

Interview #WS400017
OFFICER TIMOTHY O'TOOLE

Good afternoon,

This is Lieutenant Ed Forster from the States Police assigned to the Middlesex District Attorney's Office. It's Thursday, January 6, 2011 approximately quarter to three in the afternoon. We are here to conduct an interview of Officer Timothy O'Toole. Also here is:

Deputy Chief Kenneth Ferguson, Framingham Police Department,
Officer Dave Carlos, Union President, Framingham Police Department,
Attorney Allen MacDonald, Counsel for the Union.

We are here conducting an investigation into the homicide shooting death of Eurie Stamps of 26 Fountain Street that took place at 26 Fountain Street on January 5, 2011 at approximately 12:30 in the morning. Officer O'Toole I understand you took part in the service of the warrant with the SWAT team. If you please can go over that night of what your function was what you knew and just take it from there?

OTOOLE

I was paged out for a SWAT team call for a warrant service approximately 9:30p.m. on that night. I was asked if I could come in early approximately 10:00 for arrival at the station to speak with the command staff of the SWAT team regarding previous interaction I had at that residence.

FORSTER

At 26 Fountain Street?

OTOOLE

Yes.

FORSTER

OK.

OTOOLE

At which time it was approximately four weeks ago present there for a warrant service for an individual in that apartment with the State Police.

FORSTER

Do you remember his name that's fine?

OTOOLE

Yeah. I believe it was Joseph Bushfan.

FORSTER

Oh the warrant was for him?

OTOOLE

I believe so yes.

FORSTER

OK. You were with the State Police?

OTOOLE

I was with the State Police Dispatch Unit.

FORSTER

So was it successful? Was he there or not?

OTOOLE

He was not there.

FORSTER

OK.

OTOOLE

Supposedly he was taken into custody prior to our arrival by another agency.

FORSTER

OK. All right.

OTOOLE

I came in and spoke with the command staff of the SWAT team regarding the layout of the residence.

FORSTER

OK.

OTOOLE

At that time, we went over the layout and went down the members of the SWAT team...

FORSTER

Since you went down, did you make it into the whole house the last time? Or how far?

OTOOLE

I just made it into the kitchen area.

FORSTER

Kitchen area?

OTOOLE

Which is right inside the entry way. And that was it.

FORSTER

OK.

OTOOLE

We met briefly about the layout of the house. I explained my view point of the house. I went back downstairs with the members of the team. Then we went up for a briefing. At which time we were briefed by Deputy Chief Davis, Detective Martinez of the Narcotics Unit also briefed us. They were looking for some individuals relating distribution of crack cocaine. [REDACTED]

[REDACTED] This was our main reason for being called in for the warrant service. At that time, we geared-up and then went on for the service at that residence.

FORSTER

OK. Can you explain your assignment for the entry?

OTOOLE

I was assigned along with Officer Sheehan to make the initial entry as we approached the house.

FORSTER

OK. That's the house and I also have an entry of...I don't know if these will help you. That's coming up from the hallway, if you recognize from before?

OTOOLE

I do.

FORSTER

All right. If you want, tell me where you made entry from?

OTOOLE

Officer Sheehan and I arrived up to the front of the driveway together. We noticed a female on the front porch. We asked her to show her hands and get down on the ground. She said it was her apartment that we were entering in.

FORSTER

OK. Why don't you put where you saw her.

OTOOLE

She's right here.

FORSTER

OK. And you told her. Just put unknown female to you guys. Whatever you can get it in there. OK.

OTOOLE

We identified ourselves Framingham Police SWAT team and we were there for a warrant. Ask to get down on the ground and keep your hands where we can see them. At that time, we bypassed her our members of the team.

FORSTER

You went in here but the entry wasn't made from the front door? Where was the entry made? The actual entry.

OTOOLE

We went in through the front door here.

FORSTER

OK.

OTOOLE

This door was open.

FORSTER

So you went into the hallway area?

OTOOLE

We went into the hallway area. The common area.

FORSTER

All right. The entry. I'm not trying to put words in your mouth, the entry is technically made from inside?

OTOOLE

From inside the hallway.

FORSTER

All right. Go ahead.

OTOOLE

At that time, Officer Sheehan and I approached the front door of the apartment.

FORSTER

This one here?

OTOOLE

This one here.

FORSTER

OK. Put you and Officer Sheehan's name down there.

OTOOLE

We were assigned to breach that door.

FORSTER

OK.

OTOOLE

There was a knock and announce warrant. At that time, I was knocking on the door identifying ourselves as a Framingham Police Search Warrant.

FORSTER

OK. Do you know, if you do, before you went in this door here was there anybody else in... I know that in the hallway there is another entrance over there. Do you know if any other officers there? If you don't, fine.

OTOOLE

Yes. There were other officers behind us. But I don't exactly who they were...

FORSTER

You don't know where they were going?

OTOOLE

I believe one of them was Sergeant Stewart.

FORSTER

So you are just concerned about your assignment?

OTOOLE

Right.

FORSTER

OK.

OTOOLE

I had to focus on my own assignment.

FORSTER

OK. Go ahead.

OTOOLE

I could hear somebody else calling up the search warrant and knocking on another door.

FORSTER

OK.

OTOOLE

At that time, I knocked on this one. There was no answer. At that time, we had the command to initiate the entrance. Officer Sheehan and I opened... I believe I opened the door. I opened the door. Officer Sheehan came in first I followed him.

MALE CALLER

Did it happen right before that?

OTOOLE

Yes. Just prior at that time they...a flash bang went off through this window.

FORSTER

Put it that you a...

OTOOLE

Want me to write the word?

FORSTER

Flash bang went off. You believe because you only could hear it?

OTOOLE

Right. Yeah. That was the plan and I believe I heard I was outside the door. The door closed.

FORSTER

OK. All right. Sheehan was the first one in you were second?

OTOOLE

That's correct. Sheehan was first and I was second. Actually that was to be upon the flash bang going off.

FORSTER

OK.

OTOOLE

That's we entered the house or the apartment was after the flash bang. So the flash bang went off and we entered.

FORSTER

OK. Take it from there. What happened next when you entered?

OTOOLE

Officer Sheehan went to the left. As soon as I came in through the door I noticed directly in front of me there was some movement towards what I later found out to be the rear bedroom area.

FORSTER

All right. Would that be like in this area here?

OTOOLE

In this area over here.

FORSTER

Why don't you not sure if it will helps you. I'm not saying it's the exact area, but if you want to put that in that will help on the tape it's up to you. Because I know you don't have the exact area.

OTOOLE

Right. Right. It's further down.

FORSTER

OK. Let's leave it at that.

OTOOLE

I noticed movement down there I noticed at least two subjects possibly even three at the time I initially entered. I was yelling Framingham Police Search Warrant. Upon seeing these individuals I was telling them to come out with their hands up Framingham Police Search Warrant. Continued to yell that. Numerous times, I don't recall how many. Told them come out with their hands up. They were pointing in and out of my sight I couldn't make out exactly who they were or what they were doing. They were by that back bedroom doorway going in and out. Eventually a large male probably 6' 5" came out maybe 280 pounds. I'm just guess-a-mating. He came out he was very hesitant on coming out. He eventually did come out which seemed somewhat nonchalant to me. I kept telling him to show me his hands. Show me his hands to come out. My initial goal was to get him into the opening. Where I was then easier for us to maneuver and to get around and meet him. He kneeled down. I told him to get all the way down.

FORSTER

So, he followed your instructions to lay down? Did you ask him to kneel down?

OTOOLE

I had to tell him to get down on the ground and put his hands out.

FORSTER

OK.

OTOOLE

He laid down in the hallway just outside the entrance of a bathroom.

FORSTER

OK.

OTOOLE

And just before entering the kitchen area.

FORSTER

OK.

OTOOLE

It was very congested in that area. My initial intention was to have them come out further because it was so congested there. But that didn't happen. So I kept on seeing a subject in the back bedroom at this time still moving back there in and out of my view. It was difficult to make out who it was I knew there was somebody. So we continued to yell for them to come out with their hands up. They refuse to come out. At that time another team member came up behind me I don't know who it was. Once we knew we had more team members with us, we decided that we had to go into those rooms to initiate contact with known individuals we didn't know how many there were. So once I knew we had more people with us, at least one more team member with us. I approached the hallway and noticed it was very cluttered in there. There were at least three bins.

FORSTER

So, when you started your approach you were still technically in the kitchen?

OTOOLE

I was right in this area.

FORSTER

OK.

OTOOLE

I began my approach as I was notified from behind by an unknown team member. I don't recall who and I didn't know who.

FORSTER

OK.

OTOOLE

Said, "Let's go. Let's go". It was very cluttered and I was trying make room as we entered into that hallway area because the subject was lying on the ground it seemed very cluttered in there. On the right hand side there were several bins at least three piled up against the wall with us in the corner as you would come around. I felt that...I was trying to move those bins out of the way to have a better entrance into the bathroom area. Because I did see something go into the bathroom. I didn't know what it was. I believe it was an individual at that time I notified the other team members that there is movement back there in the bedroom and possibly in the bathroom. To let them know we encounter. I called it out and we initiated our entrance to that hallway.

FORSTER

And that male was still laying on the ground?

OTOOLE

The male was still laying on the ground. I threw some of the containers that were next to that male party that was laying down on the ground. I tried to throw them out of the way to clear our area to engage in the bathroom area. Officer Sheehan and I went into the bathroom area. I could still hear something going on in the bathroom. I didn't know what it was. We thought an individual may have been in there. So we entered the bathroom. It was a full bath.

FORSTER

Do you want a piece of paper or anything to describe the bathroom at all?

MALE CALLER

Do you want to make a diagram?

OTOOLE

If you want me to, that's fine.

FORSTER

Why don't yah. I know what you are saying just put it together on paper. No one can hear it.

OTOOLE

This is the bathroom doorway. We entered the door was open this way. There was some stuff.

FORSTER

You and Sheehan, right?

OTOOLE

Right.

FORSTER

All right.

OTOOLE

I was first.

FORSTER

Just put Sheehan you and both your names in there. That's all. Thanks.

OTOOLE

This is the tub area. Half-way closed curtain. There was a little gap here. I believe there's a window here. Maybe a sink here as we entered. Entered this area, I could still hear a whole bunch of noise coming from this area. I wasn't sure exactly where it was coming from. So officer Sheehan came in checked that door. My intention was to come in here. I pulled the curtain. No one was in there. I cleared that area. I could still hear stuff coming out from this area. I continued to yell come out with your hands up. Come out with your hands up. Nothing. As I did come around there was actually a cat going crazy behind...

FORSTER

OK. Put the cat there too.

OTOOLE

There was a cat in here. It was large enough space for a person to be standing there. I wasn't sure if it was connected to the room back here.

FORSTER

Yeah. Yeah.

OTOOLE

So I cleared that area realized it was a cat trying to escape out of a window behind the curtain, behind a shade I believe. When we were in this area that's when I heard what I believe to be a round go off.

FORSTER

OK. When you were in the bathroom?

OTOOLE

Yes.

FORSTER

OK.

OTOOLE

I was facing this way. Officer Sheehan was behind me. I wasn't sure if we missed somebody when that round went off. I immediately turned my attention to that. I turned around to make sure Officer Sheehan was okay.

FORSTER

Yeah. OK. When you turned around, did you see anything else when you turned around to look for Sheehan because you were into the bathroom area so you can't see out?

OTOOLE

Right. Couldn't see out.

FORSTER

Did you hear anything, anybody?

OTOOLE

I remember just making sure Officer Sheehan was okay.

FORSTER

Cool. I understand. All right. What happens next? Did you leave that room? What happens after the cats found?

OTOOLE

Well my concern. I knew there was still another subject still unaccounted for in the back. I believe he was unaccounted for still. Officer Sheehan went out to assist in that room where that subject was.

FORSTER

Yeah.

OTOOLE

As I came out, I observed the male still laying on the ground. Unknown what had happened.

FORSTER

Did you observe anybody else in the area there? You saw the male on the ground?

OTOOLE

As I was exiting, the paramedics, the TEMS we call them, paramedics they were arriving as I was arriving into that doorway.

FORSTER

So when you heard the shot in that room, you didn't leave right away?

OTOOLE

No. I don't know if it was exactly just prior to me clearing this or after me clearing that that where the cat was. I know that it was sometime when I was right towards the middle portion where it's a tub area. I don't recall if it was just prior to me checking to make sure that was clear or not.

FORSTER

The shot?

OTOOLE

The shot right.

FORSTER

When you came out of the bathroom, you saw the medics there?

OTOOLE

Right. They were approaching the doorway.

FORSTER

Which doorway?

OTOOLE

The doorway to the hall. The hallway. They were approaching where the subject was lying.

FORSTER

The next...

OTOOLE

The individuals laying on the ground. They were approaching him as I was exiting my doorway.

FORSTER

OK. What happened after that?

OTOOLE

As they were attending to that individual, I knew officer Sheehan was in that other room with at least one other team member with the subject. I was not sure with the area to the left was cleared yet. There was a lot of clothes. There was a closet, an open closet with a lot of clutter in it. There was a washing machine and a dryer.

FORSTER

Yeah.

OTOOLE

I was not sure if those areas were cleared yet by anybody.

FORSTER

You still weren't in the other room?

OTOOLE

Right. So I came out and I checked those areas for the security and the safety of the medics and the TEMS attending to the subject.

FORSTER

Did you ever go into the room where Sheehan was?

OTOOLE

I eventually did.

FORSTER

Who was in there when you went in there?

OTOOLE

When I went into that room, Officer Sheehan, Officer Langmeyer, and another individual I don't know his identity.

FORSTER

OK. The kid, the guy that was actually in the room?

OTOOLE

Right.

FORSTER

OK. The young kid or whatever. Not a police officer?

OTOOLE

Not a police officer. Right. I believe it was possibly one of the targets.

FORSTER

OK. All right so take it there. What happened after that?

OTOOLE

He was taken into custody. The subject in the rear room. The paramedics took out the individual that was wounded.

FORSTER

Did they take him out before you left before you came out with the guy in custody?

OTOOLE

That's correct. There was no room in that area to move. It was very congested like I said.

FORSTER

Yeah.

OTOOLE

Especially now you're putting even more people in that area. I pulled security in that area. And Officer Langmeyer and Officer Sheehan stayed with the subject. Officer Sheehan and I actually inside that room we double checked the area. Under the bed and in the closet.

FORSTER

Yeah. Yeah.

OTOOLE

I came out and observed the paramedics moving the wounded individual.

FORSTER

OK.

OTOOLE

Out of the house.

FORSTER

What happened after that?

OTOOLE

They took him out of the house.

FORSTER

What did you do next then?

OTOOLE

I came into the kitchen area. I notified we still had a subject in the back room that was still waiting to be removed. I wanted to make sure it was okay to bring him out.

FORSTER

Yeah.

OTOOLE

I was still unsure as to what had happened.

FORSTER

Yeah.

OTOOLE

So, detectives came in. I can't recall who. But Detective Avila(SP). I can't recall who came in. but somebody in the back room. So eventually he was brought out.

FORSTER

Who brought him out?

OTOOLE

I can't recall.

FORSTER

So it wasn't you?

OTOOLE

No it wasn't me. It wasn't me. I don't know if I actually saw him being brought out. I was conversing with detective *INAUDIBLE* I think. If they still needed me to stay in the house or wanted me to clear the residence.

FORSTER

So when you were clearing that little hallway while Sheehan and Langmeyer were in the bedroom, did you noticed any other SWAT team members in the area at all? Any that you can remember?

OTOOLE

No I don't.

FORSTER

No. OK. So the whole time you were there, your best memory is you and Sheehan going in and then you see Langmeyer in back? You have no memory of any of the other guys being anywhere in that area? Any of the other SWAT team guys that you can remember?

OTOOLE

Like I said, I was in that hallway and I was securing that area. So, my focus was...

FORSTER

I understand that. I have to ask.

OTOOLE

I don't recall seeing anybody because I was focused on the other areas. I eventually ended up in the back bedroom detailing that area, checking that area with Officer Sheehan at that time. So I'm not sure who may have been...I didn't have a viewpoint.

FORSTER

And then you said eventually you were in the kitchen area?

OTOOLE

Yeah.

FORSTER

What did you do after that? Did you leave the house or what did you do?

OTOOLE

I stayed in the house. Just to make sure they didn't need me for security reasons. So I was waiting for the all clear and for the SWAT team members to come outside.

FORSTER

Were you still in the house when they brought that last subject out? The subject that was in the bedroom?

OTOOLE

Yes.

FORSTER

You were there, so you saw him leave the house too?

OTOOLE

Yes. I was actually no I do recall I was actually in the bedroom over here. I was in the hallway. They were bringing him out. I actually moved myself into this bedroom as he was brought passed.

FORSTER

After you secured, what did you end up doing?

OTOOLE

I stayed, that subject was brought out. As far as we knew there was nobody else present in that downstairs apartment. I stayed in this entry way.

FORSTER

Yeah.

OTOOLE

I believe I was the only member in the house. Sergeant Louise was on the stairwell. And I noticed there was a subject at the top of the stairwell. I waited for the all clear from Sergeant Louise. I was waiting for someone to tell me that they were okay with security and for me to leave the house because I was the last member in there.

FORSTER

Then what did you just return to the truck?

OTOOLE

I returned to the truck. You're right, then we secured the area.

FORSTER

After, did you inquire when you saw the guy? Did you inquire with other members or did you talk with anybody or even Officer Duncan about what had happened in there immediately after you were going back?

OTOOLE

No. I don't even believe I found out what had actually happened. I don't recall when I found out what had actually happened. It may have been later. It wasn't at the scene that I had any details.

FORSTER

But you knew enough that none of your members were hurt?

OTOOLE

Right.

FORSTER

Because you saw it was the guy on the ground?

OTOOLE

I saw the guy on the ground. Right. Exactly and I only heard the one shot.

MALE CALLER

And what weapons did you have with you when you were in there?

OTOOLE

I have my 40 caliber, six hour was my primary weapon at that time. I was the initial entry and I had another tool in my hand. I had a *INAUDIBLE* tool in my hand. So I had my M4 slung with my shoulder hanging out over the back of my back right before getting out of the way.

MALE CALLER

Did you have a Taser?

OTOOLE

Taser was on my chest. Yes.

FORSTER

OK. Thank you. We are going to conclude this interview. It's ten past three.