

FINDINGS OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING THE  
OFFICER INVOLVED NON-FATAL SHOOTING OF WILLIAM OMAR SANTIAGO  
IN CHELMSFORD BY CHELMSFORD POLICE OFFICER KRISTIN LEARY ON  
JULY 23, 2017

The Middlesex County District Attorney's Office, the Massachusetts State Police assigned to the Middlesex County District Attorney's Office and the Chelmsford Police Department have concluded the investigation into the non-fatal shooting of William Omar Santiago, 35 of Lowell who was shot by a Chelmsford Police Officer on Clover Hill Drive in Chelmsford on July 23, 2017

A thorough investigation into the circumstances surrounding the shooting of Mr. Santiago has revealed that Officer Kristin Leary of the Chelmsford Police Department fired two shots at Mr. Santiago after determining that she, her fellow officers and a female were in imminent danger of death or grievous bodily injury at the hands of William Santiago and that there were no other means available to protect the lives and safety of herself and others other than by discharging rounds from her department issued service weapon. Under the circumstances, Officer Leary acted reasonably and lawfully. Therefore, no criminal charges are warranted.

## **I. INTRODUCTION**

The District Attorney's Office, along with the Massachusetts State Police assigned to the Middlesex County District Attorney's Office and the Chelmsford Police Department, conducted an investigation into the facts and circumstances of the non-fatal shooting by Officer Leary, while on duty with her department issued firearm. As such, the primary goal of the investigation was to determine if any person bears criminal responsibility in connection with the shooting of William Omar Santiago on July 23, 2017. I designated my Chief of Homicide, Adrienne Lynch, to direct the investigation.

During the course of the investigation, recordings of the 911 call as well as police radio communications were gathered and reviewed.

No surveillance camera video was available.

Photos of injuries sustained by the female civilian alleged victim, who was punched several times by Santiago, were reviewed.

The four police officers who responded to the scene were all interviewed as were the two civilian witnesses who lived in the house.

An examination of the firearms of officers present was made the results of those examinations were reviewed.

## **II. APPLICABLE LAW**

My office's analysis of whether the actions of the involved police officer constitute a criminal act was guided by applicable case law and legal precedent on the use of force by law enforcement. In order for use of deadly force to be lawful, the actions of the officer must have been objectively reasonable in light of all circumstances confronting the officer at the time.

As stated by the United States Supreme Court, in Graham v. Connor, 490 U.S. 386, 396-397 (1989), "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation."

The standard for use of deadly force in Massachusetts is that a person may use deadly force to defend him or herself or another if the person has reasonable ground to believe, and actually believes, that he or she or another person is in imminent danger of death or serious bodily injury, and that no other means would suffice to prevent such harm. The person using deadly force must actually believe that he or she or another person is in imminent danger of death or serious bodily harm. In addition, the circumstances, as perceived and understood by the person using deadly force, must be such that a reasonable person would believe that he or she or the other person was about to be attacked, and that he or she or the other person was in immediate danger of being killed or seriously injured.

Our review of the facts reveals that, in the totality of the circumstances, Officer Leary was justified in her use of deadly force. Officer Leary's use of force was not excessive in the circumstances and, therefore, the non-fatal shooting of William Omar Santiago was a reasonable exercise of self-defense, under Massachusetts law.

### **III. SUMMARY OF THE FACTS:**

On July 23, 2017, Chelmsford police received notification from the Essex Emergency Communications Center in Middleton of a possible domestic 911 hang-up call they received which was tracked to the address of 3 Clover Hill Drive in Chelmsford. As a result, at 7:39 a.m., uniformed Chelmsford Officer Brian Gervais was dispatched to respond. He was familiar with that address as a result of prior calls to that location. Uniformed Chelmsford Officer Christopher Mauti, who was also on patrol, radioed that he would respond as back-up. Gervais arrived first and approached the front door. He was met by an elderly male occupant of the residence who directed him to a bedroom down the hall to the left.

Gervais approached and knocked on the door announcing his presence as a police officer. The door was opened by William Omar Santiago who appeared to be in a rage and who immediately began punching and hitting Officer Gervais with closed fists about the head and face. The barrage of punches caused Officer Gervais to bleed from the face and he began to try to block blows defensively with his arms. Santiago returned back in to the room. After this initial assault by Santiago on the officer, there were a series of assaults that were committed by Santiago on Gervais and the three other officers who responded to

assist in securing the safety of the female in the bedroom with Santiago. This woman was also physically assaulted by Santiago in the room as the police officers in the hallway were attempting to come to her aid. Santiago escalated his assaults on the officers. During the course of the ensuing events, Santiago would sporadically open the door and throw objects – first a hammer, “tomahawk-style” at Officers Gervais and Mauti, then large pieces as well as shards of heavy, broken glass, at the officers – Mead, Leary, Mauti and Gervais. The large pieces of glass were wielded like a spear and the smaller ones wielded like martial arts fighting stars, and a sharp, pointed piece of wood, all as the female was screaming and yelling for help.

The officers first attempted to quell Santiago’s violent rampage, without weapons, then by two of the officers deploying their department issued tasers and then, when all available options were exhausted, Officer Kristin Leary fired two rounds from her department issued firearm, which stopped Santiago’s assault and allowed for the female to be freed from the room and Santiago to be arrested.

Santiago was transported first to Lowell General Hospital and then by med-flight to Tufts New England Medical Center in Boston, where he was treated and released the following day, July 24, 2017, from the hospital.

Massachusetts State Police Lieutenant Paul Bulman and Massachusetts State Police Trooper Anthony Delucia attempted to interview Mr. Santiago at the hospital, but he declined to speak to them, before attempting to escape from police custody at the hospital and assaulting the Chelmsford uniformed officer guarding him and Lt. Bulman and Trooper Delucia.

#### **IV. INVESTIGATIVE FINDINGS**

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

##### **a. Police interview: Officer Brian Gervais**

Officer Gervais was working the midnight shift on July 23, 2017, assigned to a one-person marked cruiser, designated car three. He was in full police uniform in a marked police cruiser. Officer Gervais has been a Chelmsford police officer for nine months. He graduated from the Methuen Police NECC Academy in October of 2016. As of the date of this incident he had been a patrol officer for approximately nine months. At 7:40 a.m., Officer Gervais responded to a radio transmission reporting a 911 hang up call at 3 Clover Hill Drive. Dispatch reported that the call came in through Essex [Emergency Communications Center] and [REDACTED] arguing could be heard in the background. Officer Christopher Mauti, Car Two, advised via radio that he would respond too.

Officer Gervais arrived and parked slightly before the residence. He exited his cruiser and observed a male at the front door. Officer Gervais recognized this man from prior occasions when he had responded to this address. The front door was open and, as

he approached the front door, the man told him [REDACTED]

[REDACTED] The man then directed Gervais to the bedroom pointing to a door which was located in a very narrow, poorly lit hallway on the rear south side of the house. Officer Gervais approached the door to the bedroom and noticed that there was no door knob or handle on the door. The door only had a locking dead bolt on the exterior side. Officer Gervais told the man to get back and find a safe location for the time being.

Officer Gervais then knocked on the door several times and announced that he was a police officer. A man, later identified to be Santiago, emerged from the bedroom and closed the door behind him and Officer Gervais backed up to keep distance between them. As a result, Gervais was not able to see inside the room. When Santiago exited the room, he began to walk toward Officer Gervais immediately closing the distance between them. Mr. Santiago was visibly enraged. Officer Gervais began taking small steps backwards to the north side of the house to maintain a safe distance. As Mr. Santiago approached Officer Gervais noticed that he was perspiring profusely, his face was red, his body was rigid, his shoulders were pulled back and his hands were clenched in fists, which were all indicators of aggression to Officer Gervais. Mr. Santiago asked him what he wanted and Officer Gervais commanded him to “stop.” Santiago continued to approach despite this command and Officer Gervais took hold of his right hand and placed him against the wall with his hands behind his back. As Officer Gervais attempted to remove his handcuffs from his duty belt, Mr. Santiago broke free from the rear wrist lock, pushed himself off the wall and threw Officer Gervais back against the other side of the hallway. Mr. Santiago immediately positioned himself in a fighting stance and began assaulting Officer Gervais with closed fists striking him in the face and head. Mr. Santiago immediately struck the officer fifteen to twenty times with closed fists, with both hands. Officer Gervais described the blows as extremely fast, intense, and aggressive. Officer Gervais placed both of his hands in front of his face for protection. Nevertheless, Santiago was still able to make contact with multiple blows. One blow to the face caused a laceration to the nose which was actively bleeding through the remainder of the altercation. Officer Gervais returned multiple strikes to Mr. Santiago with no specific contact due to Santiago’s swift and rapid defensive movements. The punches were so fast and furious that Officer Gervais felt Mr. Santiago was trying to kill him. Officer Gervais described that “the rage he had, you could see it in his face...he was not leaving with me.”

While attempting to unholster his department issued taser, Officer Gervais lost control of Mr. Santiago who returned to the bedroom, violently slamming the door shut, locking it and barricading himself inside. At this point, Officer Gervais was fearful of Santiago and the possibility he had a knife or other deadly weapon in the room. Officer Gervais was finally able to make a radio transmission alerting that he was being assaulted and would need additional back-up. Officer Mauti arrived on scene shortly after this transmission.

While Mr. Santiago was inside the locked bedroom, Gervais continued to hear what sounded like furniture being moved, objects striking the door, objects hitting the floor and general commotion. He heard the female screaming inside. Mr. Santiago was also yelling

and screaming and using profanity and Gervais could hear him moving frantically around the bedroom. Due to Mr. Santiago's assaultive state and the danger of bodily harm or death to the female, Officer Gervais began using front kicks to break the door down. His first front kick to the door broke the striker plate/dead bolt and the door opened approximately one foot and quickly recoiled back into the door frame. It appeared to Officer Gervais that Mr. Santiago was behind the door, forcing it shut with his body. It also seemed that he was using furniture in the room to help hold the door closed. Officer Gervais continued to kick the door. Each time it opened a small amount, however, he could not make entry due to the immediate recoil of the door shutting. Officer Gervais estimated that he kicked the door approximately fifteen to twenty times with the same results. During the entire time, the female was yelling "stop" and "put that down." Officer Gervais did not know what she was asking Mr. Santiago to put down. Her tone of voice was panic stricken and frantic.

As Officer Gervais and Officer Mauti continued to attempt to make entry in the bedroom, Mr. Santiago quickly opened the door and emerged to the threshold of the doorway. His face looked enraged, his nostrils were flaring, his facial muscles were tense, and his eyes had a penetrating glare. He had what appeared to be a large steel carpenter's hammer in his hand and "looked like a madman." He was positioned to use an overhand motion to throw or strike Officer Gervais with the hammer. Without any time to react or access any of his defensive tools, Officer Gervais retreated to the south side of the house. Mr. Santiago wound up and threw the hammer at him. The hammer was hurled down the hallway as hard as possible and narrowly missed Officer Gervais' head. Officer Gervais could hear the hammer going by his head. He said he knew Santiago was trying to kill him. Officer Gervais described the hammer being thrown "tomahawk style." The hammer reached the far end of the house and landed somewhere near the kitchen. At that point, fearing for his life and the life of the female, Officer Gervais unholstered his firearm as Mr. Santiago returned to the bedroom and slammed the door shut. Officer Gervais had his firearm out for the remainder of the incident. He described thinking that if Mr. Santiago was throwing a hammer at uniformed police officers who knew what he was doing to the female in the room.

Shortly after Mr. Santiago hurled the hammer at him, uniformed Officers Mead and Leary arrived to assist Officers Gervais and Mauti. Officer Gervais could hear screaming coming from the bedroom, glass/things breaking, furniture being moved around. Again, verbal commands were issued to Mr. Santiago and he refused to comply. Officer Mead started kicking the door, as Officer Gervais provided cover. The door began to open and at this time Officer Gervais saw a large piece of plated glass, approximately 12 -14 inches in length, come hurling out of the room. It appeared to be from a broken mirror and it was jagged, sharp edged, and was thrown at a high rate of speed in the direction of Officers Mead and Mauti. Mr. Santiago continued throwing these broken pieces of mirror at Officers Leary, Mead and Mauti at soaring speeds. He would close the door, open it to throw the glass at the officers and close it again. He did this several times. Officers Mead and Mauti each activated their tasers and deployed them at Mr. Santiago with no success. Mr. Santiago again closed the door obstructing a view of the room to Officer Gervais.

At this point, Officer Gervais heard Officer Leary say “we have to go in there. He is going to kill her. We have to go in there.” Officer Mead kicked the door down again and Officer Leary who was positioned with her back against a locked doorway at the south side of the house fired two rounds into the bedroom. Officer Gervais made entry into the bedroom and observed Santiago lying supine on the floor in front of the bed. Santiago was bleeding from a gunshot wound to the head. He was handcuffed with his hands in front of him. Officer Gervais saw the female sitting on the bed, crying and distraught. Officer Leary escorted the female out of the room. Medical aid was rendered to Mr. Santiago until Trinity and Chelmsford Fire medics arrived and took over.

Officer Gervais was transported to Lowell General Hospital/Saints Campus, per department policy. He suffered a laceration to the nose, swelling in his head and a bloody wound to his knee.

During the course of the incident he did not discharge his department issued taser and he did not discharge his department issued firearm.

#### **b. Police interview: Officer Christopher Mauti**

Officer Mauti was hired as a Chelmsford police officer in April of 2016 and, thereafter, attended a six month academy. After graduating from the academy in October of 2016, he began working for Chelmsford Police as a patrol officer. As of the time of this incident he had been an officer for nine months. During the course of the incident he did not discharge his department issued firearm but he did discharge his department issued taser.

On July 23, 2017, Officer Mauti worked the midnight shift (12:00 a.m. – 8:00 a.m.) in full police uniform and he was assigned to a marked patrol vehicle designated Car Two. At approximately 7:40 a.m., he heard a radio transmission dispatching Officer Gervais to 3 Clover Hill Drive [REDACTED]. Officer Mauti recognized the address as one where there was prior police response and so Officer Mauti radioed that he would be heading to the call too. Dispatch advised that Essex Regional had received a 911 hang up from a cell with loud screaming and arguing in the background. The call was dropped and there was no answer on call back. Essex Regional was able to ping the cell phone’s location to the area of 3 Clover Hill Drive in Chelmsford.

Upon arrival, Officer Mauti parked behind Officer Gervais’ cruiser and notified dispatch of his arrival. As soon as he got out of his cruiser, Officer Gervais made a radio transmission which Officer Mauti could not make out, but he was able to discern that Officer Gervais was in a struggle from the tone of his voice and the yelling nature of the transmission. Officer Mauti estimated that he called off at the address a minute or less after Officer Gervais had arrived. No sooner had Officer Mauti make that transmission than Officer Gervais made a transmission which was garbled and seemed panicky. The front door to the house was open and Officer Mauti could hear banging and yelling coming from inside.

As Officer Mauti entered the home, he observed an older man standing in the far right corner of the kitchen. Officer Mauti then saw Officer Gervais at the end of the hallway to his left, standing in front of the closed bedroom door. Officer Gervais was bleeding from the bridge of his nose and was pale, sweating and he appeared to Officer Mauti to be in a state of shock. He asked Officer Gervais if he was okay. Officer Gervais responded that Santiago had just punched him in the head numerous times and that the female, was still trapped in the room with Mr. Santiago and he was actively beating her up. Officer Mauti could hear her yelling and pleading for help.

Officer Mauti immediately radioed for more cars to respond and requested an ambulance to stage near the scene. Officer Gervais was trying to kick the door to the bedroom open as Mr. Santiago was trying to keep them from getting in. Due to Mr. Santiago's assaultive actions, Officer Mauti drew his department issued taser and drew down on the door, which Mr. Santiago was behind, from the corner of the hallway near the kitchen area. During this whole time he could hear screaming banging and yelling coming from inside the room. The female was pleading for help and begging Mr. Santiago to stop doing this. Officers Mauti and Gervais were actively giving verbal commands to comply, to come out, that he was under arrest, and stop this rage of aggression. They feared for the well-being of the female and continued to try to make entry into the room. Mr. Santiago did not comply with these verbal commands.

Mr. Santiago then suddenly opened the door with a hammer raised above his head as he was charging Officers Mauti and Gervais. The hallway where this was occurring was approximately eight feet long and three feet wide. At this time, Officer Gervais retreated towards where Officer Mauti was situated to avoid being smashed by the hammer. When Officer Mauti placed the red laser site from his taser on Mr. Santiago to try to take a shot, Mr. Santiago threw the hammer overhand in a "tomahawk throw" at Officers Gervais and Mauti. He narrowly missed striking Officer Mauti in the face. Officer Mauti, who had previous experience working in jails, said that this was the first time he was ever afraid for his life.

Mr. Santiago then returned to the room where the female was still located and shut the door. A second or two later, Santiago again opened the door about a quarter of the way, this time holding what looked like a broken piece of the broken door frame molding. It was about three or four feet long and had a very sharp jagged edge. Officer Mauti tried to reason with him, saying "Okay. Enough is enough. It's over. I've got a taser." Santiago responded, "[expletive] taser. You won't tase me." He showed pure rage, sweating, aggressive, "out of his mind." Mr. Santiago looked the officer straight in the face and lunged towards Officer Mauti with the broken door molding trying to stab him with it if he got closer. The whole time, Mr. Santiago was verbally challenging Officer Mauti saying, "Come on [expletive], come on [expletive]." At one point Officer Mauti was eye to eye with Mr. Santiago as he was trying to get him to comply with his orders to stop. Mr. Santiago looked him right in the eye while threatening him with the jagged wood and said "I don't care. I'm taking one of you [expletive] with me." Mr. Santiago was sweating, yelling and extremely agitated as he, in the officer's view, was actively trying to kill them.

By this point, Officer Mead arrived and made his way into the house with his taser already out and at the low ready position. Officer Mauti updated Officer Mead who proceeded directly to the bathroom directly across from the room with the trapped female. Officer Mead was actively trying to kick open the door as they were fearful about what Mr. Santiago was doing to the female behind the closed door. It was around this time that Officer Leary arrived on scene. She proceeded down the hall and backed up against another closed bedroom door, directly adjacent to the bedroom where the female and Mr. Santiago were located.

When the door opened again, Mr. Santiago was holding a very large piece of glass, about 3 feet long, with a sharp end and jagged edges, he was using the glass as a shield to prevent them from being able to effectively use their tasers as well as swinging it around towards the officers in an attempt to seriously injure or kill the officers. The officers again tried to kick open the door further to expose enough of Mr. Santiago that they could get a shot with the tasers. As a result, the mirror shattered and there were now numerous pieces of sharp jagged glass on the floor in the doorway of the bedroom. Mr. Santiago then resorted to throwing out shards of glass out the door at the officers using them as if they were throwing stars. He would slam the door shut after hurling each dangerous projectile. During this time, the officers were confined in a very tight, small hallway with nowhere to go and a female trapped inside the room with Mr. Santiago. The female in the room kept pleading with Santiago to stop, telling him he didn't have to do this. Officer Leary was in the most vulnerable position of all of the officers. She was about a foot away from the door behind which was the man who was trying to kill them

From Officer Mauti's perspective, Mr. Santiago could come out of the room at any time with a shard of glass and cause serious injury or death to him, Officer Leary and/or Officer Mead. When the door opened the next time, Officer Mauti saw his only chance to take his shot with this taser. He deployed one round with his taser at Mr. Santiago. At almost the same time, Officer Mead deployed his taser also attempting to stop Mr. Santiago. After both officers fired their tasers, the door slammed shut and they could hear the female say she was struck with one of the taser probes. At this time, Officers Mauti and Mead turned off their tasers to prevent any injury to the female. It was evident that the tasers were not effective in stopping Mr. Santiago as he was still on his feet, slamming the door and yelling and banging around behind the closed door. It was at this point that Officer Mauti transitioned to his department issued firearm.

After the door was shut, Officer Mauti heard the female pleading with Santiago to stop and not to do this. She was trying to coax Santiago to put whatever he had in his hand down and "please don't do this." Officer Mauti said that at this time he was in fear for his life, his partners' lives and the life of the female. Officer Mauti asked the male civilian witness if there were any firearms that he knew of in that bedroom. He said there were no firearms that he knew of but there were definitely knives inside.

The officers quickly regrouped in the kitchen/living room area. There they made the decision that they would have to shoot Mr. Santiago to stop his deadly, raged filled actions. He and the other officers expressed their concern for their safety and the safety of



the female. They discussed the importance of avoiding a crossfire situation. They made their way to the bedroom door and surrounded it. It was decided that Officers Mauti and Mead would attempt to kick the door open so that Officer Leary could take the shot. As Officer Mauti kicked the door, he fell right into the right bedroom as he lost his balance. Officer Mead then kicked the door and also fell in Officer Mauti's direction. At this time he heard two shots fired.

Officer Leary immediately radioed "shots fired" over the radio. Officer Mauti made his way into the bedroom with his department issued firearm out. Officer Mead also entered the room with him. Officer Mauti observed Mr. Santiago with a visible gunshot wound to the head, but he was alert and conscious. Officer Mauti drew down on Mr. Santiago as there were still shards of glass in close proximity that could still be used as weapons by him. Mr. Santiago was rolling around on the ground and Officer Mauti could not see his hands, which were in his stomach/waistband area. Officer Mauti ordered Mr. Santiago to stop moving and show his hands. As soon as Mr. Santiago's hands were on his head, Officer Mauti re-holstered as Officer Mead provided cover and Officer Mauti then handcuffed Mr. Santiago. Officer Mauti then proceeded to render medical aid. A clean dry towel was placed on the head wound. Officer Mauti then noticed another grazing wound to Mr. Santiago's left leg. At this time, Trinity Ambulance and Chelmsford Fire personnel arrived on scene and took over medical treatment. Officer Mauti assisted in removing Mr. Santiago out of the home.

After exiting the house, Officer Mauti began taping off the area of the home with crime scene tape. Chelmsford Officer Ziminsky took possession of Officer Mauti's firearm and all department issued ammunition. He was subsequently transported to the Lowell General Hospital Saints Campus for examination per department policy. Officer Mauti had minor bumps and bruises as well as some residual effect from exposure to loud noise.

### **c. Police interview: Officer Craig Mead**

Officer Mead has been a Chelmsford police officer since April of 2016. He has been a member of the National Guard since August of 2012. During the course of the incident he did not discharge his department issued firearm but he did discharge his department issued taser.

Officer Mead was working the midnight shift on July 23, 2017, assigned to a one-person marked cruiser, designated Car Four. He was in full police uniform. At 7:39 a.m., he was aware that Officer Gervais had been dispatched to 3 Clover Hill Drive for a possible domestic in progress. Officer Mead was familiar with this address through the multiple occasions the Chelmsford Police had been dispatched to the location for disturbances. At that time, Officer Mead began to head to that call.

Officer Mead heard Officer Gervais sign off at the call. A short time later, Officer Gervais made another radio transmission but he was not able to decipher what he said. Officer Mead did detect a tone of panic and fear and could hear Officer Gervais was in

distress. Shortly after that Officer Mead heard Officer Mauti sign off at the scene. Soon thereafter Officer Mauti broadcast a transmission which Mead could not make out but he detected a tone of panic and distress in that transmission too.

Officer Mead arrived on scene and entered the front door with his department issued taser already out. Upon entering the residence he observed Officers Gervais and Mauti taking cover, pointing their weapons down the hallway to the left of the living room. Officer Mauti had his taser out, while Officer Gervais had his firearm out. Officers Mauti and Gervais both appeared pale and in shock. Officer Mauti told him that there was an altercation going on in the back right bedroom, which Officer Mead could hear. Officer Mauti said that both he and Officer Gervais had been assaulted by the man that was locked in the room. Mauti said that, according to the male who resided in the home, there were no known firearms in the room but there were knives.

Officer Mead made his way down the hall. He continued to hear yelling and screaming and a woman pleading for help coming from that back bedroom. The hall was approximately eight feet long and three feet wide and it was poorly lit. Officer Mead announced his presence at the door and proceeded to kick it in. Officer Mead had his taser pointed in the room. He saw Mr. Santiago standing in the doorway holding a large piece of glass. It was approximately 6 – 7 inches long and was jagged and sharp. He could see the female sitting on the bed, immediately behind Mr. Santiago, with a look of panic, frantically crying, with a red face. Officer Mead recognized Mr. Santiago in connection with another domestic call he responded to at that address.

Officer Mead ordered Mr. Santiago to drop the glass and put his hands up. Mr. Santiago looked at Officer Mead, smiling and laughing with a “sadistic look” on his face. He then threw the large shard of glass as fast as he could in Officer Mead’s direction. The glass came within inches of hitting Officer Mead’s head. Officer Mead immediately took cover in the bathroom located across the hall from the bedroom. At this time, Officer Mead was shocked and was in fear for his life. He attempted multiple times to kick the door in to eliminate the threat posed by Mr. Santiago. Each time he kicked the door in, Mr. Santiago, who was taking cover to the left of the short wall that was located to the left of the entranceway into the room, would throw more pieces/shards of broken glass in Officer Mead’s direction, disobeying all commands Officer Mead gave to him. Each time Officer Mead would take cover to avoid being hit by “chunks” of glass. Mr. Santiago would quickly close the door. Mr. Santiago had a “sadistic smile” as if he was happy he was going to hurt the officer. Officer Mead heard the female screaming and yelling from inside the room – “stop it” and “drop it.” From where Officer Mead was taking cover in the bathroom, he could see the door frame of the bathroom was missing chunks from the glass striking and breaking further against the door frame. Officer Mead said that he believed that he was going to die.

At this time Officer Leary arrived. She stacked up on the left side of the doorway. The female continued to scream for help. She was yelling at Mr. Santiago to stop while the door remained shut. He and the other officers were not aware of what Mr. Santiago was doing inside the room. Given Mr. Santiago’s assaultive actions towards the officers and

unaware of what he could be doing to the female inside the room, the officers stacked up on the door again in an attempt to clear the room. Officer Leary had her firearm out and pointed at the door as Officer Mead kicked the door in. Mr. Santiago threw a larger piece of glass, approximately three feet by three feet from the room. Mead took cover as he simultaneously deployed his taser in the direction where Mr. Santiago was standing. Officer Mauti also deployed his taser at this time. Mr. Santiago was able to take cover to the left of the room out of the officer's line of sight. A prong struck the female and Officer Mead immediately shut off his taser.

The officers regrouped back towards the living room. Officer Mead transitioned to his department issued firearm. The officers then returned with Officer Mauti to the right side of the door, Officer Leary to the left, and Officer Gervais covering them all from behind, as Officer Mead again kicked the door open. When the door opened, Officer Leary fired two shots into the room. Officers Mauti and Mead then entered the room with their firearms pointed at Mr. Santiago. The female was then safely evacuated from the room and taken outside by Officer Leary.

Officer Mead instructed Mr. Santiago not to move and to keep his hands where they could be seen. At this time he was laying on the ground supine at the foot of the bed. Officer Mead observed that Mr. Santiago had a wound to his lower extremity and a graze wound to his head. Mr. Santiago was handcuffed and medical aid was initiated on him. Shortly after that, Trinity and Chelmsford Fire EMS arrived and took over medical care.

Officer Mead was subsequently transported to the Lowell General-Saints Campus for evaluation. Officer Mead suffered minor tinnitus in his left ear from the two shots fired within a couple of feet of his left ear.

#### **d. Police interview: Officer Kristin Leary**

Officer Leary was the most experienced of all four officers who responded to the call. She has been a police officer in total for eighteen years. She was an officer in Westford, South Hadley and then Holyoke, before joining the Chelmsford Police Department in December of 2015. During the course of the incident, Officer Leary discharged her department issued firearm twice and both shots struck Mr. Santiago.

On July 23, 2017, Officer Leary was working the midnight shift, assigned to marked police cruiser designated Car One, wearing a police uniform. She was approaching the end of her shift at 7:40 a.m. when Officer Gervais was dispatched to a disturbance at 3 Clover Hill Drive. Officer Leary was at the station monitoring radio transmissions for the call.

Officer Leary heard Officer Mauti radio that he was responding to the call. Just after Officer Gervais signed off at the call, he radioed again in a stressed tone of voice for more cruisers. Officer Mauti arrived at the call and, shortly after he did, Officer Mauti radioed for more cruisers and an ambulance. Officer Leary left the station and proceeded to 3 Clover Hill Drive.

Officer Mead was the third officer to arrive at the call. As Officer Leary pulled up front she saw the front door was open and Officers Gervais and Mauti were in the common area inside the house and she could see that they both had their tasers drawn. She asked them what happened. They responded that he threw a hammer at them. They appeared shaken and as if they had “seen a ghost.” She could hear a large commotion coming from a bedroom down at the end of the hallway, glass breaking, a female screaming “stop” and yelling for help, and “tons of commotion.” Officer Mauti told her that the man may have knives in there. Officer Leary drew her firearm. The door to that bedroom then opened and glass was thrown out the door. Officer Leary went down the hallway with her firearm up and put her back against another door. She observed shattered glass all over the hallway. The bedroom door on the right immediately opened and another large shard of broken glass was thrown out of the room with much force. The door then closed, but did not latch because the frame was broken.

Officer Leary took a quick look into the room to see the layout and to determine where Mr. Santiago was and where the female was. She could see the female seated on the top right hand corner of the bed with some blood on her shirt, pleading with him to stop. Officer Leary saw Mr. Santiago’s shadow on the right wall closer to her, as he was tucked around the left corner of the room. At that time, she knew that they would not be able to make entry into the room because she believed that he was standing there to ambush the officers with another sharp object or other deadly weapon. Officer Leary tucked herself against the door and attempted to mule kick the door to give herself more cover. The outside frames of both doors (the one she was up against and the one where Mr. Santiago and the female were) were so close a finger could barely be placed between them. The door was locked. At that point the door opened and more glass was rifled out at the officers. Officer Leary did several more “peeks” into the room to see if she would have a shot at him, but at that point the female was right in her sights. On one of those peeks, Mr. Santiago was standing directly in front of Officer Leary and she locked eyes with him. She described that there was “nothing but darkness in his eyes as if there was no soul or emotion behind them. His eyes were brown, but cold.” From the look in his eyes it appeared to Officer Leary that he had the determination to hurt or kill one of the officers or the woman in the room with him. Based on her past experience, she felt they were dealing with someone on PCP. The force he was throwing the broken shards of glass with and the violent behavior was consistent with the behavior on someone on PCP.

Officer Mead was positioned in the bathroom and Officers Mauti and Gervais were in the hallway. She told them that they need to fire on him with their tasers. She told them when the door opened to fire. It was then that the door opened and both Officers Mead and Mauti discharged their tasers. One taser probe struck the female and she immediately yelled out in pain. Officers Mauti and Mead discharged their cartridges as they both knew they did not have a hit on him. They had moved down the hall for cover. The door to the room was again closed, but not fully. Officer Leary was still positioned with her back against the other adjacent door, when a large V-shaped shard of reinforced glass, with the dark side or back of the mirror facing her, came out of the door with great force, narrowly missing the left side of her face and neck by less than six inches. He came so close to hitting

her with the glass to the neck and face that she thought of her young son in that instant. She described that Mr. Santiago was not merely throwing the glass, he was “spear-chucking them...with every piece of force he had.” She feared he could slit her throat with a piece of glass or sever an artery if hit with a piece of it. She yelled for him to stop and took a few quick peeks into the room as he threw glass at her, in order to get a layout of the room. When the woman inside the room saw her, she started to scream for her to help her and a lot of commotion. At that moment Officer Leary truly feared for her life, the lives of her fellow officers and the life of the woman in the room. She described the look in Santiago’s eyes and the darkness behind them. She could see nothing in his eyes. He looked like he was on a mission, like he was never going to comply and he wasn’t going to do anything they told him to do.

Officer Leary retreated to the common area at the other end of the hallway with the other officers. She told them that there was not enough time for SWAT, he was going to hurt the female in the room or them and they needed to take a shot. She instructed Officer Mead that they would go into the bathroom and, because Officer Mead was the tallest of the group, his leg would reach across the hall. She said that she wanted Officer Mead to boot the door and when the subject was there she was going to shoot. While heading back to the bathroom, the screams and pleas from the woman in the bedroom continued. She and Officer Mead entered the bathroom, with Officer Mead to Officer Leary’s right. She told him on the count of three to kick the door, which swings in and to the right. As Officer Leary counted down, Officer Mead kicked the door and, at the same time, Mr. Santiago opened the door. Officer Leary saw his brown shirt with a shiny silver object raised at shoulder level in his right hand. His silhouette was in the door more towards the wall he had been hiding behind. Officer Leary discharged her firearm twice aiming at center mass to stop his deadly behavior. The door closed and Officer Leary radioed shots fired. She could hear him moaning. With her weapon still drawn Officer Leary entered the room. Mr. Santiago was on the floor at the end of the bed with both hands holding his head, facing away from her.

Officers Mead, Mauti and Gervais entered the room. She instructed them to initiate first aid and she yelled to the female to come with her. Officer Leary re-holstered her weapon and she and the woman quickly exited the room and the house. The woman stated numerous times, “Thank you, thank you, thank you. You saved my life. He was going to kill me or one of you. Thank you.” [REDACTED]

[REDACTED] The taser probe was on her right side under her arm, closer to her back. The medics later removed it.

Upon arrival of other officers, Officer Leary turned over her full duty belt with the firearm holstered. She was transported to Lowell General/Saints campus where she was treated for ringing in her left ear and monitored for her blood pressure.

Officer Leary expressed that there was no doubt in her mind that Santiago’s goal was to “take one of us out.”

**e. Civilian Witness I**

This, 63-year-old man resided at 3 Clover Hill Drive, with his niece. His niece's boyfriend, William Omar Santiago, stayed with her in her room. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] It was at that point that the male called 911. He remained in the dining room until the police arrived and he let them in and he then went into the living room.

The male said that when the first officer arrived he knocked on the bedroom door to his niece's room. The officer announced his presence and told Mr. Santiago to open the door. At first Mr. Santiago did not open the door. He then opened the door and slammed it in the officer's face. The officer then tried to kick in the door to gain entry. Mr. Santiago then came out of the room towards the officer and then punched the officer in the face, causing the officer to fly in the air and hit a wall. The officer then took out his taser and went back to the bedroom where his niece and Mr. Santiago were. He said the incident was taking place in the area between the bedroom and the bathroom. As this was taking place other officers were arriving, about "three or four of them." He said that he then heard glass breaking in the bathroom and crashing. He said he heard the police telling Mr. Santiago to stop or he would be tasered. The officers told him to put his hands behind his back. He then heard the taser go off and he heard Mr. Santiago and his niece yelling.

Mr. Santiago continued to be violent towards the police and the male continued to hear crashing. Mr. Santiago was screaming at the top of his lungs at the police. He then heard a gunshot go off. He believed it was just one gunshot. The ambulance then showed up and took Mr. Santiago to the hospital.

**f. Civilian Witness II**

This 39-year-old woman said that [REDACTED] her Uncle called 911. The police arrived and knocked on her bedroom door. Mr. Santiago got

mad when the officer told him to put his hands behind his back and he started punching the officer.

The female said that when more officers arrived he used a mirror as a shield so he wouldn't "get tased." Mr. Santiago kept fighting with the officer and the mirror broke. Santiago grabbed a big piece of mirror and wanted to hurt the officers. She tried to pull it away from him so he couldn't hurt the officer with it and Mr. Santiago responded by punching her a second time in the face. She said that Mr. Santiago told her that if he can't have her no one will and she believes that if the officers were not there to help her he would have killed her. She believed he was going to kill her.

During the course of the incident, the female was hit with one of the taser probes which became imbedded in her arm. It was at that time that she heard a big bang and she saw Mr. Santiago holding his head. An officer helped her out of the room. She was taken to Lowell General Hospital and was subsequently released that same morning. [REDACTED]

#### **g. Summary of Events While Mr. Santiago Was in the Hospital**

In the late afternoon of July 23, 2017, Massachusetts State Police Lieutenant Paul Bulman and Trooper Anthony Delucia, in connection with the investigation into the shooting by the police officer, attempted to interview Mr. Santiago at Tufts-New England. After he declined to speak to the police investigators, they were preparing to leave when Mr. Santiago suddenly jumped out of his hospital bed and assaulted the Chelmsford police officer who was guarding him and attempted to escape from the hospital. Mr. Santiago attempted to arm himself with a pair of surgical scissors as he fought with the three officers, two in plainclothes and one in uniform, but he was ultimately subdued. Trooper Delucia sustained an injury to his knee which resulted in extensive swelling and bruising in the effort to subdue Mr. Santiago at the hospital.

Additional charges are possible as a result of this incident

The behavior exhibited at the hospital by Santiago was consistent in description with that described by the responding Chelmsford officers earlier that same day. It took three officers and medical personnel to subdue him and place him in four point restraints, despite injuries to his leg and head. He was violent, aggressive and extremely unpredictable in all his interactions with police that day.

### **V. RADIO TRANSMISSIONS**

Chelmsford Police radio communications were obtained and reviewed as part of this investigation. Those records provide the following relevant timeline:

7:38:25 a.m. - 911 hang-up call received by the Essex Emergency Communications Center reporting a 9-1-1 hang-up call in from the area of 3 Clover Hill Drive  
- [REDACTED] - arguing commotion in background

- ECC tried to call back the number no answer
- call pinged by ECCC to 3 Clover Hill Drive
- 7:40:08 a.m. -Car 3, Officer Gervais, dispatched; it is reported as a 911 hang-up call. Sounded like arguing or dispute taking place; loud voices and arguing
- Car 2, Officer Mauti, radios that he is heading that way
- 7:43:06 a.m. -Car 3, Officer Gervais, calls off at that location
- 7:43:37 a.m. -Dispatcher calls the number received from EECC and reaches the voice mail for the male resident of the home
- 7:43:54 a.m. -Car 2, Officer Mauti, calls off at that location
- 7:44:12 a.m. -Inaudible radio transmission [believed to be from Car 3]
- 7:44:37 a.m. -Radio transmission requesting “other cars, please; send cars over here”
- Car 1, Officer Leary, radios that she is en route
- Radio transmission – Get Trinity (ambulance). He has a hammer.
- 7:45:12 a.m. -Dispatcher calls Trinity and requests that they stage at 3 Clover Hill Drive
- 7:45:30 a.m. -Radio transmission “he is throwing a hammer at us down here, send cars”
- 7:47:04 a.m. -Radio transmission requesting “help”
- 7:48:36 a.m. -Car 1, Officer Leary, radios “shots fired” and requests a supervisor.

From the radio transmissions it appears that the initial assault on Officer Gervais occurred in the time shortly after 7:43:06 a.m. and around 7:43:54 a.m. when Officer Mauti arrived outside the house. When Officer Mauti arrived, he observed Officer Gervais in the common area after the assault with fists had already occurred. He found Gervais ashen and pale and bleeding from a facial laceration. Between 7:44:37 a.m. (during which it was radioed that “he has a hammer”) and 7:45:30 a.m. (during which it was radioed “he is throwing a hammer at us”) Officers Gervais and Mauti later reported that they were attempting to get into the room to secure Mr. Santiago and assist the female. After the hammer was thrown by Mr. Santiago at Officers Gervais and Mauti, Officer Mead and then Officer Leary arrived. From the time the transmission at 7:45:30 a.m. ended and the transmission for “Shots fired” at 7:48:36 a.m., a period of three minutes and six seconds – first Officer Mead arrived and then Officer Leary arrived, the four officers attempted to make entry, were assaulted with multiple shards of broken heavy glass mirror, some thrown



as if they were spears and others as if they were martial arts stars, the officers deployed tasers and then two shots were fired.

Thus from the time of arrival of the first officer at 7:43:06 and the call of shots fired at 7:48:36 marking the end was a matter of five minutes and thirty seconds.

## **VI. BALLISTICS EVIDENCE AND SCENE DOCUMENTATION**

Specialized personnel from the Massachusetts State Police Firearms Identification Section, Crimes Scene Services Section and the Crime Laboratory responded to the scene. Ballistics personnel recovered one discharged round in a bedroom wall believed to be the round associated with Mr. Santiago's leg wound and two discharged cartridge casings.

Broken mirror glass was found on the floor in the bedroom, the hallway and the bathroom. The police also observed a wooden handle for a snow removal tool, with the end broken off and to a point.

## **VII. MEDICAL EVIDENCE**

### **a. William Omar Santiago**

Mr. Santiago was treated by Trinity EMS and Paramedics as well as Chelmsford Fire Department medics. He was transported to Lowell General Hospital where he was med-flighted to Tufts-New England Medical Center. Lieutenant Bulman spoke to the attending emergency room physician. He described two gunshot wounds to Mr. Santiago, one to the head, the other to the left leg below the knee. The head wound was described to be a non-fatal, grazing, head wound which resulted in a brain bleed, and the leg wound was a through and through shot. Mr. Santiago was admitted to the hospital and his wounds were treated. As noted below, when Lieutenant Bulman and Trooper Delucia went to see if he would speak to them later that afternoon in the hospital, Mr. Santiago was conscious and alert. He was also "mobile" as he tried escape from custody, assaulting the officers in the process.

Santiago was subsequently discharged the following day, Monday, July 24, 2017. He was under arrest and was transported to Lowell District Court. He had an initial appearance before the court that afternoon, but his case was continued until the following day. On July 25, 2017, Mr. Santiago was arraigned on complaints alleging domestic assault and battery (2 counts). He was held without bail pending a 58A hearing on August 3, 2017. On that date Santiago was ordered held without bail.

## **VIII. CONCLUSION**

In the totality of the circumstances, Officer Kristin Leary was reasonable in her belief that she, her fellow officers and citizens were in imminent danger of death or grievous bodily injury at the hands of William Omar Santiago and that there were no other means available to protect the lives of safety of herself and others other than by discharging two rounds from her department issued service weapon. Despite repeated

efforts by all of the officers to order Mr. Santiago to submit to their lawful authority he chose instead to physically assault Officer Gervais with a flurry of punches that dazed and disoriented him and caused his facial injuries to bleed. Mr. Santiago escalated the encounter to one involving deadly force when he first armed himself with hammer and wielded it at the officers. Officer Gervais and Officer Mauti were next met with use of deadly force at the hands of Santiago when he threw, “tomahawk style,” a hammer which narrowly missed the officers heads as it flew between them as they stood in the dark hall.

At that time the officers were joined by a third officer, Officer Mead and then a fourth officer, Officer Kristin Leary. Despite repeated demands that he come out of the room, stop and submit to their authority, Mr. Santiago remained in the room where he held the female and where he was assaulting her with his closed fists, in between his assaults on the officer. Mr. Santiago next began to throw large broken shards of a broken heavy plate glass mirror some six to eight inches in length as if they were spears, narrowly missing each of the officers they were directed towards. Officers Mead and Mauti attempted to use their department-issued tasers in an effort to stop Mr. Santiago’s enraged assaults, but were unsuccessful in stopping him.

The officers were aware of the availability of a SWAT team being called, but given that the civilian witness was trapped in the room with Santiago and was pleading for help and telling Santiago to “put that down,” in the totality of the circumstances, the officers did not have the luxury of time to retreat and await the deployment of a SWAT team, fearing for the female’s life and safety. Thus they had no choice but to deploy deadly force, at great risk to the officers. The investigation supports the finding that Officer Leary’s discharge of her firearm two times, striking Santiago in the leg and grazing his head, was reasonable in all the circumstances and was not excessive. She used no more force than was necessary to stop Mr. Santiago and free the female from the room where he had her confined. Therefore, it is submitted that the non-fatal shooting of William Omar Santiago was a justified use of deadly force in the reasonable exercise of self-defense and defense of another, under Massachusetts law.

I request that the investigation of the use of deadly force by Officer Kristin Leary be closed at this time without further action by this office.