

1  
2 INTERVIEW OF PAUL DUNCAN (phonetic)

3 1/6/2011  
4

5 Questions: Lieutenant Forster

6 Questions: Deputy Chief Ferguson

7 Answers: Paul Duncan  
8  
9

10 LT. FORSTER: Hello. It's Lieutenant  
11 Edward Forster with the State Police, assigned to the  
12 Middlesex District Attorney's Office.

13 We're at the Framingham Police  
14 Department. It's Thursday, January 6, 2011,  
15 approximately 4:05 in the afternoon.

16 We're here to conduct an interview of  
17 Officer Paul Duncan of the Framingham Police  
18 Department.  
19

20 Also here is Deputy Chief Ken Ferguson  
21 with the Framingham Police Department; Officer Dave  
22 Carlo, union president for the Framingham Police  
23 Department; Attorney Alan McDonald, counsel for the  
24 union.  
25

We're here to conduct an interview

1 regarding the circumstances of the death of Eurie A.  
2 Stamps, homicide investigation. He lived at 26  
3 Fountain Street. The shooting occurred there at the  
4 same address, on January 5, 2011, at approximately  
5 12:30 in the morning.  
6

7 Q (Forster) Officer Duncan, I know that you're a member  
8 of the SWAT Team. If you please take me through the  
9 events of that night, you remember, when you were  
10 called in and your function that night at the-- when  
11 you were doing the warrant at 26 Fountain Street.  
12

13 A Okay. Sometime in the evening in January, or I should  
14 say, the night of January 4<sup>th</sup>, sometime, I believe  
15 around nine o'clock, or just after nine o'clock-- I  
16 can't recall exactly what time the page had come in--  
17 I received a page from the Framingham Police  
18 Department that stated something to the matter of,  
19 "All SWAT operators report to the police department at  
20 eleven o'clock for a warrant service," or something to  
21 that affect. I don't recall exactly what it said.  
22 Standardly, what we do at that point is call police  
23 communications; let them know that we received the  
24 page, so that they can form a list of the operators  
25

1 that are going to arrive. Right after I received  
2 that, I called the police department. I let them know  
3 who I was. They said that they would put me on a list  
4 that I had called. And sometime thereafter, I believe  
5 somewhere around 9:45 in the evening, I left my house  
6 and came to the police station here in Framingham.  
7 Once I got to the station here in Framingham, probably  
8 sometime around 10:15 or so, I came up to the locker  
9 room, went in, I shaved and took a shower, basically,  
10 because I didn't know what the mission was going to  
11 be. I didn't know if they were going to drop gas that  
12 night or whatnot. I hadn't shaved in about a week, so  
13 I won't get a seal. So that's why I took the time to  
14 do that. Once I was done, you know, shaving and  
15 showering, I got my uniform ready, my standard SWAT  
16 uniform. Once was in that uniform, I went downstairs  
17 to the storage room that we keep our gear in, which is  
18 in the basement of the Framingham P.D., collected my  
19 duty-- my SWAT duty bag, which contains my tactical  
20 vest, knee pads, elbow pads, helmet, goggles, gloves,  
21 ammunition for my handgun, as well as my long rifle,  
22 two pairs of handcuffs, gas mask and a flashlight.  
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Once I got all that, I also collected the bag with my long rifle in it.

Q When you say-- just stop for a second. What technical issued long rifle?

A I believe it's an M4.

Q And M4?

A I believe it's an M4.

Q And that's the weapon that you used when you did the operation that night? You don't use your sidearm?

The M4 is what you--

A Correct. Yeah.

Q Okay.

A That's the standard-- we're not all issued one particular rifle. There are some of us that have, you know, technically, what would be classified as sub-machine guns, shotguns, and the long rifles. We have snipers. But that is my particular issue weapon. Once I collected that, took that equipment to the second-floor roll call room, which is standardly where we meet. Once I was there, there were other SWAT operators that started to arrive. I don't recall who was in the room at that particular time. And that's

1  
2 generally when we do an equipment check. Basically, I  
3 removed my tactical equipment from my bag, made sure  
4 that my-- I had all my flash bangs in the proper  
5 spots, my ammunition was secure in the proper spots,  
6 you know, my handcuffs, everything, made sure that was  
7 all set. I plugged in my radio; hooked that up to my  
8 tactical vest. I removed my long gun from its holder,  
9 or from the case; made sure that was a proper-- made  
10 sure it looked like everything was operating properly  
11 on that.  
12

13 Q Excuse me. I have ignorance on the gun. When you get  
14 ready with the long gun, do you have like-- my weapon,  
15 I have-- you know, I'm good to go. I don't have to,  
16 you know, jack. It's ready to go if I have to use it.  
17 Is that the same thing? You have one that's in the  
18 chamber, so to speak? Is that how they operate? I  
19 don't-- you know what I'm saying?  
20

21 A When you first-- well, the way that we do it is, when  
22 we first remove it from the bag that it's being held  
23 in, there's no rounds of ammunition that are in that  
24 bag. That's just a bag to keep it secured in  
25 downstairs. On the outside of the bag, there are

1 several holders that you can keep the magazines for  
2 that rifle in. We generally do not load that weapon.  
3 That weapon does not have a magazine or a round  
4 chamber in it until we are okay, we are leaving the  
5 facility now to go into the operation. That's when--

7 Q You do it?

8 A -- we load--

9 Q At the station?

10 A At the station. That's when we load them up, make  
11 sure they're secure to go, placed on safe and we  
12 leave.

13 Q And you have a safety too?

14 A The weapons that we have now have a mechanism. It's  
15 safe, semi-automatic and full automatic are the three  
16 level settings on the rifles that we have now. And  
17 once we arrived at the point where we were going to  
18 deploy, that weapon was loaded, round chambered and  
19 set to safe upon leaving this facility. That's what  
20 it was set at.

21 Q So it was good to go. You don't have to worry about  
22 anything once you get to the place. It's all--

23 A Once we get to the place--  
24  
25

1 Q It's all good to go.

2 A Yeah. Once we leave here, when we're pulling out of  
3 the parking lot, we're reading for our operation.

4 Q Okay. Thanks. Sorry to disturb you.

5 A No, not at all. Do you want me to continue from the  
6 spot I was at?

7 Q Yes.

8 A Okay. Once I checked all my equipment, I felt that it  
9 was all in properly working order, I did-- I went  
10 through my bag, my rifle bag, and found that I had one  
11 empty magazine in it. We generally have between two  
12 and three magazines issued to us apiece for the SWAT  
13 Team. We recently, I believe it was last month, or it  
14 could've been the month before, I believe it was last  
15 month, were at the range using our weapons. So this  
16 particular magazine was not-- had not been reloaded.  
17 I had two that were. This particular one was not. At  
18 that time, I took that empty magazine. I went  
19 downstairs. I got into the firearms room, was able to  
20 get a box of ammunition. I placed twenty-eight rounds  
21 of that ammunition into my rifle. At that time, I  
22 went back upstairs, made sure that my two magazines  
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were on my vest, and that round of ammunition that I had just filled into that magazine was the one that was going to be placed into my weapon for that-- for this particular mission that night. Once that was done, I believe, basically, what I did was, I sat in the room waiting to find out, you know, what the arrangements for the mission were going to be. Generally speaking, we, the operators, meet in that room. The commanders of the SWAT Team, which would be Deputy Davis, Lieutenant Downing, Sergeant Stuart and Shawn Reilly, who was a team leader, meet upstairs, up in the mapping area of the police department. They put their plan in-- that's where they plan their strategy. That's where they were. Then we basically sit downstairs and just wait for them to come down and give us a briefing as to what jobs we will do, when we will do it and what the mission's going to be. At some point, while sitting there, I believe it was Officer Reilly, came in the room and requested myself and Officer Sheehan to go upstairs to mapping. Once we went upstairs, I did meet up with-- Deputy Davis was present, Lieutenant Downing, Sergeant Stuart and



1           Officer Reilly and then myself and Officer Sheehan.

2           Basically, I was advised at that time that I would be  
3           breaching one of the doors, which, most of the time, I  
4           am a breacher. That's generally been my mission when  
5           we deploy. Not always, but more frequently than not.  
6           Officer Sheehan was also advised that he would be a  
7           breacher, as we were going to make a multiple entry on  
8           two different doors.  
9

10  
11       Q     So--

12       Q     (Unknown) Break.

13       Q     (Forster) Break in the door.

14       A     A breacher on our team would be somebody that's going  
15           to force entry in through a door.

16       Q     Did you already know which door you were going to do  
17           it at that point?

18       A     No, that was--

19       Q     Okay.

20       A     At that particular time--

21       Q     Just a heads up like?

22       A     Yeah. At that particular time, I believe it was  
23           Lieutenant Downing, was seated at the table. He had--  
24           would be a large photograph, or a large-- it looked  
25

1                   like a large digital photograph print off from a  
2                   computer, of the front of the house that we were going  
3                   to conduct that operation on. At that time,  
4                   Lieutenant Downing advised me that myself and Officer  
5                   Sheehan that we would be breaching. He advised me  
6                   that this was the house that would be the subject of  
7                   our operation. He basically laid out to the both of  
8                   us what would essentially be a overview of the layup  
9                   once we entered the main door from out, that brings  
10                  you just from outside, into the--

11                  Q     Hallway like--

12                  A     -- into the common hallway, is how I would describe  
13                        it, of that particular address.

14                  Q     That's not considered a breach there. That's--

15                  A     Unless-- no, that wouldn't be a breaching point unless  
16                        we arrived there and the door was locked. At that  
17                        time, that would become the first breach. In that  
18                        case, I would be forced to take that door down and  
19                        then move on to my next location to breach my-- what,  
20                        essentially, would be my secondary one at that point.

21                  Q     Okay.

1  
2 A He-- Lieutenant Downing advised us, at that time,  
3 that, upon entering that door, the main door to the  
4 common hallway, that himself, I believe he said  
5 Michael Sheehan, and Officer O'Toole, were to move  
6 directly, straight ahead, to that hallway to a door.  
7 He said that this door opens towards us. It does not  
8 open into the apartment. The reason that that's  
9 important for us is, as members of the SWAT Team, if  
10 you're going to breach a door, you don't use a  
11 battering ram on a door that opens out towards you.  
12 It's ineffective. Basically, you have to break  
13 through the entire door to get in, opposed to knocking  
14 it open. At this time, we spoke to-- you know, he  
15 spoke to myself, Officer Sheehan. Advised Officer  
16 Sheehan that he was going to have to use what is  
17 called a halligan tool, which, essentially, is a  
18 crowbar with a circular end. Essentially, what you do  
19 is, you take the halligan tool, push it into the door  
20 opposite the hinges. Someone takes a sledgehammer  
21 hits that. You pry the door open. Lieutenant Downing  
22 advised Officer Sheehan that that would be his  
23 responsibility. He would be the breacher of that  
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1 particular door. Officer O'Toole, I believe, would be  
2 his A breacher, which means he would carry the  
3 breaching tools on his back, in a backpack, and  
4 Lieutenant Downing would fall in behind them, and that  
5 would be one element that made entry into that  
6 particular door. At that time, Lieutenant Downing  
7 advised me that my responsibility, upon entering the  
8 property, would be a door immediately to my right-hand  
9 side. This door is-- I was advised that this door  
10 opened inward, so that a battering ram would be able  
11 to be used on that. That door, to the best of their  
12 knowledge, opened up into some type of living room  
13 area. They were not sure if the door had anything in  
14 front of it, like a couch or a chair, which we have  
15 come in contact before when breaching, you know, those  
16 doors that enter into those types of rooms. He  
17 advised me that it would be my responsibility to make  
18 entry into that particular door.

19 Q You were by yourself then? No one else was going to  
20 be with you on that door?

21 A Yes, but I would be-- my responsibility is to breach  
22 it. Yeah. There should be team members--  
23  
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1  
2 Q Behind you, whatever?

3 A Yeah. The way that we're trained to do it is,  
4 technically, I would move up, take out the door, step  
5 aside, drop the ram. The stack, or the operators,  
6 referred to as a stack, would make entry. I should,  
7 you know, at that point, follow directly behind them  
8 and then we would clear that area that, you know, we  
9 were sweeping to make sure that there's no-- you know,  
10 no danger points in there. He-- at that time, he  
11 advised me that Officer Sebastian would be assisting  
12 me. He would basically be standing by. Because we  
13 did not know if there was something behind that door,  
14 on the inside, like a couch or a large chair, Officer  
15 Sebastian was to stand by with me in the event that I  
16 became, you know, my muscles became exhausted from  
17 trying to ram the door and it wasn't moving. He could  
18 take the battering ram over and then he could, with a  
19 fresh pair of muscles, knock the rest of the door in  
20 and we can move in as a unit or as a stack, nothing  
21 that we haven't done before. They didn't get into the  
22 rest of the mission. They just said these were my  
23 specific area and Officer Sheehan's specific area.  
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Asked if we understood that. We said yes. At that point, we were told to go back downstairs to make sure that everybody collected the proper equipment that they were going to need, at that point, which, for me, would be the battering ram; for Officer Sheehan, a halligan tool; a backpack for Officer O'Toole to wear with breaching tools. They did say that they were going to have porters or what we could classify as a rake-n-break team on the A side and B side of the building, which would be the front. And if you were standing in front of it, the A side would be the front. The B side would be the left side of the building if you were looking at it, and to make sure we had rake-n-break tools to port the windows for security purposes. Officer Sheehan and I went back downstairs. Officer Sheehan, I believe, went out at that point and collected-- I think Officer Sheehan-- I'm not sure if Officer O'Toole did. I'm pretty sure he did. But I'm sure Officer Sheehan made sure he had the-- got the-- made sure he got the halligan. I remember seeing the halligan up there. And I'm pretty sure that Officer O'Toole went and got the breaching

1 pack. Once that was done, I believe I said to  
2 somebody there that, you know, myself and Officer  
3 Sheehan were breaching. That's why he was going to  
4 get the pack. He came back up. I went outside to the  
5 blue SWAT truck. We have two. We have one transport  
6 truck, one utility truck that's used for some  
7 transport, but mostly equipment. Went to that truck,  
8 removed the small battering ram, which I find more  
9 effective than the larger one, especially in tight  
10 quarters. You get more of a swing out of that,  
11 opposed to a big one. I collected that out of the  
12 truck; left I at the front of the SWAT truck, came  
13 back upstairs and, at that point, remained in the room  
14 until the briefing started.

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17 Q Then you had a briefing about, you know, what you were  
18 going after, who could've been there and their  
19 backgrounds, and stuff like-- information like that?

20  
21 A At some point-- yeah-- at some point, Deputy Davis was  
22 there. Deputy Davis came down. Lieutenant Downing,  
23 Sergeant Stuart were there. The TEMS had arrived.  
24 The tactical medics had arrived. Everybody who was  
25 going to be deployed on this particular operation was

1           in the room. I believed-- I believe Deputy Davis said  
2           to Detective Martinez, you know, "You've been dealing,  
3           you know, with this particular house. Could you give  
4           us a brief rundown or a briefing on, you know, what  
5           you know about this?" At that time, Detective  
6           Martinez went to the front of the roll call room.  
7           Once at the front of the roll call room, I could see  
8           that they had what appeared to be the same large  
9           picture that they had upstairs of the front of the  
10          house. Also, with that picture, taped to the front of  
11          the roll call room, were three individual pictures of  
12          three men, taped either under it or directly next to  
13          it, I can't recall. I think-- I actually think, just  
14          before-- just before Detective Martinez spoke, or  
15          while he was speaking perhaps, Sergeant Stuart used  
16          the overhead board that we have there, the Smart  
17          Board, and drew a rough diagram of what he thought the  
18          interior may look like and wrote the sides of the A,  
19          B, C and D side, so that everyone was clear on which  
20          side we were using, just in the event that something  
21          happened and somebody, meaning the TEMS or whatnot,  
22          were not exactly familiar, you know, for some reason,  
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1 the sides that we use. AT that time, Detective  
2 Martinez started his briefing. Basically said that  
3 the Narcotics Unit had been making buys out of this  
4 house-- I forget how long he said-- for some period  
5 of time. He said that these three individuals here,  
6 they believed that these three individuals were there,  
7 however, they weren't sure about one of them. They  
8 thought one of them may have left, but they were  
9 almost positive that two out of the three were still  
10 inside. I don't recall the names of the individuals  
11 that he had listed-- that he had pictures of on the  
12 board. I know Detective Martinez pointed to the first  
13 one which was on the far right-hand side. He said--  
14 I'm sure he said his name. I don't recall it. At  
15 some point, he said that, you know, "We believe that  
16 he's a gang banger out of Boston." I believe they  
17 said some remarks about having some tattoo somewhere  
18 under his right or left eye. I can't recall which one  
19 exactly. Gave some brief history as to-- [REDACTED]  
20 [REDACTED], or to that  
21 affect, in his background. Moved on to the next two  
22 individuals. I don't recall if it was the next one or  
23  
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1 the last one he pointed to that said they weren't sure  
2 was in there any longer or may have left. There was  
3 another individual he pointed at. I believe-- I can't  
4 recall exactly if he said h [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 [REDACTED] I focused pretty much on  
8 when he said it the first time that that was the  
9 overall-- we know if one person, you [REDACTED] [REDACTED]  
10 [REDACTED] that that kind  
11 of sets the mood right there so that we know exactly  
12 what to prepare for. I don't recall if he said that  
13 about the second one or the third one. He gave a  
14 brief rundown on the next two and, like I said before,  
15 I'm not sure which one he said he didn't know was  
16 there anymore. At some point, he did say that there  
17 is someone else-- there is another person there,  
18 another male party, in his sixties, or sixty, also in  
19 the home. I'm not sure if he mentioned there was a  
20 woman or not. I can't recall. Basically said that  
21 they had done some drug buys out of there and that the  
22 house had been active all night; people had been  
23 coming and going throughout the night, while they were  
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1 preparing this operation. I think once he had given  
2 that portion of the briefing, to my recollection now,  
3 Sergeant Stuart stepped in and basically made sure  
4 that everyone knew what their assignments were going  
5 to be. I had already been given mine, so I knew what  
6 my assignment was. Handed out the other assignments.  
7 The officers on the rake-n-break teams, I believe, one  
8 of the rake-n-break teams was going to use the rake-n-  
9 break instrument that has a flash bang attached to it.  
10 I can't recall the name of it. I've never used them,  
11 personally, so I don't recall the name of it.  
12 Essentially, what that is, they rake-n-break the  
13 window, stick this long metal rod into the window and,  
14 from where your position is, you know, is X amount of  
15 feet away, which is safe for us. It has a little pin  
16 you clip to a flash bang. You're able to pull from  
17 your distance. It activates a flash bang inside the  
18 room and it eliminates us having to force a door open  
19 and toss one in and is actually safer for us because,  
20 what happens is, we don't have to bang the door down  
21 and then throw it. It happens prior to us just  
22 banging on the door so that there's enough distraction

1 that they may not focus if they have any weapons on us  
2 trying to get in. So he assigned people to the two  
3 rake-n-break teams. Once those assignments were  
4 handed out, he advised Officer Sebastian that he would  
5 be driving the black SWAT truck, which is essentially  
6 the operators' transport vehicle. To the best of my  
7 recollection at that point, they said, you know make  
8 sure you're all set and, you know, we'll check our  
9 communications outside, which is normally what we do.  
10 I think, at that point, we left the second-floor roll  
11 call room and mustered up outside by the SWAT trucks.  
12 To the best of my recollection, that's directly-- I  
13 think I might've used the men's room before, but  
14 that's it. Once we were down and we mustered up by  
15 the trucks, I collected the ram that I had left  
16 outside of the blue truck. Everyone basically does  
17 and equipment check. Sergeant Stuart checked  
18 communications. He went-- we went-- he went through  
19 each SWAT operator, make sure the communications were  
20 working. Everyone gave him the thumbs up that all the  
21 communications were on. Once all the communications  
22 were recognized as being up and running, everyone had  
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1 their equipment, they said-- loaded us up in the  
2 transport. I don't recall if anybody-- I don't recall  
3 if anybody went into the blue one or not. I don't  
4 know. I was in the black transport truck, in the  
5 back, and we left, and then headed over there. At  
6 some point, I don't know where we were on the way. I  
7 think maybe, if I'm recalling properly, just from the  
8 number of feeling of stops and turns in the back, this  
9 particular residence wasn't far away from the police  
10 station. I think we were probably around Waverly  
11 Street. I didn't-- I did not personally hear it, but  
12 someone in the back-- I recall someone in the back  
13 saying, "Did you catch that? or "Did you hear that?  
14 There's somebody that left the house and they're doing  
15 a buy or a sell right now at the gas station,"  
16 something to that affect. So-- which, for us, is a  
17 concern because we were probably thirty seconds from  
18 there, you know. If we just turn onto Waverly Street,  
19 that location was fairly fast. So that was good to  
20 know because that could, if they have communication,  
21 compromise us pulling us up; make a call and could  
22 lead to a danger area for us. Shortly after that  
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1 message came over the air, we arrived where we were  
2 going, stopped a couple of houses short of the target  
3 house. Once there, we would, you know-- once there,  
4 doors opened and we moved out. No lag time.  
5 Everybody moved fairly quickly. I was probably the  
6 third or fourth person out of the black transport. As  
7 I got out, made sure I had good control of the  
8 battering ram. I could see maybe two, could've been  
9 three, SWAT operators ahead of me. They were, you  
10 know, in a trot. You know, you don't run up full  
11 gusto, but you don't want to be-- you don't want to  
12 lag at this particular time, so they had moved at a  
13 trot up there. As I was going up, I could hear a  
14 voice of a female and I heard someone say, you know,  
15 "Get down on the ground. Get down on the ground."  
16 Made my way directly towards my mission point, which  
17 was the entrance of the exterior-- of that exterior  
18 door to get into the common hallway. Once I stepped  
19 towards the door, I could see a female laying on what  
20 is a small front porch. Lieutenant Downing was there  
21 with her. Or at least I believe it was Lieutenant  
22 Downing. It was dark. It sounded like his voice.

1 She was down on the ground, making some comment. I  
2 can't recall what it was. I heard what I think is  
3 Lieutenant Downing yell for Reardon, "Reardon.  
4 Reardon," you know, "Take control of her." She was at  
5 our entrance point and, obviously, at this point,  
6 because of the noise, her yelling, we were compromised  
7 as it was. It wasn't-- it wasn't-- we weren't able to  
8 move quick, go in quietly. I stepped over her, got  
9 into position at the door directly to my right-hand  
10 side, as we discussed earlier in the briefing. I  
11 don't know who was going passed me. I'm assuming it  
12 was the other breaching team. SWAT officers moved  
13 passed me and went to the other door. I'm assuming it  
14 was the original officers that were told to do so.  
15 Once I got to the-- once I got to the breaching-- that  
16 door that I was to breach, got to that point-- I'm a  
17 right-handed person. I like to hold the back of the  
18 ram with my right hand. So I took control of that,  
19 turned, and I was facing the outside door. As I--  
20 Q Of the door to the right-- inside the hallway, the  
21 door to the right?  
22  
23  
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1  
2 A Correct. The door would've been on my right. I  
3 turned and faced the exterior door that I just came  
4 in, and now the door was on my left-hand side, because  
5 I'm going to use the battering ram--

6 Q I got you. Got you. Okay.

7 A -- to hit it.

8 Q Got you.

9 A Getting the power from my right arm.

10 Q And who was with you at that time? Was Sebastian with  
11 you then? You don't still-- if you remember.

12 A I-- I don't recall if he-- I don't know if, at that  
13 time, when the other operators were flowing in behind  
14 me, I turned as they went by. So now I'm facing  
15 outside. I don't know if one of those was Officer  
16 Sebastian and he got behind me and stood there. I  
17 never turned around to look.

18 Q Okay.

19 A I'm under the assumption that he did, or somebody did,  
20 but I don't know. I can see-- at that time, I can see  
21 Sergeant Stuart. Sergeant Stuart bangs and makes the  
22 announcement, I believe it was, three or four times,  
23 hitting the door, "Framingham Police search warrant.  
24  
25



1 Framingham Police search warrant." I'm just waiting  
2 for the word execute. The word execute is what we go  
3 on. He says it over the radio so, once he says  
4 execute, they're going to port the windows, drop the  
5 bang. They're going to move in for that door. I'm  
6 going to-- my mission is to move in this door. At  
7 some point, I hear the word execute. Once I hear that  
8 word, I take it. Off I go. I hit the door.  
9 Basically, as I hit the door, the door didn't-- I  
10 don't recall the door opening. I recall-- from what I  
11 recall, it felt like, and it was fast, and I'm trying  
12 to move quickly, it felt like the middle of the door  
13 kind of just disintegrated. Now, the issue I have is,  
14 I-- the only thing I have left to do is I can haul it  
15 back up again at some point and try to hit the  
16 doorknob and force it open, but I'm defeating the  
17 purpose of getting in the room. So I believe, once  
18 the door, the interior or the middle, opens up,  
19 normally what I would do is step to the side, drop the  
20 ram and let the stack flow in. But because of the way  
21 the door--

22  
23  
24  
25 Q What do you mean the stack flow in?

1  
2 A The stack-- the SWAT operators that enter the room, we  
3 form up--

4 Q You call them the stack?

5 A We call them a stack. The reason we call them a stack  
6 is because we line up one individual in a row. That  
7 way, if something-- if a threat does come towards us,  
8 if the first officer goes down, the other officer is  
9 right there to take control of the problem. But, if  
10 we go in in a long line, someone can take out the  
11 whole line of us right away. So we go in, one  
12 individual in a row. It's called a stack. So,  
13 essentially, what normally would happen, if you were  
14 the breacher, force the door open, step aside and just  
15 throw the ram so that the stack can get in. I would  
16 fall in to be the last man in that stack. Hitting a  
17 door the way that the door broke, I remember at the  
18 time thinking the door opened up on me. It didn't  
19 open, but the inside seemed to disappear. I felt, at  
20 that time, it was just better to push my way through  
21 it so that other people could get through. If I  
22 stepped aside and I didn't continue to break it open  
23 more, they would've got hung up. And I don't know if  
24  
25

1 someone's in there with a gun so, essentially, it  
2 creates a funnel that they can take rounds in. I  
3 remember thinking to myself, push through it. I don't  
4 know if I swung and hit it again, but I remember  
5 breaking through-- somehow, just breaking through the  
6 door and becoming the first man in. It's happened to  
7 me once before. So I broke through the door and I  
8 remember standing in the room as best I can to see if  
9 there was somebody in there. Normally, what happens  
10 is, if you're the first guy through the door, you'll  
11 buttonhook right or left to make sure there's no  
12 people in the deep corners that are threats. I didn't  
13 have the ability to do that because of the force I was  
14 using to push the rest of the door open, which,  
15 obviously, if someone's in the deep corners of the  
16 room, they can take out the first person that went in.  
17 So I pushed my way through. I remember getting  
18 through the door, trying to look as best I could.  
19 Once in, I remember throwing the battering ram onto  
20 the floor somewhere. I don't know, or remember,  
21 anybody directly behind me. I wasn't focusing on  
22 that. I was focusing on the room. Once I threw the  
23  
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1 ram down, I reached around and grabbed my long rifle,  
2 which was on a harness. I keep-- because I'm the--  
3 because I carry the battering ram, I don't have the  
4 ability to approach a building in the ready position  
5 with a rifle, or even have my rifle prepared if  
6 something happens. I have to drop the ram and  
7 probably go directly to my sidearm, which is fast to  
8 retain because it doesn't have a safety on it. So,  
9 once I throw the ram down in that room, I reach over  
10 to my left side. I pull out my long rifle into the  
11 low ready, flick it on to semi-automatic, and I start  
12 scanning the room to make sure there's no people in  
13 there or anything that's threatening towards myself  
14 and anybody else coming in. I can't remember which  
15 side of the room I scanned directly first. I think,  
16 as I came in, I was pretty close to the wall on the  
17 right-hand side, so I think I remember looking real  
18 quick into the deep corner that there was nothing  
19 there. And then I stayed in the low ready and came  
20 across the room to see if anything else was in that--  
21 to the left of me. As I came to the left of me, I  
22 didn't see anything else directly there. I didn't see

1 any threats. I saw what looks like another open room  
2 in front of me. It seems, if I think about it, it's  
3 probably-- it seems probably the same size room that  
4 I'm in but more cluttered. I can't remember what was  
5 in it. But I move in. Now I buttonhook right real  
6 quick to make sure there's nothing in that deep  
7 corner. I'm scanning to look if there's any other  
8 threats in that particular room. I don't see  
9 anything. I still don't know if anybody's right  
10 behind me. We're generally-- we are generally right  
11 on top of each other. I don't know if anyone was. I  
12 don't worry about that because normally we are. So if  
13 they're not, I know they'll be there in a second. So  
14 I scan real quick. I don't see anyone in there. what  
15 I do see to my left is a standard doorway with no  
16 door. Now there is no door. What there was was, it  
17 seems to me, a black curtain or a black-- scratch  
18 that, brown blanket or brown curtain, long,  
19 thumbtacked or hanging from that doorway on my side of  
20 the room. So I can see that it's being tacked or  
21 something to that affect. I just know that it's not  
22  
23  
24  
25

1 there, you know, permanently. It's a curtain stuck up  
2 there.  
3

4 Q Is this-- just excuse me one second. Is this  
5 separating the first room that you went into to the  
6 second room or is it separating the second room into  
7 that opening, if you follow me?

8 A Yeah, I do. This doorway is, what I believe, leads  
9 into the other part of the house that the other team  
10 made entry in, maybe a kitchen area, I think.  
11

12 Q Okay. And that's where the thing's hanging?

13 A That's where it's hanging. I can't see through it. I  
14 could see-- that's where I stop. I make my way in. I  
15 secure the first room. I don't see any threats. Make  
16 my way to the second room. I secure as best I can.  
17 It's a quick scan. I didn't do a detailed search. I  
18 did a quick scan to make sure nobody's standing there.  
19 I wouldn't have been able to tell if somebody was  
20 hiding in something. I stop. I see that doorway. I  
21 recognize that as a threat because, obviously, it's a  
22 doorway, but there's no door and it's not shut.  
23 Anything can come through it.  
24

25 Q Correct.

1  
2 A I see it. I focused in on it. I'm still at the low  
3 ready. I'm looking at it. Now, as I'm going that, I  
4 can hear on the other side of the curtain, "Police.  
5 Police. Framingham Police." I hear-- I hear  
6 something to the affect of, I believe it was, "Come  
7 out. Come out." Definitely, at some point, I'm still  
8 in there. I heard, "Get down on the ground. Get down  
9 on the ground." So I know, at that point, that they  
10 have people on that side. I say-- I think at the same  
11 time, I was about to say it, or somebody said it, so I  
12 know now somebody's there anyway. I remember reaching  
13 my left hand up to grab the curtain to rip it down and  
14 I hear-- I hear, "Blue," which is a code for us so  
15 that cops we can't see on the other side know it's not  
16 a bad guy coming through with a gun; it's another cop.

17  
18  
19 Q You say that?

20 A I say it, and someone else next to me says it. I  
21 think it was Sergeant Stuart.

22 Q Okay.

23 A I recognize his voice. We yell, "Blue. Blue. Blue.  
24 Blue. Blue. Blue." And that is so that the cops on  
25 the other side know, when that comes down, it's a cop

1 coming through. Don't shoot. And I hear-- I believe  
2 I hear from the other side of the curtain, "Blue.  
3 Blue. Blue." So they-- now we both know that that  
4 one spot, there's another cop standing there. I  
5 reached up with my left hand. I grab it. I ripped  
6 the curtain down. So now I have at least line of  
7 sight to that room. I'm still standing at that  
8 doorway because there hasn't been a detailed search in  
9 that room. I don't recall seeing a spot--

10 Q Did you-- because there hasn't been detailed search  
11 in the room that you're in now; not where the other  
12 blue is.

13 A Correct.

14 Q Okay. Alright.

15 A I don't know what's going on in there. I just-- I  
16 know that they're yelling something to the words of,  
17 "Come out," or I know they're yelling, "Get down. Get  
18 down." So I know they have contact. I-- I had no  
19 contact. So I had not done a-- but I had not done a  
20 detailed search. I don't remember seeing anything in  
21 that room. Trying to think back, I don't remember  
22 seeing anything that worried me. Like there could've  
23  
24  
25



1                   been someone tucked under something that I didn't see.  
2                   But, normally, we would look in everything; cubby  
3                   holes, everything, because, when someone hears the  
4                   police, they can go anywhere and you don't know what  
5                   they have. So we normally, once we secure a room,  
6                   it's taken ground. We own it. We say okay. Now  
7                   we're like okay, make sure there's nothing in here so  
8                   we know, if we're standing there, nothing's coming out  
9                   to get us. That curtain-- that curtain comes down. I  
10                  still hear the commands, "Get down. Get down." I  
11                  don't see anything. I have line of sight into that  
12                  kitchen, but wherever that's coming from, and, at the  
13                  time, it sounds like it's coming from around the right  
14                  side of that room, I can hear it, but I can't see it.  
15                  There is-- I believe there is a light on in the  
16                  kitchen. It was lit. That particular room seemed to  
17                  me that it's lit at the time.

18                Q     Your room-- the other two rooms that you were in  
19                      before, do they--

20                A     I think they were dimly lit or-- I believe there was  
21                      light in there. I don't know-- not super bright, but,  
22                      yeah, they were light. They were lit, yes.

1  
2 Q Okay.

3 A I remember-- I'm pretty sure because I didn't need to  
4 use-- I have a-- I have a-- I have a light on my long  
5 gun, on the grip. If I touch the grip, my light--

6 Q It'll go on.

7 A -- it will activate if I want it to. And I don't  
8 remember using that. I think it was lit. The voice  
9 commands are still coming from the kitchen area, or  
10 what I think was the kitchen area, that other room  
11 that I tore the curtain down from. I believe, at this  
12 time, it's Sergeant Stuart. It sounded-- you know, I  
13 never turned around. Says to me, "Go with them. Go  
14 with them," meaning they probably need trailers. He  
15 knows, or whoever it is knows, that we don't have  
16 somebody. They have contact. You know, we don't know  
17 what's going to happen. You know, get in with them so  
18 they have enough bodies. At that time, I enter what I  
19 still think is the kitchen. I do a quick scan. As I  
20 do, on my right-hand side, I see two-- two rooms, or  
21 one room to my far left, that's lit. And it seems to  
22 me, if I think back, it seemed like a small pantry or  
23 something to that affect. I don't recall what it was.  
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It was to the far left of me, on the right side wall.  
There's a little room. I remember something in there.

Q To the far right. Your far right. And then in the  
left.

A So, if I enter this kitchen area from that door, which  
is like a living room, I looked-- I scanned quick.  
The door that they entered in is over here.

Q The right.

A The second team is on my left. The door that the  
second team--

Q Yes, the left, okay.

A So I know they've been passed there. So I scan right  
and I see a room to my far left and I see another  
doorway, which seems to be a dark hallway. There's  
two SWAT operators in it.

Q That one to the right?

A Yes, the dark hallway.

Q Okay.

A Is to the right.

Q Okay.

A To my recollection, I remember seeing two SWAT  
operators. I move up with them, or I just start

1 moving out of that doorway, and I go to get into a  
2 stack with those officers, I guess because, in my  
3 mind, they had made contact with someone. So I don't  
4 know what threat they have so I want them to have the  
5 manpower. As I approach, I can see that the hallway's  
6 dark. I can see that there's SWAT operators in front  
7 of me and I can see a light at the end of that  
8 hallway, on the right-hand side, a doorway that's lit,  
9 on the right-hand side.  
10  
11

12 Q Inside the hallway?

13 A Inside the hallway, toward the back of it. Just  
14 before I got to those operators, or as I got to those  
15 operators, I'm not sure. They take off and they make  
16 a-- they take off down that dark hallway and make  
17 entry into a room down there. I think it was the lit  
18 room. I'm not-- I'm not a hundred percent sure. But  
19 they take off and now they're entering a room and  
20 they're gone. I don't even see them. As I step in  
21 onto the threshold, I could see that it's dark. There  
22 seems to be obstacles in the hallway, disheveled,  
23 appeared disheveled to me. I see a man laying on his  
24 stomach somewhere in the hallway, probably, if I were  
25

1 to guess, a couple of feet passed the threshold, maybe  
2 two, three feet passed the threshold. I-- that's  
3 trying to recollect distance in darkness. So, as I--  
4 now, the other two SWAT operators are gone. I look  
5 down. I see the individual laying there. At that  
6 time, his-- he's laying on his stomach. His hands  
7 are, I believe, above his-- I believe his elbows were  
8 resting on the floor. His hands and fingers were  
9 open, and they were not on his head. They were  
10 hovering by his head. So I see-- I see that. As I--  
11 as I approach him at the threshold, I recall his-- I  
12 recall his head moving up towards me and his hands  
13 moving like in a motion of, you know, who's this,  
14 what's coming in here. So I see the hands move and  
15 the head go up, not a great distance, just enough  
16 where my attention automatically went to his hands and  
17 his head.

18  
19  
20  
21 Q How far do you think you were from him then?

22 A Probably the-- probably the two feet.

23 Q Probably-- were you inside? You had just crossed the  
24 threshold?

25 A I probably just crossed-- crossed the threshold.

1  
2 Q     Alright.

3 A     So I see the movement. So, at that time, I see the  
4 movement. I-- I have my long rifle in the low ready.  
5 I point it in his direction. At this time, I know-- I  
6 could-- I can hear-- I can still hearing yelling  
7 coming from that room down there. So I'm assuming,  
8 because I hear that yelling, that they have contact  
9 with something at that end of the room, out of my  
10 sight, in another room at the end of that hallway. He  
11 looks up to some degree. The hands move. My  
12 attention's focused on him. Long rifle pointed at him  
13 at that time, basically, because I didn't-- I don't  
14 know, at that point, you know, what's around him. The  
15 movement automatically draws my contact. So I have  
16 him. I know now-- I'm in this position. I know now  
17 the other SWAT operators move quickly. They went in  
18 for the other threat. I'm looking at the other room.  
19 It's disheveled in the area that he's in. I know that  
20 those SWAT operators had not checked him for any  
21 weapons. I know that there was no check of the area  
22 for any weapons, other than maybe a quick one with  
23 their eyes. And whether they saw something or-- I  
24  
25

1 don't know. So I make a decision at that point. My  
2 options are focus on him like this and say, "Don't  
3 move. Don't move." But what happens if there's a gun  
4 or something hidden anywhere and he just reaches  
5 quick? What happens? Well, I'm still in a position  
6 where I got to make a decision. Do I fire? Do I not  
7 fire? And in my mind, as quickly as it was going, I  
8 made the decision, I'm going to take that out of this  
9 equation. I decided I'm going to go on the side of  
10 him, get his hands behind his back; not handcuff him,  
11 but just tighten up on his hands and kneel down on him  
12 so that I know he can't reach for anything at all,  
13 period. It takes-- in the back of my mind, it takes  
14 any threat that may be someplace I can't see,  
15 someplace I can't see, out of the equation, as far as  
16 any firearms or weapons. So, at that point, he's on  
17 the ground. I don't recall if he's-- I don't recall  
18 the way that he's laying; if he was directly straight,  
19 parallel with the wall, or if he was cockeyed. I  
20 can't remember. It seems to me that he was-- he may  
21 have been laying at an angle, where his head was  
22 towards me, but his body may have been coming towards

1 the right side of the hallway. I-- it was dark. At  
2 that time, I come around the right side of him. I  
3 take a couple of steps and I come around the right  
4 side of the-- of the-- of the man on the ground, on  
5 the floor. For some reason, I don't know if-- I think  
6 I was somewhere around his shoulders, or just passed  
7 his shoulders, I don't know if I stepped on something  
8 with my right foot, or whatnot, but, for some reason,  
9 I had to step backwards with my left foot, or not  
10 backwards, but to my left, which is essentially the  
11 spot-- the area I had come from. So I step with my  
12 right. I started to make that motion and, all of a  
13 sudden, I felt, for some reason, I had to step left.  
14 So, as I stepped to my left, I just-- I lose my-- for  
15 some-- some way, I lose my balance. I start to fall  
16 over. I'm-- I'm going backwards. I remember it was  
17 very quickly, but I start going backwards. This-- I  
18 think my right foot's coming off the floor. We-- with  
19 our tactical equipment and everything, it's just  
20 awkward. I start-- I start going backwards. I think  
21 that I lose, or let go of, my grip on my long gun  
22 because I'm falling over. And I don't know if, in the



1 back of my mind, I'm trying to reach and trying to hit  
2 the wall, so I don't go all the way over. But I find  
3 myself falling back and to the left or-- and my arms  
4 out like this, or just out, trying to say, basically,  
5 "Oh, shit. Here I go," factor. So I'm going over.  
6  
7 As I'm going over, at some point, my long rifle's  
8 pointing in the direction of the person on the floor.  
9 I'm trying to consciously, as I'm falling over, say to  
10 myself-- when I'm saying the oh shit factor, pull my  
11 gun, my long rifle, away, but I'm going over. At some  
12 point, I hear the discharge of a firearm. I don't  
13 know if it's-- I don't know if it's when I first start  
14 going over or when I impact, but I do impact with the  
15 wall, the corner of that-- somewhere between the wall  
16 and the corner of the threshold, I impact with the  
17 wall. I'm laying there. Now I'm laying on the  
18 ground. I'm laying on the ground in front of the  
19 person that I was trying to secure. I don't recall  
20 exactly where my entire make-up of my body was, but  
21 my-- my-- my ass is on the ground. My back is  
22 somewhere against the wall. The long rifle-- I want  
23 to-- I think the long rifle was resting somewhere on  
24  
25

1 me. And I'm not sure if even a part of it landed  
2 anywhere on top of him or whatnot. For a second, the  
3 discharge-- I heard the discharge. It was almost like  
4 there was a shot fire. And it took a second for it to  
5 settle in that, you know, Jesus, was that my rifle?  
6 Now I'm resting on the ground on my rear-end. I look  
7 down at-- I'm literally almost on top of him, I think.  
8 I can see his head. I looked down at him and now I  
9 can see under his-- under his, what would essentially  
10 be his left shoulder, which was still-- now is like  
11 this. I can see-- now I start to see blood come out  
12 from somewhere under the-- somewhere under the left  
13 shoulder area. I hear a voice from out in the hall,  
14 or out-- not in the hall, from out in the kitchen  
15 area, or what I believe is a kitchen. I can't tell  
16 you that it is. I think it was, wherever that room is  
17 behind me. I hear a voice, you know, "What was that?  
18 What happened? What's going on" something to that  
19 affect. At that time, I yell, "Man down. Man down.  
20 Man down," two or three times. I don't remember if  
21 somebody-- I was trying to get up. I don't remember  
22 if somebody helped me up. I know I was on the deck

1 and I-- I don't remember if, when I was trying to get  
2 up, if somebody came in and helped lifted me. I know,  
3 at some point, somebody was right behind me, like,  
4 "Back up. Back up," like, "Let's get you out of this  
5 room. Let's get you out of this particular room."  
6 Then I heard somebody in that room-- I don't know who  
7 it was. I believe it was Lieutenant Downing, but I'm  
8 not a hundred percent-- yelling for the TEMS, to get  
9 the TEMS in there, which the tactical medics. Once I  
10 was in the kitchen, I think it was-- I think it was  
11 Lieutenant Downing, said, "What happened? What  
12 happened?" I told him, I said, "I fell or I tripped."  
13 I can't remember exactly what I said. At that time,  
14 they took-- he took me, or somebody took me, and he  
15 moved me into the original room that-- the room  
16 directly off the kitchen that I had secured prior to  
17 pulling the blanket down. I remained in that room  
18 for, I don't know, a minute, maybe a minute. And then  
19 Sergeant Scibilio, who's a member of the SWAT Team  
20 came in and said, "Are you okay? Are you okay?" I  
21 said, "Yeah, I'm okay. I was not hit," something to  
22 that affect. "No." "Alright. Stay calm." And I  
23  
24  
25

1 think, probably within a minute of that, he had me out  
2 of there. I don't remember if-- I remember he took me  
3 too. I don't remember if anybody else did too, but I  
4 think it was him that got me out of the house. Got me  
5 out of there. I met up with Officer Eliadi. I'm not  
6 sure if I met up with him inside and he came out with  
7 us or if we met right outside. Basically, Sergeant  
8 Scibilio said, you know, "Come with me," and he took  
9 us over to-- if I walked out the front door, it would  
10 be over to the left. It was like a tractor or some  
11 construction equipment over there. Took us-- took  
12 myself and Officer Eliadi over there and basically  
13 told, you know, Officer Eliadi, you know, "Stay with  
14 Paul. Stay with Paul. Don't leave his side." I  
15 think maybe--

16 Q Why don't we just stop your thing at this time and let  
17 us just-- and then we'll go on from there. We'll just  
18 go back and ask a couple questions about the incident.  
19 Is that alright?

20 A Sure. Can I get some water?

21 Q Sure. When you're confronting the individual when  
22 he's on the floor and he's got his hands up, like you  
23  
24  
25

A Yes.

Q Right? And you said that, you know-- you said, at one point, whether fire or not. I don't know what you meant by that.

A Did I say-- I guess, what I'm trying to--

Q I don't-- just give me your interpretation because I believe that's what I heard. I could be wrong.

Q (Unknown) What I think he said was he was trying to decide if the man reached for something, what would he do. Would he fire or--

Q (Forster) There you go. Okay. Sorry. What you-- yes-- okay. Alright. I just want to clear that.

A Yeah.

Q That's in your head at that time and you decide that you want to go and secure him, you know, from the rear, whatever you're going to do. When you're in the

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low ready before that-- before that-- while you're discussing that, your trigger finger on the outside?

A My trigger finger is on the outside of the trigger guard.

Q The trigger guard, okay. Did it ever, at that point when you were thinking that, go into the trigger guard at all?

A No.

Q Okay. Alright.

A Not at all.

Q And so these questions I have to ask, okay.

A I understand.

Q And the other thing I had asked too because I didn't interpret the whole--

A No, I understand.

Q Now I'm squared away.

A I understand.

Q You know, what you're going to do if something happens. I understand. You decided to go around.  
Okay.

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A I was at-- I wanted to take-- I wanted to take the ability for him to reach for anything if it was there completely out of the equation--

Q Of course. Of course.

A -- which is why I made the decision to move around to try and secure his hands.

Q Okay. Okay. And so, even when you're thinking that in your hand, you still stayed low ready, finger outside.

A Correct.

Q Okay. And at that point when you go in that and you start doing that, when you start-- that's when you start losing your balance, or whatever you want to call it--

A Yeah.

Q -- like your left leg, you start-- I understand what you're saying, okay. And you take your hand-- and then you take your hand off your long rifle because you're thinking you might go down and-- are you bracing yourself? Is that basically the way I'm interpreting it?

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A There's a-- the rifles that we have have a grip at the front-- the bottom front portion of the rifle.

Q Okay. Yeah.

A And that--

Q And that's what you're holding.

A -- that's to better control the rifle.

Q Right.

A And also, it activates the lighting mechanism on the rifle.

Q Okay.

A As I-- as I'm falling, I could see-- I see my hand in front of me. So, as I'm falling, I can only assume it was instinct for me to go put my hand out to see if I could grab or hit something, rather than fall backwards.

Q Okay.

A But it-- I didn't make-- by the time I made contact with the wall, or wherever I was, I was already deep into the fall.

Q Okay.

Q (Ferguson) Was your intention, because I can visual too, it seems to me your intention was-- you



1  
2 were moving to the right. Was your intention to  
3 straddle him and get -- when you're moving to the  
4 right, your foot hits something, so you went-- so when  
5 you're moving to the right and your foot hits  
6 something, you went to go back to the left because  
7 your foot hit an obstruction, and that's when you  
8 started to lose your balance.

9  
10 A As I'm moving to the right--

11 Q (Forster) You start crouching down too, right?

12 A Well, as I'm-- as I'm-- I'm already-- my knees are  
13 already bent. I'm moving. As I'm moving to the  
14 right, my intention is, if I can get on top of him to--  
15 - technically, what you'll do is, I'll whack the gun  
16 on safe. On my harness, I can spin it. Because it's  
17 on a harness, I can push it to my left. Essentially,  
18 based on the position I'd be in, I'd be able to take  
19 my right knee, put it on his back and just-- I don't  
20 even know my intention. I think my intention was to  
21 handcuff him. My intention was to grab his thumbs or  
22 his hands--

23  
24 Q And secure his hands.  
25

1  
2 A -- and get them behind his back, just tighten up on  
3 them, so I know he's not reaching for anything.

4 Q Alright.

5 A And also, if I'm going that, and I'm on top of him,  
6 and I'm holding his hands, and I know he's not  
7 reaching for anything, there's probably enough room  
8 for other SWAT guys to run passed me if something bad  
9 happens in those other rooms. I know he's not going  
10 nowhere and they can still get in and help those guys.  
11 I don't know, it's hard for me say, what happened that  
12 made-- that made me all of a sudden have to move to my  
13 left. I know something with this foot and then, all  
14 of a sudden, I had to step to my left-hand side.

15  
16 Q Well, it's close quarters and it is cluttered in  
17 there. I mean, I mean, I was in there, so I-- you  
18 just said the lighting wasn't that great, or was there  
19 no lighting in there?  
20

21 A I think--

22 Q Did you ever get to turn your, like you said, the  
23 front--  
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A To the best of my-- to the best of my recollection,  
there was ambient lighting from the back, behind me,  
and then the--

Q The kitchen.

A -- and to the right. It's the kitchen and that lit  
room--

Q That gave you a little light in there.

A That gave me enough light to--

Q Operate.

A -- to operate, to see him, but not enough light to see  
if there was any--

Q Sure.

A -- any dangerous objects there.

Q Okay.

Q (Ferguson) And you began to lose your balance when  
you had to make that transition from going to the  
right, back to the left--

A Back to the left.

Q That's when you lost your balance and you had to take  
that left hand off of that-- off of that--

A The grip.

1

2 Q -- front grip and bring it-- bring it onto your back  
3 to catch yourself.

4

A I think it was instinct just to do that.

5

Q (Forster) Yeah, sure.

6

A Just if you were to fall back--

7

Q Yeah.

8

A -- go this.

9

10

Q Absolutely.

11

Q (Ferguson) So, when you do that, all you have left  
12 is your-- is your left hand on the grip--

13

A Right hand.

14

15

Q (Forster) I'm sorry, right hand on the grip and, you  
16 know, your finger outside. And so you're really not  
17 going to have good control of the weapon then. I  
18 mean, I don't know how much those things-- heavy or  
19 not, but--

20

A I couldn't give you an accurate weight on it.

21

Q Yeah.

22

A But it's, I mean-- it's not-- because of the length of  
23 it, it seems to me that it dips.

24

Q Dips down.

25

A It's not a handgun, so--

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Q How long is it, about?

A It-- it--

Q We could find that out anyway.

A It varies in length, depending on the stock. The stock of the weapon is adjustable. And you could have that-- and that is because we all come in different shapes and sizes. You find the length of the stock. You adjust it so that you know when, if you have to fire, you can pull that weapon up into the firing position and it's tight against your tactical vest. Some people, they have longer arms. So that's why they make it adjustable.

Q (Unknown) Paul, did you attempt to maneuver your rifle once you knew that you were going back?

A Yeah, when I-- I remember, as I'm falling backwards, at some point, I consciously, at some point, I see my left hand and I know that my right hand has the rifle. So I'm trying to pull it away. I'm trying to move it away. I remember just trying to move it. I'm trying to get it toward the wall somehow, but it was so--

Q Alright. I see what you're saying.

1  
2 A But it-- it was-- it's-- as long as it sounds like  
3 this took, it was-- it seems to me like now it was a  
4 millisecond where I just--

5 Q (Ferguson) But your finger had to go into that  
6 trigger guard-- into that trigger to control the  
7 weapon. You didn't perceive a threat.

8 A No. There's a small-- under the trigger guard for  
9 this-- under the trigger guard for this particular  
10 weapon, there is what I would classify as a small  
11 handle, or a small grip, similar to the grip on your  
12 handgun. I don't know the actual size.

13  
14 Q (Forster) Where is it? Where would it be again, the  
15 grip?

16 A Similar to your sidearm.

17 Q Yeah, but where would it be on the weapon?

18 A The same place it is on your handgun.

19 Q Okay. Alright. Alright. Yeah.

20 A I don't know. I couldn't give you, you know, the  
21 proper dimensions of it. But, as I'm-- as I'm-- like  
22 I said, as I'm going backwards, or falling, I can-- I  
23 was trying to control that. But it seemed to me that  
24 there's a thousand thoughts going on in my head,  
25

1 basically, I don't know where I'm going over. And it  
2 was just so quick. I know, prior to falling, my index  
3 finger was on the outside of the trigger guard. And I  
4 don't know-- I mean--

5  
6 Q Whether it made it in there or not when you were  
7 falling.

8 A But, at some point, the weapon discharged.

9  
10 Q Yeah.

11 Q (Ferguson) So we don't know if the weapon  
12 discharged because you pulled the trigger or because  
13 of the impact of you falling.

14 A I just know that it discharged. I don't know  
15 consciously that my finger was in there. I just know  
16 that the weapon discharged.

17  
18 Q (Forster) It never fell out of your hand-- the gun?

19 A The gun never fell out of my hand.

20 Q Okay.

21 A I mean, I-- no, I don't think. No, the gun didn't  
22 fall out of my hand. I don't know where it--

23 Q As you were falling, I meant.

24 A Yeah.

25 Q That's all I meant, you know.

1  
2 A No. And I just-- I don't know where I-- I don't know  
3 where it landed on me, or with me, specifically. I  
4 can't recall; this far out from me; that far in. It  
5 seems to me it was close this way, towards my body  
6 somewhere. But-- and then, obviously, that one second  
7 where it took me just to figure out, you know, all of  
8 a sudden I know now, well, I'm on the floor. I'm, you  
9 know, out of it, meaning I'm in a serious danger zone  
10 here, you know, I'm not up. I'm not upright. My  
11 weapon is not tucked in with me. And that's when I  
12 hear, you know, "What do we got? What happened? What  
13 do we got?" And I looked down and I start seeing the  
14 blood come out. So that's when I yelled, "Man down.  
15 Man down."  
16

17  
18 Q And when you actually did fall back, you felt like you  
19 were up against the wall, inside that hallway?

20 A I feel like when I-- I feel like where I landed--

21 Q Yeah.

22 A -- somewhere where I-- I can't recall, you know, if I  
23 made a little step, or whatever, to try and control  
24 myself, but I feel like where I landed was almost  
25 that-- almost like my-- almost like my body went



1  
2 somewhere passed, you know, his elbow and arm might've  
3 been out here because I feel like I landed against the  
4 wall, but-- I know I landed against the wall, but it's  
5 hard to say, with all that stuff on when, if I hit the  
6 wall, I continued to slide. I remember being against  
7 the wall. Then I don't know if was right at the  
8 threshold because, once I hit with all that stuff on,  
9 a lot of it is front-heavy too or off-- I should say  
10 off to my left side. My mask is in the back, off to  
11 my-- I believe it's off to my left, so I grab with my  
12 weak hand. My two flash bangs are here. My two  
13 magazines for my long rifle, my two magazines for my  
14 handgun, my radio, all that's on the left side of me.  
15 So, as I'm, you know, going over with all this stuff,  
16 once you hit, it's almost like it just-- you hit and  
17 then keep sliding to my right as I hit the wall.  
18  
19

20 Q So, when you were sliding, you were almost sliding to  
21 behind him.

22 A I-- I hit-- I think when I fell, I-- it was over--  
23 over-- over maybe his elbow this way.

24 Q Okay.  
25

1  
2 A Because, when I landed, when it was all done and I  
3 landed, I could see the top of his head, and it was  
4 close to me. So I wasn't really far away because it  
5 was so tight.

6 Q Right.

7 A I think that the doorway, that little corner of the  
8 doorway, stopped me from going any further. But  
9 that's-- that's-- that's how close we were when I  
10 landed.  
11

12 Q Paul, I don't-- you might've said it. When he was  
13 doing his hands, were you giving him orders to-- in  
14 other words, were you giving him any commands?

15 A I didn't give him any commands.

16 Q No commands. So no talk?

17 A I never gave him any commands. Once those SWAT  
18 operators went by, obviously, I-- well, I shouldn't  
19 say obviously. I assumed at that point, because all I  
20 had heard at that point, was, you know, "Come out.  
21 Come out," and, you know, "Get down. Get down. Get  
22 down," that he had been given those commands. That's  
23 why he was down and not moving.  
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Q Yeah. You had no idea if he was searched for weapons or anything at that point. No one--

A Because I came out so quickly--

Q Yeah.

A -- and got into that stack and they took off, when I got there, obviously, it was dark, but there was nobody-- nobody on top of him--

Q Right.

A And if I didn't see it and nobody was on top of it holding his hands, then, in my mind, he has not been searched.

Q Of course. Okay. Yeah.

A And just from my memory and the way that that hallway looked, it seemed to me that I remember thinking to myself that there's way too many spots where something could be.

Q Alright. Let's take a break from that part. Now go back to the part where, you know--

Q (Ferguson) You're outside.

Q (Forster) You're outside. And you're with Sergeant-- what's his name?

A Scibilio.

1  
2 Q (Ferguson) Left with Eliadi.

3 A Sergeant Scibilio left me with Eliadi.

4 Q Okay.

5 A Which is, for me at that point, was probably a comfort  
6 thing because we both transferred here from  
7 Shrewsbury. So we have that relationship where we've  
8 just known each other. So it was, I think, probably  
9 good that, you know, basically all Chris did was say,  
10 you know, "It's okay. Stay calm," you know, "Are you  
11 okay?" He checked-- you know, we know each other's  
12 families, you know, too, and stuff. You know, "Are  
13 you okay?" "Yes." He basically, at that point, you  
14 know, didn't really ask me anything. He just was  
15 there, pretty much, for moral support, comfort me, you  
16 know, "It's going to be okay. We're going to get  
17 through this," kind of a thing. I don't remember how  
18 long-- I remember being out there talking to him.

19  
20  
21 Q (Forster) Did you tell-- did you tell those guys  
22 briefly what you thought happened in there at all, if  
23 you remember, like, you know, you fell, like you told  
24 us? Was there anything like that to any of those  
25 guys, if you remember?

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A I might've said I tripped, I fell, you know.

Q Alright.

A I don't remember. To be honest, I just don't remember if I was just saying, you know-- you know, like, you know-- you know-- I can't-- how did I fall or how did I fall, something to that-- something to that affect. I remember when I was with Chris, seeing-- seeing the male party that was on the floor, or I assumed it was, being taken out on a stretcher out of the house and directly into the ambulance within, you know, obviously, you know, within several minutes of the incident, into the ambulance, and I don't recall how long he was in the ambulance for. I don't remember if I saw the ambulance leave. I just wasn't-- at that point, wasn't focused on that.

Q So you were still outside by that heavy equipment?

A Yeah. I never-- I never left that area until I-- I never left that spot outside until I left the area altogether. I remained at that spot.

Q Paul, far as you know, once you-- you know, those guys went to the back room and you were, you know, attempting to secure the guy on the floor, do you know

1 if anybody else was around you at all at that time? I  
2 mean, not civilians, but any other police officers, if  
3 you recall?  
4

5 A Prior to the shot being fired?

6 Q Prior to the shot being fired, yeah.

7 A I don't-- unless somebody was in the room behind me--

8 Q Yeah.

9 A -- nobody was in the hallway with me that I could see.  
10 I mean, it was dark. I don't know if anybody was down  
11 the end popping out. I-- it's-- right after the shot  
12 was fired, I remember, like I said, the shot-- as soon  
13 as I saw the blood and said, "Man down. Man down," I  
14 was up. I don't know if somebody helped me up to get  
15 all the way on my feet. But I was instantly removed  
16 to that other room. Once I was, you know, removed  
17 from the house-- once the shot was fired, I was  
18 totally out of play anyway and, you know, I never  
19 heard anything about, you know, this is what's going  
20 on, this is what happened. There was no play by play,  
21 you know, for me. When I was outside by the tractor,  
22 or whatever piece of equipment that was, I said-- I  
23 saw him go out on the gurney. I don't know how many  
24  
25

1 minutes had passed. Maybe ten minutes. I don't know  
2 if it was even that long. It probably was ten  
3 minutes. It felt maybe around there somewhere. One  
4 of the-- one of the drug cars pulled up or one of the--  
5 - one of the cars the narcotics guys uses, nothing we  
6 would recognize as a police car-- I know that because  
7 you don't a guy my size in the backseat with all that  
8 stuff on. It was impossible. I think it was  
9 Detective Gutwill got out of the driver's seat and  
10 Sergeant Stuart came over and said, "We're leaving."  
11 You know, "We're out of here. "Don't touch your  
12 weapons, but make sure it's on safe. We don't want it  
13 discharged in the car," which we did. And I got in  
14 the back seat, on the driver's side. Eliadi got in  
15 the back seat, on the passenger side. Sergeant Stuart  
16 got in the driver's seat. We left that area there.  
17 Up Fountain, over the bridge, I think Dudley, and I  
18 don't know. I can't remember. I was in the back  
19 seat, number one, and then the incident just happened.  
20 After that, I don't recall which way he went, if he  
21 went Franklin Street or went to the Ave.  
22

23 Q He went to the station.  
24  
25

1  
2 A Directly back to the P.D., parked in the parking lot,  
3 opened the-- you know, got out of the car. Sergeant  
4 Stuart, I remember him getting out of the car and  
5 checking the interior of the car with a flashlight  
6 real quick, looking through it, and then-- and, from  
7 there, Sergeant Stuart said, you know, "Don't talk to  
8 anybody. Don't say anything until we go in the  
9 building. We're going right up to the chief's  
10 conference room," which would be the room we're in  
11 right now. All of us came up here. The door was  
12 locked. Sergeant Stuart unlocked it. Came in. I was  
13 with Chris Eliadi. I think a couple-- Sergeant Stuart  
14 said, you know, "Don't touch any of your equipment.  
15 Don't do anything." He said, "I'll be back in like  
16 two minutes." He left and secured-- he went and got a  
17 long rifle box for evidence. Came back. Took off my  
18 harness and my long rifle. Secured it in a box, as  
19 is. I think, at that point--

22 Q This is probably a stupid question but, the long  
23 rifle, it's semi-automatic. It goes back down. But  
24 it doesn't cock back.

25 A No, there's no hammer on it.



1  
2 Q     Alright.   Okay.   Sorry.

3 A     Well, essentially, there's three settings.   If you  
4       were-- if you were holding it in your hand-- if you  
5       held this weapon system in your right hand and you  
6       looked at it, there's a small lever on the left side  
7       of it.   You'd be staring at it.   If it's facing what I  
8       would say is probably nine o'clock, it's on safe.   It  
9       faces twelve o'clock, it's on semi-automatic.   If it  
10      faces three o'clock, it's on full auto and you can  
11      disperse your entire magazine.

12  
13 Q     Okay.

14 A     It was essentially, after the shot was fired, it was  
15      secured on-- placed on safe.   Once he secured the  
16      weapon in here, I think that door opened and the chief  
17      stepped in for a minute, just to make sure I was okay.  
18      I think that was-- once that was done, basically, told  
19      him that I was going to go to the hospital and get  
20      evaluated medically and Eliadi and myself-- I left my  
21      tactical vest in here.   I don't remember if I left  
22      anything else.   I know my tactical vest was in here.  
23      Sergeant Stuart had my long rifle.   I asked him if  
24      they wanted my sidearm and they weren't concerned with  
25

Q (Ferguson) So do you know where your tactical vest is now?

Q Were you wearing gloves?

Q Are they in your locker?

Q Do you mind if we just take one break? We'll just stop the tape for a second. You mind?

LT. FORSTER: This is Lieutenant Ed Forster again. We're back interviewing Officer Paul Duncan. It's 5:27 p.m.

1

2

Q Basically, I don't believe I have anything more to

3

ask. Paul, is there anything you want to, you

4

know, say to us, or I haven't asked, maybe? I

5

don't know how else to phrase it, other than that.

6

Other than that, I don't have anything else to ask

7

you.

8

A I really can't think of anything right now, no.

9

Q Okay.

10

LT. FORSTER: We're all set here. Okay.

11

We're going back off.

12

Q Thank you, Officer Duncan.

13

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