

1  
2           ATTY (?): My name is Brian (?). I'll be  
3 assistant to the police chief for the Framingham  
4 Police Department, and I'm an attorney.

5           DEPUTY CHIEF: Craig Davis, Deputy Chief,  
6 Framingham Police Department.

7           DET. LT. SULLIVAN: At this time, there  
8 are some documents on the table, which is the  
9 operations plan, the paperwork that was used for  
10 the operations plan, that night, that was provided  
11 to me by Deputy Chief Davis.

12  
13                   DEPUTY CHIEF CRAIG DAVIS

14           At this time, I would ask Deputy Chief  
15 Davis to tell us what occurred, that night, from  
16 the beginning when he got activated himself and  
17 what took place.

18           DEPUTY CHIEF DAVIS: Approximately 8:30  
19 p.m., I received a telephone call from Detective  
20 Phil Martinez. I was at my house. He explained  
21 that the Framingham Police Department was possibly  
22 going to serve a search warrant later that evening.  
23 They were in preparation of that search warrant  
24 during our phone conversation and they had recently  
25 made an undercover purchase at 26 Fountain Street,

1  
2 first-floor apartment, where Dwayne Barrett was  
3 known to be. Martinez explained that Dwayne  
4 Barrett was an associate of the person that shot  
5 Sergeant Phil Hurton approximately two years ago, a  
6 Framingham Police Sergeant Phil Hurton, two years  
7 ago, and that several other people would be in the  
8 apartment, or suspected to be in the apartment,  
9 that also [REDACTED] He was  
10 requesting tactical support for his Detective  
11 Bureau to conduct the entry in order for his unit  
12 to serve the search warrant. After listening to  
13 Officer Martinez, I then went to the police station  
14 to meet with him personally. I arrived a little  
15 after nine o'clock p.m. When I met with him, he  
16 provided me photographs of three people that he  
17 felt would be in the apartment. Attached to each  
18 photograph was the [REDACTED]. The  
19 people's photographs that he provided were Joseph  
20 Bushfan, Dwayne Barrett and D'Andre Beaufort.

21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 Martinez and Detective Dinis Avila, who was also

1 present during our meeting, both felt that--  
2 strongly felt that these people would be in the  
3 apartment, as a minimum, and stated that,  
4 throughout the surveillance of the evening, there  
5 were multiple people coming to the apartment and  
6 leaving quickly, which would be consistent with  
7 narcotics dealings. Detective Denis Avila was in  
8 the process of preparing a search warrant. He was  
9 seated in front of a computer terminal and, again,  
10 preparing an affidavit in support of a search  
11 warrant. After I had reviewed the Board of  
12 Probation packets for each of the three people they  
13 advised me would be in the apartment, I then  
14 concurred that the search warrant should receive  
15 tactical support and, based on the fact that, not  
16 only were there three people suspected of being in  
17 the apartment, but multiple persons, based on the  
18 surveillance of both Detective Jeffrey DeRosa and  
19 Matthew Gutwill, who were across the street from 26  
20 Fountain Street as we were meeting and providing  
21 information back to Detective Martinez and Gutwill  
22 about constant foot traffic back and forth at the  
23 apartment. I felt that there would be additional  
24 people within the apartment and, again, enhanced  
25

1  
2 reason for tactical support. I also looked at  
3 where the structure was located; a very difficult  
4 structure to approach safely, especially  
5 considering the amount of traffic coming and going  
6 from the apartment. I then had our shift  
7 commander, Sergeant Michael Esposito, send out an  
8 all-call page to the tactical members and notify  
9 the tactical members to report to the police  
10 station at approximately eleven o'clock for a  
11 briefing. Eleven o'clock was chosen because  
12 Detective Martinez felt that he wanted to do the  
13 search warrant at midnight or thereabouts. So I  
14 felt that an hour's time for briefing the team was--  
15 - would be sufficient. I also-- let me backtrack  
16 for a second because, just prior to that, I had  
17 texted Chief Carl, advising him of what the  
18 situation was and requesting authorization for the  
19 SWAT Team. He concurred, based on my text message  
20 to him. The reason why I texted him was because he  
21 was at a meeting at town hall, so I didn't want to  
22 verbally communicate with him, knowing that he was  
23 in the middle of a meeting. I then-- after telling  
24 most of the team members to be in at eleven  
25 o'clock, I made some exceptions. I told certain

1 members I wanted them in earlier than that.  
2  
3 Certain members, such as Timothy O'Toole, who was  
4 assigned to the Street Crimes Unit, from what I  
5 understood, was familiar with the interior of that  
6 apartment, and was the only person familiar with  
7 the interior of that apartment, based on a previous  
8 transaction he had had there. I asked him to come  
9 in early to prepare a floor plan. And I asked  
10 Lieutenant Downing, who is the team's executive  
11 officer, to come in immediately. And Sergeant  
12 Vince Stuart, who is the senior team leader, to  
13 come in immediately. And that way, we could start  
14 preparing an operation plan, situation, the mission  
15 and get some maps together. I had also asked  
16 Officer Chris Murtagh to come in. Officer Chris  
17 Murtagh was a tactical operator, however, recently,  
18 was assigned to a support role in the team. He  
19 provides us aerial maps and diagrams of the  
20 neighborhood and of the house, the target house  
21 itself. He came in and provided one of the-- well,  
22 all of the photographs, aside from the suspect  
23 photographs. So all of the photographs of the  
24 target location were provided by Officer Chris  
25 Murtagh. I asked him to provide an aerial view,

1 which I have here in front of you; an aerial view  
2 of the neighborhood to depict where in the  
3 neighborhood that the house is situated. And the  
4 house, I mean 26 Fountain Street. I also have a  
5 street-level view color photograph of the house,  
6 and that is to show the front entranceway, as well  
7 as windows, and any side entrances, as well as any  
8 fences or exterior lighting that may be a concern  
9 for us, any obstacles in and around the perimeter  
10 of the structure. Other photographs we were able  
11 to obtain was photographs that were listed on a  
12 real estate website, MLS listings, and they showed  
13 interior photographs of the house's interior. I  
14 have several photographs that we used also in the  
15 operation planning stage to include the kitchen and  
16 how the doors opened. The door going into the  
17 kitchen was at the end of a somewhat narrow hallway  
18 after entering the front doorway, the front common  
19 doorway of the structure. And the doorway leading  
20 into apartment 1 actually swung outward. We were  
21 able to determine that from a photograph. There  
22 was another doorway into the apartment 1 off of the  
23 front hallway. It was on the right-hand side of  
24 that hallway, and that door looked like it swung  
25

1 inward. And viewing the photographs, it looked  
2 like hinges to that doorway had a thick coat, or a  
3 fairly new coat, of paint on it, which would  
4 somewhat indicate that the door was not used and we  
5 felt, from our experience of entering apartments  
6 like this, that furniture may be stacked against  
7 that doorway. And then we had several other  
8 photographs that were not used in the briefing per  
9 se but were distributed to the team to familiarize  
10 themselves with the apartment. So we had the  
11 photographs. I had Officer Tim O'Toole on a  
12 whiteboard in our briefing room draw an interior  
13 diagram of the apartment's interior to show us what  
14 the interior doorways looked like and access into  
15 the apartment. When he drew his diagram, we  
16 correlated his hand drawing to the photographs that  
17 we had obtained from MLS listings. In the  
18 meantime, I had the shift commander check off each  
19 individual officer from the SWAT Team that had  
20 called to indicate that they were going to respond.  
21 Any officer that failed to communicate with us,  
22 they had them contact him through different means  
23 until we received a hundred percent communication;  
24 that that was being done. We also contacted  
25

1  
2 several members of the fire department and local  
3 ambulance company as tactical medics who, as  
4 standard procedure, come out with us on all of our  
5 calls. Once we received confirmation that  
6 everybody was coming in and we had the diagrams and  
7 had the photographs produced, I met with Sergeant  
8 Stuart and Lieutenant Downing, who came up with the  
9 execution of the plan after I gave them the  
10 situation of what our mission was. The situation  
11 being that there is multiple people within 26  
12 Fountain Street, apartment 1. That there's-- the  
13 detectives, you know, felt that there was, you  
14 know, a large amount of cocaine being dealt from.  
15 And our mission was basically to secure that house  
16 and turn it over to the detectives so they could  
17 safely conduct a search pursuant to their search  
18 warrant. We knew the search warrant was a knock  
19 and announce search warrant. We were advised of  
20 that. Our teammates had arrived at eleven o'clock,  
21 as directed. They had staged in the roll call  
22 training room with all of their equipment. Myself,  
23 Lieutenant Downing and Sergeant Stuart, as well as  
24 the detectives, were in the third-floor briefing  
25 room, preparing our operational-- our tactical



1 operation plan. Lieutenant Downing had drawn an  
2 exterior diagram of the house and had indicated  
3 where each team member's responsibility would be,  
4 where each team member was going to go, and the  
5 equipment that each team member-- any specialized  
6 team equipment that each team member would be  
7 carrying. So, 11:40, I was notified that the  
8 search warrant had, in fact, been signed and  
9 issued. At 11:45, we conducted a more formal  
10 command briefing, and that was a briefing to  
11 confirm what everybody's assignment was that was  
12 held between, again, Lieutenant Downing and  
13 Sergeant Stuart and myself. Officer Chris Murtagh  
14 was there because he provided the photographs.  
15 Some of the photographs, interior photographs, of  
16 the house, we could not print up at the time, so we  
17 had Officer Murtagh project them on a whiteboard  
18 from an overhead projector in the situation room,  
19 third-floor situation room. At 12-- I'm sorry, at  
20 11:55, we then went downstairs to the roll call  
21 room where the rest of the team had assembled and  
22 provided our operation plan. I had given the team  
23 a brief outline of what we were there for. I asked  
24 Officer Phil Martinez to brief the entire team of  
25

1  
2 what the situation was. He explained in detail his  
3 involvement or the narcotics involvement with this  
4 address and who likely would be at this location.  
5 During this briefing, I had taped to the wall the  
6 color photograph of Mr. Bushfan, Mr. Barrett and  
7 Mr. Beaufort so all the teammates would recognize  
8 who the main suspects were in the house. I also  
9 advised them that Mr. Barrett's aunt and uncle,  
10 that we believed were the primary tenants of the  
11 structure, may also be in the house at the time,  
12 and we believe they were in their mid-forties. I  
13 did not have photographs or descriptions of them.  
14 We also, at that time, I gave them their mission,  
15 which, again, was simply to secure the house,  
16 secure the apartment, excuse me, and turn the scene  
17 over to the detectives. At that point, Sergeant  
18 Stuart and Lieutenant Downing provided an  
19 operational plan for the team, giving each  
20 individual officer their assignments, the equipment  
21 that they were going to be carrying, and where they  
22 were going to be located within the structure. WE  
23 left-- I'm sorry-- so each officer received their  
24 individual assignment; that radio communication  
25 would be on our tactical secure channel, which was

1  
2 channel 16. I also advised the shift commander,  
3 the patrol shift commander, of our situation and  
4 the location we would be. I asked for patrol  
5 officer, marked patrol officers, to close Fountain  
6 Street; one at the intersection of Fountain and  
7 Waverly; and the other at the intersection of  
8 Fountain at Dudley Road. That was to prevent any  
9 traffic, any people walking in front of the house,  
10 during our mission. The officers assigned to those  
11 locations, in car 969 at Fountain and W, was  
12 Officer John Skinnion and the officer at Fountain  
13 and Waverly Street was in marked cruiser 949. That  
14 was Jose Goncalves. At 12:20, we left the police  
15 station and the officers went into their assigned  
16 vehicles. We took-- the four vehicles that left  
17 the police station; one was an armored truck; the  
18 other was our equipment truck; the other one was an  
19 ambulance from AMR; and the other was my Explorer,  
20 that is commonly used as a command post. We  
21 arrived on-scene a little after 12:25 and the-- my  
22 Explorer was the last vehicle in the convoy. I was  
23 following the armored truck, the equipment carrier  
24 and the ambulance. Those vehicles pulled around  
25 Officer Goncalves' cruiser that was parked

1  
2 diagonally across the intersection to block off the  
3 street. As they pulled ahead, I looked over. I  
4 was with-- I'm sorry, I was with Officer Chris  
5 Murtagh in my vehicle. As we approached the  
6 intersection of Fountain and Waverly Street, we  
7 observed Detective Matt Gutwill on the sidewalk to  
8 our left. He was wrestling with somebody, and  
9 several people were standing around him. He was on  
10 the sidewalk wrestling with somebody. Immediately  
11 stopped my car, jumped out, myself and Officer  
12 Murtagh, to assist him. The team had already gone--  
13 - pulled their vehicles almost in front of 26, the  
14 house just before 26. During the operational plan,  
15 we had discussed, because this was such a difficult  
16 approach, that people could see us approaching from  
17 no matter which way we had arrived so that they  
18 were not going to spend any amount of time sitting  
19 in the truck once they arrived. So, once that  
20 truck stopped in front of that parked location,  
21 they were to disembark the armored truck and then  
22 start the mission. Now, the reason why I mention  
23 that is because, when just before I got out of my  
24 Explorer with Officer Murtagh, we ran over to  
25 Officer Gutwill. It sounded like Officer Gutwill

1  
2 said, "Stand down," but it wasn't clear. So I  
3 asked him to repeat. "Did somebody say stand  
4 down?" And there was no communication after that.  
5 I ran to Officer Gutwill's aid. Lieutenant  
6 Slattery joined us. There were two females that we  
7 had with their hands against the marked cruiser at  
8 that intersection. We were in the process of  
9 patting down a male suspect, or a male subject.  
10 There was a black object on the street in front of  
11 them. I reached down to grab that. It turned out  
12 to be a cell phone. And Lieutenant Slattery was  
13 retrieving a clear plastic baggie with knotted bags  
14 within it. It looked like, from my experience,  
15 knotted bags of crack cocaine. Just about that  
16 same time, or just simultaneously almost, I heard  
17 the sound of the flash bang, a noise flash  
18 diversionary device, that we were using upon the  
19 entry of the structure. At that point, I knew that  
20 the entry was underway. There was no way, at that  
21 point, to then determine who had asked for a stand  
22 down or why. It was almost-- when I heard  
23 Detective Gutwill say, "Stand down," it was  
24 confusing of who he was talking to or about or why.  
25 And so, when I tried to clarify that over the

1  
2 radio, it was at about the same time that I saw him  
3 wrestling on the ground. So there was no way to  
4 inform what he was talking about. I had to rush to  
5 his aid. Again, the SWAT Team moved very quickly  
6 once their truck stopped. I heard the report of a  
7 flash bang, a noise flash diversionary device, and  
8 almost-- very soon after that, I had heard a radio  
9 transmission, "Shots fired. Medic up." I saw an  
10 ambulance that was parked at-- right around where  
11 that cruiser was blocking the road off. The  
12 ambulance started up and drove right in front of  
13 the house. The medics were unfolding the gurney.  
14 I ran up. I left Gutwill and Slattery with the  
15 suspects and I ran up to the house. I was trying  
16 to determine what was happening. And there was no  
17 more radio communication. Somebody said that  
18 everyone had switched over to Channel 1 and I was--  
19 I approached, I think it was Officer Dinis Avila,  
20 was on the Alpha Bravo corner of the house. He was  
21 maintaining exterior perimeter security. I had  
22 asked him what happened. He said he didn't know.  
23 I started to walk towards the front of the house.  
24 He said the house had not been secured or cleared  
25 yet, so it was not safe for me to go any further.

1  
2 So I stood at that location with Officer Avila and  
3 I, at some point-- the medics had brought out a  
4 black male, white hair, on a gurney. The put him  
5 in an ambulance. I spoke briefly with Sergeant  
6 Scibilio, who had come out onto the porch. I had  
7 asked him what happened, and he said he didn't  
8 know. So I was trying to find out, as each team  
9 member came out of the structure, what had  
10 happened. And it wasn't until, I think, Lieutenant  
11 Downing came out that he said it's AD, accidental  
12 discharge. That was pretty much it. The ambulance  
13 had taken the person away and then Detective  
14 Lieutenant Slattery came over to me and said that  
15 the house has to be, you know, evacuated of  
16 everybody because now it's, you know, they have to  
17 preserve the scene. So we had to pull-- get the  
18 SWAT members out. Sergeant Stuart took Officer  
19 Duncan, who we found out was the person that, you  
20 know, had the accidental discharge, took him to the  
21 police station to secure his weapon and, I believe,  
22 to the hospital, along with Officer Chris Eliadi.  
23 So he brought the both of them over to the hospital  
24 and then I know Chief Carl, when I spoke to him on  
25 the telephone at 12:42, I believe, he said he was

1  
2 going to make arrangements for Gil Bernard to meet  
3 with Officer Duncan. And I wasn't sure if that was  
4 going to be done at the hospital or here at the  
5 police station.

6 DET. LT. SULLIVAN: Any questions?

7 UNKNOWN: No. Just the only thing-- when  
8 you were talking about the stand down and the  
9 arrest going on at the same time, they were all  
10 like simultaneous--

11 UNKNOWN: It's all at the same time?

12 UNKNOWN: You don't know if he's talking  
13 about the suspect, the house or what.

14 DEPUTY CHIEF DAVIS: I had no idea. I  
15 wasn't even sure if it was an actual stand down.  
16 We don't have a protocol for the detectives to say  
17 stand down to the Tactical Unit. That's-- we've  
18 never had that happen before. I didn't know who he  
19 was talking to. That's why I was asking for  
20 clarification on the radio. But, as I'm doing  
21 that, I see out my window, because this is all as  
22 we're pulling up on-scene, I seen him actually on a  
23 sidewalk, wrestling with somebody. So myself and  
24 Officer Murtagh, we just-- I just threw my car in  
25 park and just ran over to him, knowing that, in my



1  
2 role as the SWAT, you know, commander, I'm in the  
3 command post, I'm coordinating everything, but, at  
4 that point, the operational plan is actually put  
5 into place by Lieutenant Downing and, you know,  
6 with the assistance of Sergeant Stuart. So my role  
7 isn't actually on-scene at the location. I'm  
8 pulled back a little further, sort of coordinating  
9 all the different aspects of it. And when I saw  
10 that happening, that's where my attention was  
11 drawn. I felt an obligation to assist Detective  
12 Gutwill.

13 UNKNOWN: The plan was when the vehicle  
14 stopped.

15 DEPUTY CHIEF DAVIS: It's go. When that  
16 armored truck stopped that was carrying everybody,  
17 there was a go. Sometimes we spend a little time  
18 to make sure everybody's equipment's in order,  
19 making sure, you know, that everybody catches their  
20 breath. This time, it was, as soon as that truck  
21 stops, make sure your equipment's in order before  
22 you even get on that truck because, when the truck  
23 stops, we're going. So there was very little time.  
24 Again, the reason why we did that is because we had  
25 such a difficult approach on this location. That

1  
2 we-- as soon as that-- like I said, the truck,  
3 during the operational briefing, we made sure  
4 whoever was driving the truck was to shut the  
5 lights off, the exterior lights off, the  
6 headlights, of the truck as they made their  
7 approach so they wouldn't telegraph our, you know,  
8 our approach. So, you know--

9 UNKNOWN: I just have one thing I'd like  
10 to clarify. Channel 16 is your special operations  
11 channel?

12 DEPUTY CHIEF DAVIS: Yes.

13 UNKNOWN: And you-- you referred then  
14 everybody switched back to Channel 1. What is  
15 Channel 1?

16 DEPUTY CHIEF DAVIS: Channel 1 is our main  
17 communications channel.

18 UNKNOWN: Okay.

19 DEPUTY CHIEF DAVIS: And I didn't do that.  
20 Actually, somebody else did that. I didn't even  
21 know--

22 UNKNOWN: You said the officer told you.

23 DEPUTY CHIEF DAVIS: Yeah. Somebody said  
24 that they-- somebody said that they flipped to  
25

1  
2 Channel 1. So that's when I realized, because of  
3 the incident, we were now on Channel 1.

4 UNKNOWN: And does everybody-- did  
5 detectives and everybody on 16 when they're  
6 approaching the house?

7 DEPUTY CHIEF DAVIS: During the  
8 operational briefing, we told the detectives to be  
9 on 16. And that's how I was able to hear Detective  
10 Gutwill. So everybody was on 16. As a matter of  
11 fact, we had asked the detectives, "Are you sure  
12 you guys get Channel 16," because they have  
13 different secure channels. So we said, "Do you  
14 guys get Channel 16?" "Yes." And then-- because  
15 there were some other radio channels that we had  
16 operated on, but not all the SWAT guys have those  
17 channels-- have the narcotics channels, so we  
18 wanted to make sure that everybody could  
19 communicate. So, again, we went to Channel 16 and  
20 we made sure that we mentioned that at the  
21 operational briefing.

22 DET. LT. SULLIVAN: Anything else? I  
23 don't have any more questions for you. Do you have  
24 anything you want to add? Anything you can think  
25

1  
2 of? Take a moment. If there's anything you want  
3 to add, that's--

4 DEPUTY CHIEF DAVIS: Well, I don't want  
5 you to get the idea that, because I say that, you  
6 know, as soon as that truck hit the ground and we  
7 went that we were rushing anything more than just  
8 the-- just getting out of the truck phase, you  
9 know.

10 UNKNOWN: In other words, that was your  
11 operational plan. The truck stops, you go.

12 DEPUTY CHIEF DAVIS: The temp of the  
13 operation itself was the same temp that we would  
14 normally conduct ourselves. I don't want you to  
15 get the sense that, because we got out of the truck  
16 quickly, that we rushed-- we were looking to rush  
17 through this operation. It's not that at all.  
18 It's just the manner of sitting in that truck, you  
19 know.

20 UNKNOWN: You're exposed. You're in the  
21 open.

22 DEPUTY CHIEF DAVIS: We're open.

23 UNKNOWN: Attract attention.

24 DEPUTY CHIEF DAVIS: Yeah. And I didn't  
25 want the guys exposed to anymore because of that,

1  
2 you know. I didn't want to be exploited in an open  
3 area, you know, so we had to get out of that truck.

4 UNKNOWN: Right.

5 DET. LT. SULLIVAN: The pictures you have  
6 in front of you there of the house itself-- did you  
7 ever make it into the house?

8 DEPUTY CHIEF DAVIS: No, I never went into  
9 the house.

10 UNKNOWN: But those are from an MLS  
11 listing.

12 DEPUTY CHIEF DAVIS: Yes.

13 DET. LT. SULLIVAN: And they don't  
14 represent the house as it appeared that morning or  
15 that day.

16 DEPUTY CHIEF DAVIS: No. Actually, I  
17 think these photographs from the MLS listing site  
18 were taken in July of 2009. So I knew they were  
19 fairly recent. We expected the structure to-- this  
20 would be a fair representation of the structure.  
21 But, you know, we also knew that this was pretty  
22 much devoid of furniture. And it looks like the  
23 house is pretty empty or not lived in. It just has  
24 a few representative pieces for showing for real  
25 estate purposes. But, again, during our

operational briefing, we had advised people that this photograph that just shows the interior of the front of the house with the two windows and the doorway to the right, most likely, because, again, based on our experience of going into houses, that there may be a sofa or other piece of furniture up against this door because of these hinges, the way they are painted. The painting is pristine on them. It doesn't look like the hinges had been operated. So we just wanted to advise the SWAT officers that that may be a possibility when they go into the structure. And we also discussed the fact that there was a difficult doorway going into the main kitchen, which was going to our main breach point because of the way that door pulled outward. We prefer to breach a door swinging inward and therefore going with the momentum of the breaching tools. In this particular instance, the doorway going into the kitchen pulled outwards. And it pulls outwards into the main hallway as we enter the doorway. So we felt if there was a more opportunity to be compromised on the breach point because of that.

1  
2 DET. LT. SULLIVAN: All set? It's now  
3 1:21 p.m., and we're going to go off tape.

4 DET. LT. SULLIVAN: I'm Detective  
5 Lieutenant Thomas Sullivan from the State Police,  
6 stationed at the Middlesex District Attorney's  
7 Office.

8 Today is Thursday, January 6<sup>th</sup>. It is  
9 1:44 p.m.

10 We're here to talk to Lieutenant Kevin  
11 Slattery about an incident that took place on  
12 January 4<sup>th</sup> into January 5<sup>th</sup>, at 26 Fountain Street,  
13 in the town of Framingham, Mass.

14 At this time, I would ask the individuals  
15 in the room to identify themselves.

16 SGT. SENNOTT: Sergeant Peter Sennott  
17 from the DA's Office.

18 LT. SLATTERY: Lieutenant Kevin Slattery  
19 from the Framingham Police.

20 DET. LT. SULLIVAN: At this time,  
21 lieutenant, I'd ask you to tell us what happened  
22 regarding this incident, to the best of your  
23 knowledge.  
24  
25