

Ofc. McAleer Recorded Interview

1 DELUCIA: Alright it's Monday February 14, 2022, it is 16:08 hours, and
2 I'm just going read you these Miranda rights. Uh before I ask you any questions
3 it is my duty to advise you of your rights. You have the right to remain silent, if
4 you choose to speak anything you say may be used against you in a court of law.
5 You have the right to consult with a lawyer before answering any questions and
6 you may have a lawyer with you during questioning. If you cannot afford a
7 lawyer and want one, a lawyer will be provided at no cost before any
8 questioning. If you decide to answer questions you may stop at any time. Do you
9 understand each of these rights I have just read to you?

10 MCALEER: Yes sir.

11 DELUCIA: Okay so we have a yes, no, and initials. So, just, if you just
12 want to verbalize what you are doing, yup yup checking off yes, putting initials
13 in.

14 MCALEER: Okay, so do you understand each of these rights I've just
15 read to you, checking yes.

16 DELUCIA: Yes.

17 MCALEER: Putting my initials.

18 DELUCIA: Yes. And then, having these rights in mind, uh, do you wish
19 to speak with me now?

20 MCALEER: Yes sir. Alright so check yes,

21 DELUCIA: Yep.

22 MCALEER: And put my initials.

23 DELUCIA: Perfect and if you could just sign the bottom.

1 MCALEER: Okay.

2 DELUCIA: Then we are going to have the Sarge witness and date and
3 sign that. Uh, my name's Tony Delucia I'm a Sergeant with the Mass State
4 Police out of the Middlesex DA's office. Um... Sarge, could you introduce yourself
5 please?

6 HAGENAH: I'm Sargent Alex Hagenah, Lexington police.

7 MCALEER: Andrew McAleer, Lexington Police.

8 MCDONALD: Oh I'm sorry. Alan McDonald, counsel to the Lexington
9 Police Association.

10 DELUCIA: I want to say your name the right way. McAleer?

11 MCALEER: McAleer, yes.

12 DELUCIA: Okay. Alright. Okay well thank you for coming in voluntarily
13 today we appreciate that. Um, I wanted to ask you, how long have you been a
14 police officer with the Lexington Police Department?

15 MCALEER: So I was sworn in approximately three and a half years ago.

16 DELUCIA: Okay. Do you have prior law enforcement experience?

17 MCALEER: No, I did work for the Department of Correction but I was in
18 management.

19 DELUCIA: Okay. Uh, where did you do that if you could—

20 MCALEER: Our office, I was in human resources, I fell into human
21 resources, our, our building was in the town of Norfolk, Massachusetts.

22 DELUCIA: Okay.

23 MCALEER: I did that for approximately 10 years.

1 DELUCIA: Okay. Um, as a Lexington police officer, do you go through
2 annual trainings?

3 MCALEER: Uh, yes actually we have, well did you want me to say?

4 DELUCIA: Yeah, please do.

5 MCALEER: So we will have in service which I believe, you know, all uh,
6 you know, police officers do. Uh, that would include everything from CPR to um,
7 defensive tactics, um, we'll go to the range at least a couple of time a year.

8 DELUCIA: Okay.

9 MCALEER: Um, and there we will discuss uh detec- um defensive tactics
10 as well as of course qualifying, you know, to, to use our service weapons. That
11 would include the uh, the M16 or the M14, the less than lethal shotgun as well
12 as our service uh weapon which is a Glock 17. We'll do, sometimes we'll do the
13 um baton training-

14 DELUCIA: Okay.

15 MCALEER: -um, you know, use of handcuffs, just things like, ways to
16 use our equipment on our duty belt.

17 DELUCIA: Okay.

18 MCALEER: That would be some of our annual training yes.

19 DELUCIA: So the less lethal, are you certified on the bean bags stuff? Is
20 that the process?

21 MCALEER: I don't know if they actually certify us but we will use it and
22 um-

23 DELUCIA: You're trained on it?

1 MCALEER: We trained on it yeah. Whether or not that is like some type
2 of certification, I don't know.

3 DELUCIA: Okay. Uh do you carry one of those, would it be in your car?
4 On a-

5 MCALEER: One would be in each cruiser.

6 DELUCIA: Okay.

7 MCALEER: Yes.

8 DELUCIA: What was your assignment on Saturday specifically?

9 MCALEER: So Saturday, February 12 I would have been assigned to the
10 412 sector in Lexington, Massachusetts um, that's one of the East Lexington
11 vehicles. I'm now pointing toward East-

12 DELUCIA: East, East Lexington. East Lexington.

13 MCALEER: Yeah.

14 DELUCIA: Okay.

15 MCALEER: Right.

16 DELUCIA: Uh, what time did your shift start?

17 MCALEER: So our shift start would have been um, would have been at
18 roll call at approximately 7:40 AM.

19 DELUCIA: Okay. And you attended roll call that day?

20 MCALEER: Yes sir.

21 DELUCIA: Okay. Do you know who, who held roll call?

22 MCALEER: Yes it would have been Sergeant Demambro, she would have
23 been the officer in charge that day.

1 DELUCIA: Okay. Was there anything put out at roll call that was uh, you
2 know, anything specific put out or was it kind of a normal roll call.

3 MCALEER: Uh, I think she mentioned um, that Detective Ducharme was
4 going to be coming in and um disseminating um, bulletins about sex offenders so
5 we talked a little bit about that.

6 DELUCIA: Okay.

7 MCALEER: Um...

8 MCDONALD: I think he means anything, anything about what
9 happened, like—

10 MCALEER: Oh, oh, he, oh, oh.

11 DELUCIA: Yeah no it's okay yeah it's just it was a regular roll call for the
12 most part?

13 MCALEER: Yes, yeah it was, nothing in connection with 98.

14 DELUCIA: Okay. So uh, how did you end up getting involved in this
15 incident? How did you first find out about it?

16 MCALEER: So uh, something came over dispatch uh at approximately
17 I'm gonna say maybe 12, 12:30 PM um, that there were allegations of, of,
18 someone at 98 Hancock Street claiming that another resident was trying to kill
19 him.

20 DELUCIA: Okay.

21 MCALEER: From my understanding it was some, it was a jogger who
22 was jogging by the house, he was asked to call the police, he did, by somebody in
23 the house yelled out to him.

24 DELUCIA: Okay.

1 MCALEER: Um, and uh I heard that the 413 uh sector car operated by
2 um Officer Papia and the 415 operated by Officer Frissore they were, per
3 dispatch, to be the initial responders.

4 DELUCIA: Okay. Cause that's, cause that's Papia's part of the—

5 MCALEER: Right.

6 DELUCIA: —part of the—

7 MCALEER: So the 413 sector, yeah Hancock Street would be part of the
8 413 sector.

9 DELUCIA: Okay. Have you been over to 98 Hancock Street in the past?

10 MCALEER: Many, many years ago, I think when I first started, there
11 was um allegations of a uh resident there who had apparently, who who we had
12 been advised had barricaded herself in the room and was making suicidal
13 statements.

14 DELUCIA: Okay. When would you say was the last time you uh
15 responded to a service call there? When, would that be the one you're talking
16 about?

17 MCALEER: I think that, that may have been it.

18 DELUCIA: Which was at least months, if not years ago?

19 MCALEER: I would say it was probably um, maybe the winter of 2019.

20 DELUCIA: Okay. Uh, are you familiar with that house exactly, you know,
21 that it's a group home or something like that?

22 MCALEER: Yes, yeah.

23 DELUCIA: What do you know about it, that (*unintelligible*).

1 MCALEER: That that it is a group home of uh, you know, residents who
2 are recovering from um I believe substance abuse.

3 DELUCIA: Okay.

4 MCALEER: That would be about the extent of my knowledge.

5 DELUCIA: Okay. So when this call comes out over the air on Saturday,
6 do you know who the residents are who live there?

7 MCALEER: No.

8 DELUCIA: Okay. Um what do you hear, so you hear the initial call go out
9 as you stated, do you start sliding that way then, or do you...

10 MCALEER: No, so I would have been right on the outskirts of Lexington
11 center, I stayed there. I was uh, I was at the um I think it's the uh the
12 Community Church of Christ, It's on Mass Ave. I- I actually live in Lexington so
13 I drove by I believe the addresses 1386, it's got a horseshoe driveway my cruiser
14 would have been facing easterly uh so if things ratcheted up I was ready to go. I
15 was, I was remaining centrally located while being in my sector to respond in
16 case anything happened there as well, I was uh, initially when these were just
17 allegations I was uh you know waiting any further instructions by dispatch if
18 they needed me or not.

19 DELUCIA: And did that, did those further instructions end up coming?

20 MCALEER: No they did not, I um, I believe Steve Papia called, called
21 over the, his handheld and asked uh Joe Carruthers, who was the 414 car which
22 would normally back up the 413 sector in, in certain areas.

23 DELUCIA: Yep.

1 MCALEER: Um, he requested that he, he come. I heard the word knife
2 and then my lights are on and my siren are on, I'm going up there.

3 DELUCIA: And who did you hear that from, is that from?

4 MCALEER: I believe that was Steve Papia.

5 DELUCIA: Steve? Okay.

6 MCALEER: Yeah he mentioned the word knife and I'm going.

7 DELUCIA: Okay.

8 MCALEER: Um, interestingly when I came, when I was just about to
9 pass the station, I saw Joe coming out, I let him proceed before me.

10 DELUCIA: Okay.

11 MCALEER: And I followed him up there. Um, he drove faster than I did
12 and he got there a little bit before me.

13 DELUCIA: Okay. So when you arrive, uh, at the scene. This is an
14 overview okay? This map here. So uh, this is number 98, okay right here? This is
15 Hancock Street, this is number 98. Um how, what direction do you come from
16 when you arrive?

17 MCALEER: So I would be going, I would say this is probably
18 northwesterly.

19 DELUCIA: Okay so which- You're coming, you're coming up Hancock so
20 98 would be on your left as you come down the street.

21 MCALEER: Yes sir.

22 DELUCIA: And where, where do you ultimately park your car?

23 MCALEER: Okay so I'm thinking this is the Diamond School?

24 DELUCIA: Yeah. This is the driveway to the school.

1 MCALEER: So um, I would say when I'm probably when I'm right about
2 here, which would be right before the rotary um, Sergeant Demambro came over
3 uh the radio and said if this is a barricade situation, I can get NEMLEC there.

4 DELUCIA: Okay.

5 MCALEER: Um, I park right here.

6 DELUCIA: Wanna, wanna circle where you, where you do park and put
7 your, just make a circle with your initials in it.

8 MCALEER: Okay.

9 DELUCIA: As, as best you can.

10 MCALEER: Of course it's shaded.

11 DELUCIA: Yeah, just as best you can.

12 MCALEER: I, I would say... put my initials you said?

13 DELUCIA: A circle with your initials for, that, that's gonna represent
14 where your vehicle, where you parked your cruiser.

15 MCALEER: I would say right about there.

16 DELUCIA: So, I know these aren't the best maps, something like that.

17 MCALEER: So I- I- I'm saying like right on the sweep into the Diamond
18 Middle School.

19 DELUCIA: Okay.

20 MCALEER: On the right side.

21 DELUCIA: Okay. I'm just gonna uh date and time stamp this and then
22 I'm just gonna have you put your initials on there if you wouldn't mind. We're
23 gonna make, call this #1, alright?

24 MCALEER: Alright.

1 DELUCIA: So if you could just put your initials in uh in between the date
2 and time. And again #1 that's just designating where you parked your car when
3 you arrived.

4 MCALEER: Yes sir.

5 DELUCIA: And that's gonna be the driveway to the Diamond Middle
6 School.

7 MCALEER: Okay.

8 DELUCIA: Um, so, this is your car. It is a similar photo but it's uh,
9 obviously not as wide of a shot.

10 MCALEER: Mhmm.

11 DELUCIA: This is 98.

12 MCALEER: Okay.

13 DELUCIA: This is gonna be the Diamond driveway that we talked about
14 where you parked your car.

15 MCALEER: Mhmm.

16 DELUCIA: What do you see when you arrive?

17 MCALEER: Okay so when I parked the car, the cruiser rather, uh I'm
18 thinking barricade because I heard the word barricade, uh, this is one of the
19 reasons why you know I parked over here so I wouldn't you know, you know, uh
20 you know have so many cruisers.

21 DELUCIA: Yeah clogging up the whole area there. Yup.

22 MCALEER: And, and, and just making a situation worse by parking so
23 many cruisers out there so um, I get out of the vehicle and all of a sudden I see
24 an individual running probably I would say right about here, um, which would

1 be probably one o' clock on the rotary entering Burling- Burlington Street. You
2 can't really see here but on Burlington Street there's an island here.

3 DELUCIA: Yes.

4 MCALEER: This is a fixed object.

5 DELUCIA: Yup.

6 MCALEER: Um, he does like a, a swan dive onto the asphalt. I don't
7 know whether he tripped, but it was a little surreal when I get there because I'm
8 thinking I'm gonna go over here.

9 DELUCIA: Yep.

10 MCALEER: I see this gentleman do a swan dive on the road, and I see-

11 DELUCIA: Where does he land? Make a circle.

12 MCALEER: So, so if if this is the um...

13 DELUCIA: This is the island there.

14 MCALEER: The fixed island, it's shaped kind of like a diamond.

15 DELUCIA: Yep.

16 MCALEER: I would say he was uh to the right of it and he would have
17 been on Burlington Street.

18 DELUCIA: Okay.

19 MCALEER: Uh do you want me to put an X on there?

20 DELUCIA: Yeah, actually if you could put a circle, yeah a circle or an X.
21 And then if, is the gentleman we're talking about is this Brandon? The
22 gentleman who was shot?

23 MCALEER: This would have been Mr. Reilly yeah.

24 DELUCIA: Alright so if you could just put BR underneath that?

1 MCALEER: Okay. And again this is uh what I believe.

2 DELUCIA: Yeah this is uh, this is not to scale obviously, and this is just
3 your best estimate because your car's over here, right? And like you said you're
4 anticipating walking over to 98-

5 MCALEER: Yeah.

6 DELUCIA: But quite the opposite happens, someone is now running
7 beyond where your location is.

8 MCALEER: Yeah yeah yeah I suddenly have a direct, direct line of vision.

9 DELUCIA: Okay.

10 MCALEER: Over here.

11 DELUCIA: So he goes down, right? In this area. He's on the ground, is
12 that accurate?

13 MCALEER: Yes sir.

14 DELUCIA: Do you see any of your fellow officers?

15 MCALEER: Yes, so, so I see officers coming in this direction. And as I
16 said, I heard over dispatch the word knife, he's got a knife, what I didn't know
17 was whether a knife was still in play.

18 DELUCIA: Okay.

19 MCALEER: So when I come out of here and I see this gentleman fall, uh
20 Mr. Reilly and see my fellow officers coming at him, I say do you want me to
21 spray him. So I- I had my little OC out.

22 DELUCIA: Okay.

1 MCALEER: Thinking that well maybe he still doesn't have a knife and,
2 and the best course is to, is to spray him so there is as minimal amount of hand-
3 on as possible.

4 DELUCIA: Yep.

5 MCALEER: Alls I hear "no!"

6 DELUCIA: Yep okay. From, from fellow officers.

7 MCALEER: From fellow officers. I don't know who said it or how many
8 said it but I heard the word no.

9 DELUCIA: Okay.

10 MCALEER: I put the OC, I believe I put it in my, I had my cruiser jacket
11 pocket.

12 DELUCIA: Yep.

13 MCALEER: I came up here, um, I heard things like "put the knife down."

14 DELUCIA: Mmhmm.

15 MCALEER: "Put the knife down!" As I mentioned earlier, I didn't know
16 who this gentleman was.

17 DELUCIA: You never saw this guy before?

18 MCALEER: No. But what I did here was um, fellow officers like you
19 know, "Brendan come on, put it down" like like like in a very compassionate
20 voice, so I'm saying to myself these guys know this, know this man, they've dealt
21 with him before.

22 DELUCIA: Okay.

23 MCALEER: But by the time, I'm hearing the word like "drop the knife."
24 So now I know, okay a knife is still in play.

1 DELUCIA: Okay. So, so when all of this is going on, can you do a circle
2 with your initials as to where you're standing when all this is happening?

3 MCALEER: Okay it's very difficult 'cause—

4 DELUCIA: Are you in a fixed location or are you moving around?

5 MCALEER: Um, you know, I- I, we could have been farther down now
6 that I say it because when I think about it I believe this, this house here I see a
7 couple gentlemen in the um, in the doorway.

8 DELUCIA: Okay.

9 MCALEER: And I mean he, he could have, Brendan could have been-

10 DELUCIA: We can make it a range too, if you wanna put a circle-

11 MCALEER: Yeah I mean he, he.

12 DELUCIA: Where you think, you know.

13 MCALEER: Yeah cause the more I think about it, I- I did see people here.

14 DELUCIA: Alright.

15 MCALEER: 'Cause there was two, two orthodox um, looking Jewish
16 gentleman standing in, in the doorway here.

17 DELUCIA: Alright so why don't you just make a circle there, okay?

18 MCALEER: Okay.

19 DELUCIA: Um, yeah as dark as you can yeah.

20 MCALEER: Yeah, sorry.

21 DELUCIA: No that's okay no this isn't great. So we're just gonna put, you
22 said two, two men here?

23 MCALEER: Yes sir.

24 DELUCIA: Like two witnesses we'll call them? Or two men what?

1 MCALEER: Yep.

2 DELUCIA: Two men alright. There were two men standing there, that
3 you could see.

4 MCALEER: Yes.

5 DELUCIA: Obviously.

6 MCALEER: And that what, I was gonna say, that's part of my concern
7 was a little bit of uh, I'll just say quote unquote crowd control, that there were,
8 this, this was a warm day, people were out and about.

9 DELUCIA: Yep.

10 MCALEER: And the genesis of this comes from a guy jogging down the
11 road.

12 DELUCIA: Right.

13 MCALEER: But for him jogging, we don't know whether we would have
14 been able, been called at all.

15 DELUCIA: Right. Absolutely. So when this is going on, if you could put
16 where, put where you are standing, and then—

17 MCALEER: Okay, so again.

18 DELUCIA: Again as best you can.

19 MCALEER: So, so there's no snow here so I believe, I believe I would
20 have been maybe up- up around here- well, again, I- I honestly, I- I think, I
21 think Brendan was probably like.

22 DELUCIA: Alright well you know what, we wanna get it right here,
23 right? So-

24 MCALEER: Yeah. Because...

1 DELUCIA: That's, that's okay if...

2 MCALEER: Because there was a wedge formation around him.

3 DELUCIA: Sure, so if you wanna put him in a more--

4 MCALEER: Yeah I think he was probably...

5 DELUCIA: Precise location, yep.

6 MCALEER: And then I think I was probably more like right about, is this

7 a tree here?

8 DELUCIA: Yep. I, I mean again this is just a Google Earth, I don't know

9 exactly when this is from.

10 MCALEER: Yeah maybe there's no leaves on it because I know I I saw

11 these gentleman.

12 DELUCIA: Oh yea, certainly I--

13 MCALEER: I kind of remember standing in snow.

14 DELUCIA: Yep.

15 MCALEER: And I was fluid, I was of course moving.

16 DELUCIA: Yeah you put your initials right underneath here.

17 MCALEER: So I'm over... ASM... okay my initials are there.

18 DELUCIA: And again we are gonna do over here just what we did over

19 there with two guys over here okay?

20 MCALEER: Yep.

21 DELUCIA: Okay. So. Where are the other police officers that you're

22 working with?

23 MCALEER: So, So.

24 DELUCIA: And if you could do circles and initials for those guys as well.

1 MCALEER: Right. So again, um, Brendan's on the ground, he, his head is
2 facing northwesterly, um, he's on his back now, like I said he went down on his,
3 on his front side when he hit the pavement. Now he's on his back, he's got a uh,
4 a knife in his right hand gripped.

5 DELUCIA: That you could see.

6 MCALEER: White-knuckled around a wooden handle is my recollection,
7 it was like a wooden handle, I was that close I could see him.

8 DELUCIA: Okay.

9 MCALEER: Probably about a seven inch stainless steel blade, facing
10 upward to the sky. Um, to the, to the left of me would have been John Frissore.
11 He was with the less, less than lethal.

12 DELUCIA: You saw him with the less lethal?

13 MCALEER: Yes.

14 DELUCIA: Okay.

15 MCALEER: Um, it would have been trained on Mr. Reilly.

16 DELUCIA: Yep.

17 MCALEER: Um, center would have been Joe Carruthers. He had his
18 service revolver out. My recollection is he had, you know, he was holding it but it
19 was facing down.

20 DELUCIA: Okay.

21 MCALEER: I did not see him point it at the subject at that time.

22 DELUCIA: Okay.

23 MCALEER: To the right of Joe would have been Steve Papia, Officer
24 Papia, and he also had the less than lethal.

1 DELUCIA: Okay.

2 MCALEER: And in front of all of us was Officer Sullivan. He was down
3 here by himself. And again Mr., Mr. Reilly um would have had his, his head
4 would have been you know, facing—

5 DELUCA: Going towards Sullivan?

6 (*talkover*)

7 DELUCIA: Was that a second S there? Sean Sullivan?

8 MCALEER: Yeah. And so Sullivan would have been, like basically like at
9 the, near the crossroads like Blake and Burlington Street.

10 DELUCIA: Got it, okay. Alright. So we got, that's Sullivan there, um...
11 that's Steve Papia, that's Joe Carruthers, that's you?

12 MCALEER: That's me.

13 DELUCIA: And that's John Frissore?

14 MCALEER: Yes.

15 DELUCIA: And this notation is Brandon Reilly.

16 MCALEER: Yes sir.

17 DELUCIA: Okay. Um, so. So this last one that we really not gonna use
18 anymore okay, I made that #2, we are gonna hold onto it just cause we created it
19 but—

20 MCALEER: Yup.

21 DELUCIA: We're gonna make this one #3 cause this is a better um, it
22 sounds like, um, more accurate according to what you're talking about. So. Er...
23 16:27. And if you could just put your initials in-between the time and that #3.

24 MCALEER: Okay.

1 DELUCIA: So looking at diagram #3 here that we created um, again you
2 kinda have, like you said, this formation um, of the officers with, with uh Reilly
3 on the ground.

4 MCALEER: Mmhm.

5 DELUCIA: Um... What ends up happening after, after...after- How does
6 this situation change?

7 MCALEER: Okay so, it- it was fluid. There were continuous demands,
8 directives, requests, um, coming from um, John Frissore who, who, just based on
9 me listening, he's like going, "Brendan come on," you know, like, like, there was
10 compassion in his voice. Like he knew him. He had a history with him. I picked
11 up on that right away. As I said, I did not know this gentleman.

12 DELUCIA: Okay.

13 MCALEER: Um, I'm not gonna come in and second guess what these
14 guys who, who I immediately picked up- Steve as well, like, "Brendan come on.
15 Drop it, drop the knife."

16 DELUCIA: Okay.

17 MCALEER: You know, like "drop it, come on you wanna see your family
18 again."

19 DELUCIA: Okay.

20 MCALEER: Um, like "we can get you to the hospital." I think a couple
21 weeks ago he, he had been sectioned from what I heard.

22 DELUCIA: Okay.

23 MCALEER: They had um a history with him. I did not, I was, I guess I
24 was the last man to the call, so I kinda respected what they were doing.

1 DELUCIA: Sure.

2 MCALEER: And I wasn't gonna start changing things by um uh you
3 know jumping into the conversation. I was very hopeful that because they knew
4 him, that eventually he would see the reason of, the reasoning behind what they
5 were saying, that he would drop his knife. As I said, he was very fluid himself,
6 Mr. Reilly, he was on his back but he would suddenly get up. He was very quick.

7 DELUCIA: Okay.

8 MCALEER: Um, he had his knife in his right hand and he would bang on
9 the ground. Every time he banged I was like okay he's he's gonna drop it, he's
10 moving his hand I'm hoping he's gonna throw it or drop it. But he was banging
11 the meat of his hand with the knife. I'm connected, um, I'm in the mafia, or I'm
12 in a gang.

13 DELUCIA: Okay.

14 MCALEER: Uh we was wearing short uh, like short uh cotton shorts,
15 short sleeve shirt. I remember a uh Celtic cross on his right forearm, and uh I
16 remember that because I was so very, my eyes were fixed on the knife. As he
17 moved, every time he did that, I thought he was gonna get up and we would
18 adjust ourselves.

19 DELUCIA: Okay.

20 MCALEER: Joe, Joe was giving directives, "okay give him, give him
21 room, get back, give him some space!" And then he would kind of go down, and
22 they would talk to him again. "Brendon drop the knife, drop the knife." Um, and
23 he just, he wouldn't drop it.

24 DELUCIA: Did you see how—

1 MCALEER: Just one thing,

2 DELUCIA: Sure.

3 MCALEER: While I think of it. And he would periodically look back to
4 make sure Sullivan was still there. He was very cognizant of, of, of his
5 surroundings, like who was there, who showed up. I made, I was making
6 constant eye contact with him, um, in hopes that he, he would see an officer
7 without a weapon. I kept my OC in case there was an opportunity to use it but I
8 felt at this point another weapon, he's already got two what he probably
9 perceives as shotguns on him and he was not surrendering his knife. I was
10 hoping he would look at me and say oh there's one, there's one cop without—
11 maybe we have some commonality.

12 DELUCIA: Okay.

13 MCALEER: He tries something a little different, I felt like at any given
14 point I had room to move, to, to either get my service weapon out, I did at one
15 point put the hood down, made sure it would release properly.

16 DELUCIA: Okay.

17 MCALEER: So that I was at the ready, um, but I felt like he was very
18 secure in this space with these three, three officers.

19 DELUCIA: Okay.

20 MCALEER: And then there also wasn't really a lot of space here. I mean
21 if I show up, I'm gonna, you know if I get in here I'm gonna be limiting their
22 movement from right to left or back.

23 DELUCIA: Okay. And when you said you were looking at his face, could
24 you describe you know, what his face looked like?

1 MCALEER: Yeah, he, he was um, he was pale um, his mouth he um, you
2 know he would be like “I’m connected!” and his mouth would get kind of twisted,
3 you know, elongated on either side like he was, he was um– I couldn’t I couldn’t
4 really see his eyes to you know but but, in terms of um whether pupils dilated or
5 anything like that.

6 DELUCIA: Sure.

7 MCALEER: But he, he looked, his face very constricted at times.

8 DELUCIA: Okay.

9 MCALEER: And um, you know I don’t know the man, but he looked and
10 sounded angry.

11 DELUCIA: Okay.

12 MCALEER: You know.

13 DELUCIA: Okay. So this ultimately, this situation changes at some
14 point. Um, could you take me through that? What ultimately happens?

15 MCALEER: It- it- it, yeah. I mean it changed a lot cause every- like I said
16 every time he folded up if he was strong enough to lift himself off the ground like
17 you see his rear end come off the ground.

18 DELUCIA: Mhmm.

19 MCALEER: And every time he did I’m like augh! I was like please don’t
20 stand up.

21 DELUCIA: Yeah.

22 MCALEER: You know. At one point though obviously, he does stand up.
23 And I don’t know whether he stood up because Steve fell, or Steve fell because he
24 stood up.

1 DELUCIA: Okay. Did you see Steve fall?

2 MCALEER: I did not, I did not see Steve fall. I saw him like, going, we
3 were all going back and forth but I actually did not see him fall.

4 DELUCIA: Okay.

5 MCALEER: Um, that I recall. I honestly don't, don't remember him like
6 falling to the ground...

7 DELUCIA: Okay.

8 MCALEER: Were we all walking backward at times? Yeah many times
9 throughout the events.

10 DELUCIA: So, so ultimately do you see um Brandon stand up?

11 MCALEER: Yes. He stood up and he made a beeline right for Steve.

12 DELUCIA: Yep.

13 MCALEER: Joe I believe took one or two steps to the right, at this point
14 Brendan was probably four feet from, from Steve, and this is when uh Officer
15 Carruthers um, you know, uh, fired his weapon at him.

16 DELUCIA: Okay. How many shots did you hear?

17 MCALEER: I heard two shots that I re- it could have been three. I
18 remember at least two.

19 DELUCIA: Okay.

20 MCALEER: Um... I- I can tell you that um, I remember as I said earlier,
21 the knife was facing the sky when he was on the ground. My recollection is that
22 by the time he got to Steve, the blade is now facing downward.

23 DELUCIA: Okay.

1 MCALEER: Now does this mean he turned the knife around and was now
2 using it almost in an ice pick fashion? It could have been that, or he could have
3 just done an overturn like that, but I remember the knife coming in a downward
4 motion to Steve.

5 DELUCIA: With the blade toward Steve?

6 MCALEER: The blade toward Steve.

7 DELUCIA: Okay.

8 MCALEER: This wasn't going to be a jab.

9 DELUCIA: Understood.

10 MCALEER: You know,

11 DELUCIA: Yep.

12 MCALEER: This was going to be...

13 DELUCIA: Yeah no I get it.

14 MCALEER: I... like. Yeah.

15 DELUCIA: You have your, your like elbow like a 90 degree angle.

16 MCALEER: Yes.

17 DELUCIA: With a fist in like coming down.

18 MCALEER: Yeah. Either that, or.

19 DELUCIA: Like a hammer dropper.

20 MCALEER: Either that or he could have been coming around like this
21 but I- I remember his arm going like that which means, it would mean one of
22 two things either that he- he- he purposefully switched that knife around so that
23 he could get that like ice pick motion—

24 DELUCIA: Yep.

1 MCALEER: Okay or like I said he just went sweeping his arm over here
2 but I remember an arm coming down like that.

3 DELUCIA: Okay.

4 MCALEER: Or like that, but if he was coming down at Steve it was not
5 going to be a jabbing move.

6 DELUCIA: Was he saying anything at that time? That you remember?

7 MCALEER: I don't remember him saying anything, or yelling–

8 DELUCIA: Okay.

9 MCALEER: –any utterance at all.

10 DELUCIA: Okay. Um, prior to the thing, the gunshots, um being fired,
11 did you see or hear any less lethal rounds going off?

12 MCALEER: Yes, oh yeah. Oh yeah.

13 DELUCIA: You were present for that?

14 MCALEER: Yes.

15 DELUCIA: Okay. Do you, was he struck by any of those that you're aware
16 of?

17 MCALEER: He was.

18 DELUCIA: Okay.

19 MCALEER: Yeah, I would say he, he might've been struck you know,
20 three- four times.

21 DELUCIA: Did you feel as though they were making any difference? Or
22 what, what was his reaction to being hit?

23 MCALEER: It, it might have made him flinch a little bit.

24 DELUCIA: Okay.

1 MCALEER: Um... but, but, but not much. Like I said he- he- he- he
2 would not let go of that knife.

3 DELUCIA: Okay.

4 MCALEER: That was not coming out of his hand.

5 DELUCIA: Did you see how eventually um, or eventually where the knife
6 ended up?

7 MCALEER: So, after he had been shot, he- he- he backed up, um, he
8 eventually went down to almost the spot where he is where I depicted here in
9 this photo, and it remained in his hand.

10 DELUCIA: Okay.

11 MCALEER: And there were numerous uh directives continuing, “drop the
12 knife, drop the knife,” and it remained in his hand.

13 DELUCIA: Okay.

14 MCALEER: In the same right hand.

15 DELUCIA: So when he fell to the ground, was he, did he fall on his back,
16 did he fall on his front, do you recall?

17 MCALEER: Yeah I- I- I seem to remember him like falling on his fanny.

18 DELUCIA: Okay.

19 MCALEER: And then just going, just kind of collapsing backwards.
20 Almost to the place where he had begun.

21 DELUCIA: Okay. When, when he stood up, uh ‘cause it sounds like you
22 initially saw him down but you did have the occasion to see him stand up.

23 MCALEER: Right.

1 DELUCIA: How would you describe him in terms of his physical, um, say
2 appearance or stature, when he stood up?

3 MCALEER: Um... I would say um medium build, pretty compact cause I
4 guess I remember just looking at his forearm and that tattoo and I saw a guy
5 with a pretty, pretty big forearm.

6 DELUCIA: How tall are you?

7 MCALEER: I'm 6'2".

8 DELUCIA: Was he your height, or do you think he was shorter than you?

9 MCALEER: I think he was shorter than me.

10 DELUCIA: Okay

11 MCALEER: Yeah.

12 DELUCIA: Alright. Um, and I mean what, while this whole thing's going
13 on, um, and again there's a lot going on here, and there's a lot of thoughts going
14 through your mind, you know, what, what, what are you thinking is going on?
15 Like your overall thoughts? Cause this is a pretty, this is a pretty hot call to get
16 in and you kinda end up, maybe even getting here thinking it's okay we're gonna
17 be in the house than all of a sudden...

18 MCALEER: Yeah I mean, again the whole time I- I was very hopeful, like
19 the way Steve and uh John were talking to him, and I know Joe was giving
20 directives to, to drop the knife as well, but I just I- I- I just I really, I know this is
21 Steve's, his sector-

22 DELUCIA: Yep.

23 MCALEER: I know he's the 413 sector, and I know John's been working
24 with us for a long, long time. I really got the sense they knew this guy. I, I

1 obviously don't know his baseline, I don't know anything about the guy, but the
2 way they were talking to him like there was like I said real compassion coming
3 out of their voice, it's like "Brendan come on, you know drop the knife!" Like you
4 know like they can talk to him.

5 DELUCIA: Yeah.

6 MCALEER: Like they had some connection with him. The whole time,
7 like I said earlier, I'm like (*unintelligible*) "please just don't get up," because then
8 it can be a very very different situation which it was but I knew as long as he
9 was on the ground, honest to God, if he was still on the ground and we still had
10 to be there right now we would be there talking to him, trying to resolve it. It
11 was when he got up and charged another human being with a knife, with what
12 um, that the results that we have are what came to fruition.

13 DELUCIA: Okay.

14 MCALEER: You know.

15 DELUCIA: Okay. I don't think I have anything else Attorney McDonald.

16 MCDONALD: I'm fine.

17 DELUCIA: You're good?

18 MCDONALD: Yep.

19 DELUCIA: Okay. Well thank you for coming down here.

20 MCALEER: Thank you sir.

21 DELUCIA: And voluntarily speaking with us, we, we appreciate it, okay?
22 I'm gonna shut this off at uh, it's 16:38 hours, okay?