, 64:9,  
71:6, 71:9,  
71:9,9, 85:2,  
92:5, 103:6,  
110:8, 121:14,  
121:23, 124:19,  
133:20, 133:21,  
134:23, 138:20,  
148:22, 169:13,  
174:8, 185:20,  
188:9, 189:1,  
190:8, 190:13,  
**terrace [15]**  
14:3, 18:16,  
20:12, 40:11,  
46:9, 49:5,  
49:14, 49:15,  
89:23, 94:3,  
111:5, 111:7,  
153:19, 153:22,  
161:5,  
**testified [1]**  
83:17,  
**testifies [1]**  
106:25,  
**testify [1]**  
6:2,  
**testimony [4]**  
29:22, 41:7,  
66:1, 106:23,  
**themselves [6]**  
3:6, 51:5, 128:4,  
135:20, 136:4,  
157:13,  
**thereafter [2]**  
141:13, 142:8,  
**third [6]**

6:14, 53:19,  
84:13, 84:14,  
84:15, 135:3,  
**thirty [1]**  
12:2,  
**thousand [2]**  
99:6, 165:14,  
**threat [4]**  
169:5, 169:6,  
169:21, 169:23,  
**threatened [1]**  
128:5,  
**threatening [1]**  
68:17,  
**threats [2]**  
128:12, 143:17,  
**three [23]**  
2:28, 15:6, 15:9,  
15:17, 65:8,  
84:4, 85:4,  
102:20, 103:13,  
122:1, 125:11,  
131:8, 131:17,  
134:18, 138:11,  
138:11,11,  
144:15, 148:20,  
154:9, 159:22,  
174:20, 175:5,  
175:13,  
**thumb [2]**  
26:24, 27:23,  
**tier [2]**  
183:20, 183:21,  
**times [11]**  
5:20, 17:18,  
38:16, 72:10,  
87:20, 128:9,  
128:9,9, 129:12,  
130:20, 156:18,  
163:20,  
**tobin [1]**  
1:26,  
**today [20]**  
9:17, 9:23, 9:25,

10:21, 12:18,  
12:19, 29:5,  
41:7, 42:18,  
64:12, 79:5,  
100:8, 101:18,  
101:23, 103:8,  
103:24, 104:24,  
110:19, 183:12,  
187:23,  
**todd [4]**  
2:9, 67:5, 67:7,  
67:17,  
**together [5]**  
71:15, 71:16,  
126:15, 170:15,  
170:24,  
**tomorrow [6]**  
106:3, 175:20,  
188:1, 189:25,  
190:3, 191:1,  
**tone [1]**  
151:7,  
**tools [5]**  
136:19, 137:1,  
143:15, 147:4,  
158:20,  
**tops [1]**  
141:19,  
**total [6]**  
72:9, 121:23,  
126:3, 139:19,  
153:22, 163:19,  
**totally [1]**  
71:16,  
**totem [1]**  
91:14,  
**touch [1]**  
104:7,  
**tough [1]**  
86:14,  
**tougher [1]**  
91:12,  
**toward [3]**  
13:7, 37:5,

# IMPOUNDED

Vol I - 234

85:10,  
**towards [26]**  
20:8, 22:1,  
22:10, 22:12,  
27:18, 28:6,  
37:22, 38:25,  
41:4, 41:13,  
64:17, 74:23,  
76:1, 76:10,  
77:20, 88:22,  
110 16, 114:12,  
114 20, 118:25,  
121:17, 161:8,  
162:1, 162:6,  
179:13, 179:16,  
**tower [5]**  
108:10, 108:14,  
108:15, 108:17,  
108:23,  
**town [5]**  
68:24, 108:25,  
160 4, 160:6,  
160 9,  
**towns [3]**  
109:1, 126 15,  
127:3,  
**track [3]**  
15:1, 76:19,  
190:4,  
**traffic [7]**  
124:8, 147:5,  
156:1, 156:5,  
160 5, 160:8,  
160:19,  
**trafficky [1]**  
49:16,  
**train [2]**  
128:7, 128:7,7,  
**trained [5]**  
13 13, 13:17,  
37:4, 39 5,  
91:16,  
**training [54]**  
12:10, 12:12,

12:25, 36:3,  
36:5, 36:6, 36:7,  
36:10, 36:25,  
37 4, 71:4,  
124:9, 125:13,  
125:20, 125:23,  
125:25, 126:3,  
126 5, 126:7,  
126:9, 127:7,  
127:8, 127:10,  
127:10,10,  
127:11, 127:22,  
128 9, 128:11,  
128:14, 128:21,  
129:1, 129 5,  
129:9, 129:10,  
129:11, 129:12,  
129:14, 129:18,  
129:19, 129 25,  
130:1, 130:3,  
130:6, 130:13,  
130:16, 132:8,  
132 9, 132:12,  
132:14, 133:21,  
133:24, 150:1,  
178:9, 182:17,  
**trainings [6]**  
127:25, 130:22,  
132 10, 134:8,  
134:8,8, 134:12,  
**transcriber [1]**  
1:2,  
**transcription [1]**  
1:2,  
**transcripts [1]**  
190:10,  
**transfer [1]**  
72:14,  
**transitioned [1]**  
34:5,  
**transmission [10]**  
114:10, 154:5,

154 8, 155:10,  
155:11,  
155:11,11,  
155:12, 156 13,  
159:4, 182:10,  
**transmissions [8]**  
154:15, 154 20,  
154 23, 154:24,  
155:2, 155:9,  
156:18, 158:9,  
**transpired [6]**  
39:12, 77 22,  
81:25, 97:7,  
116:4, 116:10,  
**transport [6]**  
16 25, 69:19,  
69:20, 81:15,  
99:3, 99:10,  
**transported [6]**  
33 24, 68:20,  
82:7, 97:25,  
98:4, 117:6,  
**transporting [2]**  
98:7, 116 25,  
**trauma [4]**  
98:6, 98:8,  
177:1, 186:21,  
**traumatic [2]**  
4:15, 176:20,  
**travel [2]**  
30:3, 106:12,  
**traveled [1]**  
110:23,  
**traveling [1]**  
28:6,  
**treat [2]**  
115:7, 116:22,  
**treatment [2]**  
33:13, 93:11,  
**tree [1]**  
119:16,  
**tristan [1]**  
131:19,

**trooper [10]**  
63:12, 78:15,  
78:18, 78:21,  
78:24, 79:3,  
79:4, 79:16,  
79:17, 79:22,  
**troubling [1]**  
11:9,  
**truck [112]**  
14:5, 14 14,  
14:16, 14:16,16,  
14 22, 15:4,  
16:6, 16:8,  
16:12, 16 23,  
17:2, 17 4, 17:7,  
17:16, 17:23,  
20:24, 20 25,  
21:4, 21 11,  
21:16, 21:20,  
21:22, 22:9,  
22:21, 22:24,  
22 24,24, 23:9,  
23 23, 24:4,  
24:7, 24:16,  
25:3, 25:5,  
25:18, 29:14,  
29:23, 30:2,  
30:8, 34:5,  
37:16, 39:8,  
41:20, 43:16,  
43:17, 45:7,  
45:8, 45:21,  
46 21, 50:19,  
50:23, 51:13,  
51:16, 52:4,  
52:16, 53 14,  
54 8, 60 15,  
60:22, 65:22,  
65:24, 66:3,  
66:6, 66:9,  
66:13, 69:25,  
70:17, 73 3,  
73:14, 73:23,  
74:2, 74:8,

# IMPOUNDED

Vol. I - 235

75:13, 75:17,  
75:20, 76:18,  
76:23, 77:3,  
77:6, 77:10,  
82:10, 85:10,  
85:16, 85:19,  
85:20, 85:23,  
86:3, 86:17,  
87:17, 90:21,  
91:5, 91:18,  
95:17, 95:25,  
96:3, 96:6, 96:9,  
96:11, 96:19,  
100:25, 101:2,  
101:10, 101:19,  
108:1, 108:2,  
108:14, 108:17,  
108:17,17,  
108:24, 112:8,  
112:24, 113:6,  
148:24,  
**trucks [1]**  
46:6,  
**true [1]**  
52:13,  
**truth [1]**  
87:7,  
**truthful [3]**  
79:16, 79:24,  
103:17,  
**tucked [1]**  
95:9,  
**tune [1]**  
127:19,  
**turn [4]**  
48:23, 101:4,  
111:10, 182:1,  
**turned [8]**  
20:11, 21:22,  
48:25, 50:9,  
73:23, 76:18,  
76:20, 112:8,  
**turning [6]**  
50:3, 50:4, 50:8,

50:16, 112:9,  
150:22,  
**turnpike [32]**  
14:3, 18:3, 18:5,  
18:6, 18:8, 18:9,  
18:12, 18:17,  
18:19, 20:13,  
20:14, 24:22,  
37:14, 37:17,  
37:19, 47:15,  
48:16, 48:22,  
48:23, 49:15,  
50:8, 73:24,  
101:2, 112:10,  
118:13, 121:16,  
121:17, 153:20,  
153:21, 170:19,  
180:17, 180:18,  
**turns [2]**  
71:14, 92:16,  
**twenty [1]**  
86:1,  
**twice [1]**  
129:13,  
**tyler [6]**  
2:12, 88:10,  
88:12, 89:4,  
102:1, 113:24,  
**type [17]**  
16:17, 32:3,  
36:2, 37:11,  
39:8, 68:8,  
69:12, 108:14,  
127:16, 127:24,  
138:1, 143:12,  
143:16, 149:16,  
150:18, 168:12,  
184:23,  
**types [8]**  
71:11, 128:14,  
129:3, 130:20,  
130:21, 136:7,  
137:1, 139:10,  
**typical [5]**

15:14, 92:6,  
108:1, 142:22,  
147:12,  
**typically [9]**  
16:17, 16:22,  
16:24, 20:23,  
21:5, 21:18,  
111:25, 149:2,  
187:2,  
**typo [1]**  
102:7,  
  
**U**  
**ultimately [4]**  
92:16, 98:14,  
116:11, 173:13,  
**umbrella [2]**  
133:25, 134:15,  
**unarmed [1]**  
149:14,  
**uncuff [1]**  
169:24,  
**uncuffed [2]**  
169:4, 169:9,  
**uncuffing [1]**  
169:19,  
**under [12]**  
4:22, 5:11, 7:14,  
36:6, 36:7,  
71:20, 125:16,  
126:8, 152:12,  
152:12,12,  
152:13, 158:17,  
**undergo [2]**  
36:2, 36:5,  
**underlined [2]**  
80:5, 87:13,  
**understand [6]**  
6:3, 48:9, 92:22,  
111:4, 134:17,  
177:1,  
**understanding [8]**  
3:23, 4:4, 37:25,

72:20, 148:23,  
163:16, 171:1,  
187:7,  
**understood [4]**  
9:6, 9:20, 46:13,  
66:1,  
**unfolding [1]**  
142:15,  
**uniform [2]**  
91:10, 91:10,10,  
**union [1]**  
6:15,  
**unique [3]**  
6:18, 140:15,  
188:8,  
**unit [4]**  
4:13, 17:9,  
126:16, 183:14,  
**united [1]**  
89:13,  
**units [3]**  
168:24, 170:18,  
183:9,  
**unknown [6]**  
11:12, 155:25,  
156:4, 156:7,  
156:9, 176:2,  
**unless [3]**  
4:6, 69:17,  
160:11,  
**upper [3]**  
124:23, 125:2,  
125:3,  
**upwards [1]**  
128:20,  
**using [4]**  
25:21, 133:20,  
186:18, 186:25,  
**usually [15]**  
13:8, 20:24,  
68:19, 68:21,  
69:1, 69:15,  
69:16, 70:13,  
74:5, 82:17,

# IMPOUNDED

Vol I - 236

92:14, 93:3,  
93:18, 134:7,  
140:12,

## V

**vague** [2]  
55:11, 103:10,  
**vantage** [6]  
22:21, 27:6,  
27:16, 28:23,  
113:16, 118:1,  
**varies** [1]  
129:7,  
**various** [13]  
5:14, 126:25,  
127:1, 127:2,  
127:4, 128:7,  
128:12, 129:6,  
129:19, 132:15,  
136:9, 137:8,  
148:20,  
**vary** [1]  
136:20,  
**vehicle** [7]  
51:8, 51:15,  
73:1, 113:11,  
114:11, 115:5,  
115:6,  
**vehicles** [1]  
112:3,  
**version** [1]  
176:6,  
**versus** [6]  
108:23, 137:21,  
138:9, 140:2,  
149:11, 174:4,  
**vestibule** [2]  
183:16, 183:22,  
**vicinity** [2]  
23:11, 152:20,  
**victim** [10]  
3:19, 3:25, 4:4,  
5:1, 5:5, 5:22,  
7:16, 31:11,

31:25, 32:18,  
**video** [12]  
130:13, 132:17,  
132:22, 133:1,  
133:20, 134:9,  
140:5, 178:25,  
179:6, 179:9,  
179:16, 179:17,  
**videos** [6]  
2:29, 174:20,  
174:23, 175:6,  
175:13, 178:24,  
**view** [4]  
19:1, 21:15,  
27:10, 127:25,  
**viewing** [1]  
151:3,  
**viewpoint** [1]  
42:3,  
**violation** [1]  
10:15,  
**vision** [1]  
50:20,  
**vital** [1]  
177:25,  
**voice** [2]  
50:22, 88:22,  
**volume** [1]  
1:4,  
  
**W**  
**wait** [6]  
16:18, 16:20,  
49:8, 69:16,  
182:3, 189:22,  
**waited** [2]  
87:9, 87:14,  
**waiting** [5]  
60:9, 113:12,  
166:14,  
166:14,14,  
187:9,  
**walk** [4]  
47:25, 53:16,

185:6, 185:7,  
**walked** [4]  
161:2, 164:17,  
164:18, 185:18,  
**walking** [5]  
28:11, 28:13,  
28:14, 143:24,  
162:22,  
**wanting** [1]  
110:6,  
**wants** [2]  
8:5, 105:16,  
**warm** [1]  
156:3,  
**warning** [2]  
175:23, 176:3,  
**warrant** [1]  
143:1,  
**watch** [1]  
8:23,  
**watched** [1]  
132:22,  
**water** [5]  
45:8, 186:2,  
186:3, 186:4,  
186:5,  
**waved** [1]  
96:23,  
**waving** [1]  
96:22,  
**ways** [2]  
73:19, 128:7,  
**weapon** [14]  
28:21, 37:5,  
57:15, 57:16,  
62:10, 140:1,  
171:5, 172:3,  
172:8, 185:21,  
186:18, 186:23,  
187:1, 187:2,  
**weapons** [2]  
38:4, 127:20,  
**wear** [2]  
174:14, 174:15,

**wearing** [2]  
29:8, 85:6,  
**week** [5]  
32:19, 36:22,  
129:8, 148:18,  
148:20,  
**weekend** [1]  
148:21,  
**weekly** [2]  
127:9, 127:9,9,  
**weeks** [1]  
62:24,  
**welcome** [2]  
122:7, 176:1,  
**whatsoever** [1]  
137:24,  
**whenever** [1]  
136:12,  
**whistle** [1]  
32:25,  
**whistled** [1]  
32:16,  
**whistles** [1]  
33:10,  
**whistling** [2]  
33:4, 33:7,  
**white** [4]  
38:19, 76:8,  
85:6, 185:4,  
**whoever** [1]  
93:9,  
**whole** [3]  
27:7, 106:6,  
185:14,  
**whoosh** [1]  
163:5,  
**wielding** [2]  
21:23, 21:25,  
**wife** [1]  
3:16,  
**window** [8]  
20:24, 21:23,  
22:22, 50:24,  
56:5, 155:25,

# IMPOUNDED

Vol. I - 237

183:22, 184:3,  
**windows [4]**  
183:19, 183:20,  
183:21, 183:23,  
**windshield [8]**  
20:25, 20:25,25,  
21:13, 21:15,  
21:18, 86:11,  
161:4, 161:20,  
**wise [1]**  
15:19,  
**wish [1]**  
11:7,  
**within [20]**  
5:12, 42:4,  
45:18, 45:22,  
58:24, 59:6,  
59:21, 60:23,  
64:20, 84:4,  
126:19, 126:20,  
128:3, 132:19,  
133:17, 141:18,  
154:7, 154:9,  
160:2, 176:21,  
**without [10]**  
26:10, 48:1,  
49:3, 49:6,  
112:19, 132:4,  
132:24, 156:5,  
159:4, 174:16,  
**witness [44]**  
2:2, 3:19, 4:1,  
4:5, 5:1, 5:5,  
5:22, 6:2, 7:16,  
8:9, 9:16, 10:23,  
11:2, 23:23,  
42:12, 43:8,  
44:7, 44:9,  
44:10, 44:15,  
62:20, 66:17,  
66:22, 66:25,  
67:1, 67:3, 67:8,  
78:3, 88:7,  
88:13, 102:25,

104:22, 105:25,  
106:18, 107:8,  
120:23, 122:7,  
122:8, 122:10,  
122:20, 139:18,  
139:25, 140:6,  
187:21,  
**witnessed [3]**  
4:20, 22:1, 22:6,  
**witnesses [6]**  
9:22, 10:3,  
10:21, 104:24,  
106:3, 187:22,  
**woburn [3]**  
1:8, 1:23, 1:30,  
**word [2]**  
32:5, 32:6,  
**worded [1]**  
66:7,  
**wording [1]**  
28:12,  
**words [5]**  
28:8, 56:4,  
119:11, 159:12,  
170:3,  
**worked [9]**  
12:1, 12:3, 12:6,  
35:23, 45:9,  
89:9, 107:22,  
123:10, 123:13,  
**worker [1]**  
148:11,  
**working [15]**  
13:20, 35:18,  
46:1, 71:22,  
71:24, 89:19,  
89:21, 89:22,  
90:10, 108:5,  
131:1, 131:5,  
148:14, 150:10,  
160:1,  
**works [3]**  
90:22, 128:24,  
148:18,

**world [1]**  
90:9,  
**worried [3]**  
77:4, 168:9,  
178:7,  
**wound [3]**  
116:16, 116:20,  
117:20,  
**wounds [1]**  
97:4,  
**wrapped [1]**  
140:9,  
**write [4]**  
119:12, 120:12,  
122:12, 181:13,  
**writing [1]**  
144:4,  
**written [2]**  
53:19, 63:12,  
**wrong [3]**  
75:22, 158:20,  
178:8,

**Y**  
**yard [2]**  
99:6, 165:14,  
**yards [7]**  
94:11, 95:14,  
110:17, 111:11,  
111:23, 153:23,  
184:18,  
**yell [1]**  
32:25,  
**yelling [1]**  
85:13,  
**yellow [1]**  
102:21,  
**young [1]**  
7:1,

**Z**  
**zaccagnini [10]**  
4:9, 5:2, 6:22,

8:8, 8:11,  
8:11,11, 8:14,  
8:18, 9:6, 9:20,  
**zoned [2]**  
40:15, 40:16,  
**zoom [1]**  
5:17,