

CASE NUMBER: Not Stated

INTERVIEWEE: Officer Robert Colbert

DATE: 01-05-23

TIME: 2:03 P.M.

PARTICIPANTS: Detective Lieutenant William Donoghue
Lieutenant David Brown
Attorney Kenneth Anderson
Officer Robert Colbert

**TRANSCRIPTION
COMPLETED BY** IW/mt

Colbert: [Background conversation: Colbert: INAUDIBLE. Anderson: INAUDIBLE. There's a John Boyle over there, too. Colbert: Oh. Anderson: INAUDIBLE same people INAUDIBLE. Colbert: Yeah, INAUDIBLE Irish guys. Anderson: Yeah.]

Brown: Okay. This room is recorded now.

Colbert: Okay.

Anderson: YEAH.

Donoghue: Let's see. Uh, for the benefit of the tape, uh, the date is January 5th, 2023. The time is 2:03 p.m. Uh, my name is Detective Lieutenant William Donoghue, D-O-N-O-G-H-U-E. Uh, I'm a detective lieutenant assigned to the Middlesex DA's Office, um, in particular the Homicide Unit attached, uh, to the DA's Office. We are currently, um, conducting the interview of Cambridge Police Officer Rob Colbert, uh, relative to any of the facts and circumstances surrounding a fatal officer-involved shooting which occurred yesterday, January 4th, 2023 in the City of Cambridge. Uh, for the benefit of the tape, if we could go around the room and identify ourselves? And, uh, state your name, rank, and, uh, spell your last name.

Brown: Uh, Lieutenant David Brown, uh, B-R-O-W-N, uh, lieutenant assigned to the Criminal Investigation section.

Anderson: Attorney Kenneth Anderson, A-N-D-E-R-S-O-N, for Officer Colbert.

Colbert: Uh, Officer Rob Col-, Robert Colbert, C-O-L-B-E-R-T, with the Cambridge Police Patrol.

Donoghue: Okay. Thank you. Um, before the interview, as you know, it's ... we're being recorded here. I am going to, uh, advise you of your Miranda rights. Have you had time to speak with your attorney?

Colbert: I have.

Donoghue: Okay. And you are here voluntarily to speak with us today?

Colbert: I am.

Donoghue: Okay. Just as a matter of form, I'm gonna advise you that, uh, before speaking or asking you any questions, it's my duty to advise you of your rights. You have the right to remain silent. If you choose to speak, anything you say may be used against you in a court of law. You have the right to consult with a lawyer before answering any questions. You may have a lawyer with you during questioning. If you cannot afford a lawyer and want one, a lawyer will be provided at no cost before any questioning. If you decide to answer questions, you may stop at any time. Do you understand each of the rights I've read to you?

Colbert: Yes.

Donoghue: OKAY. Having these rights in mind, do you wish to speak with me now?

Colbert: Yes.

Donoghue: Okay. If you could s-, check "Yes," initial, and sign, please? OKAY. If you could WITNESS, SIGN as well? So, uh, what is your occ-, c-, current occu-, occupation?

Colbert: I'm a police officer with a Cambridge Police Department, um, with the Patrol Operations Unit as a patrol officer.

Donoghue: And how long have you been on the job?

Colbert: Uh, been on the job a total of five years. I've been with Cambridge since of 2019.

Donoghue: And where were you previously?

Colbert: I was a Transit Police Officer.

Donoghue: And, uh, could you describe your training in both sides?

Colbert: Um, so I went to the Transit Police Academy, uh, starting October of 2017, um, did the six-month academy there. Uh, academy training included criminal law, criminal procedure, uh, vehicle law, juvenile law, uh, defensive tactics, um, first aid, mental health. Um, and since then ... and obviously more training, um, that I just can't recall off the top of my head right now ... and, since then, I've, uh, been to other trainings through Cambridge, so, uh, crisis intervention training, um, mental

health/first aid training, um, obviously our annual in-service training, firearms training, uh, 40 MIL. less-lethal training, um, additional defensive tactics, CPR/first aid, uh, C.O.B.W.E.B., which is bicycle training, um, and TPF training, tactical patrol force training, which is crowd control.

Donoghue: Have you always been in, uh, patrol?

Colbert: Yes.

Donoghue: And what was your, uh, duty and assignments with the T Police?

Colbert: Uh, patrol, also.

Donoghue: Patrol there? W-, could you describe that patrol area and your ENCOUNTERS ...

Colbert: Uh ...

Donoghue: ... INAUDIBLE?

Colbert: ... so the jurisdiction with the Transit Police is, um, anywhere that, effectively, the MBTA operates. So, um, jurisdiction is nearly statewide. Um, while I was there, I was assigned out of the ... mainly out of the central and northern areas. Uh, central would be Downtown Boston area, um, so SERVICE roads and all the T stations. And then the northern area is effectively anything north of Boston, um, and heading all the way up to New Hampshire. And, again, that's all cities and towns that T ... the T operates, effectively.

Donoghue: Okay. And then, at some point, you came to Cambridge Police?

Colbert: I did.

Donoghue: What year was that?

Colbert: April of 2019.

Donoghue: And what was the transitional training when you came fro-, I know you talked about your general training. But when you came from the T, what's, uh, what's your experience to, uh, what was it like to tr-, uh, train or how did you adapt ...

Colbert: Yup.

Donoghue: ... from the T ...

Colbert: So, um, I was ...

Donoghue: ... TO, TO S- ...

Colbert: ... hired ...

Donoghue: ... Cambridge.

Colbert: Uh, I was hired as a, a non-resident so I resigned my position with Transit, came over here. Um, I effectively shadowed and rode along with several, um, units in different, in different ... on different days. So I rode with the Traffic Units, um, you know, spend some time meeting with, uh, the Criminal Investigation Detectives, uh, rode with patrol officers doing, um, effectively, our cars, which are report-writing cars. Um, just kind of getting used to the difference in computer systems and, uh, different policies and procedures here, uh, to include some of the different options we had here and different responses that we did; um, not necessarily the same as Transit as far as, like, not going into houses all the time on Transit. So it was ... EXPERIENCED THAT.

Donoghue: Difference in types of call ...

Colbert: Right.

Donoghue: ... so to speak?

Colbert: Mm hmm.

Donoghue: Could you describe your training with the 40, 40 millimeter?

Colbert: Uh ...

Donoghue: Could you describe what it is, and what it's used for, and go through that ...

Colbert: So the ...

Donoghue: ... process?

Colbert: ... 40-millimeter less lethal is, uh, effectively, it's designed as almost to, like ... like, I guess, in layman's term, almost l-, looks like ... kind of like a grenade launcher, but it's a 40 mil. Um, it has a, a sponge round at the end of it. So there's a cartridge, um, with an accelerant in it and a sponge ROUND the top of it that could b-, best be described as kind of like a Nerf ball. Um, and one cartridge is inserted into the, into the 40 millimeter at a time. Um, with the closed BREECH, it's got a AU-, EXCITE on it. Um, and it's a two-hand, one-shot device, effectively. Um, so what we do here, we started training with it ... I want to say three years ago, um, where it was first deployed. And, uh, it's deployed in our Supervisors Unit so it was in our sergeant's car ...

Donoghue: MM HMM.

Colbert: ... in this incident. Uh, and we train on the MPTC-certified, um, silhouette that's provided, um, to aim to the certain areas. Uh, effective range is between, uh, uh, less than 100 feet, where anything less than, I believe, 5 feet is lethal.

Donoghue: So, just for, for training purposes ... and then we can get OUT into the circumstances of, of what happened ... when you, um, when you descri-, "MPC-certified," are you certified in that weapon? AND ...

Colbert: I am. So ...

Donoghue: You are?

Colbert: ... we re-, we recertify, uh, annually. And the last time I was certified is September or October.

Anderson: I was gonna add, IF you have any ... he also has a military background, if that's anything you want to ...

Donoghue: Yeah, sure.

Anderson: ... explore.

Donoghue: Have you, uh, you have a military background? Could you describe your training ...

Colbert: I do.

Donoghue: ... in, in the military, UH ...

Colbert: Um ...

Donoghue: ... in your job ...

Colbert: Yeah.

Donoghue: ... description?

Colbert: So, uh, I was active duty. So, prior to become a Transit Police Officer, I worked in civilian sector for a year-and-a-half. Prior to that, I was active duty for nine years, uh, in the Navy. Uh, I was attached to submarines OR BILTS and deployed on submarines. Um, part of that, being a supervisor ... I was a Small Arms Supervisor for the submarine so I issued weapons to the Security Force when we were in port, um, carried a 9-millimeter weapon. Uh, I also attended, in 2015, security reaction force training, um, which was run by, uh, ACADEMI, which was the former Blackwater, um, or was a small class ... believe about six of us ... and it was mainly focused on, um, port, uh, security, so around the ... on the ... around the boat or on the pier, uh, included small arms training, rifle training, breathing techniques, and the hand-to-hand defensive tactics, uh, including OC and baton use.

Donoghue: MM HMM. When you say "OC," is that ... what would you ... w- ...

Colbert: Pep-, pepper spray.

Donoghue: Pepper spray and w-, what type of weapon would you consider that to be?

Colbert: Uh, pepper spray? A no-, non-lethal, TOO.

Donoghue: Yeah.

Colbert: Yeah.

Donoghue: And that is ... some of that training, obviously, is military; has that been applicable to what you've done in your professional career?

Colbert: Yes.

Donoghue: Okay. In what way?

Colbert: Um, so it, it established a base understanding. Um, so crowd control, like, that was part of the training ON that. But crowd control, obviously, security measures, awareness of what's going on, um, different cover methods, breathing techniques, uh, slowing down the situation, and being able to calm and focus yourself. So ...

Donoghue: Okay. Um, and getting back to ... so you're certified in the, in the 40 millimeter? Do you carry that on patrol?

Colbert: It's not in our patrol cars. They're carried in our SUPERVISOR, uh, vehicles.

Donoghue: Um, directing your attention to yesterday. That would've been January 4th, 2023. Um, were you working?

Colbert: I was.

Donoghue: And what was your assignment?

Colbert: Uh, originally, I was actually assigned to a Central Square Walking Unit. I was reassigned at approximately 9:30 in the morning by the shift commander to, uh, Sector Car 1, uh, as one of the other officers went home ill.

Donoghue: So Sector Car 1, what's the area? And what, what are your roles and responsibilities for the day as a, as a Sector Car 1, uh, Patrol Officer?

Colbert: Um, so the Sector Car 1 ... or sector cars are two-person units, um, that respond to, um, effectively, any type of violent or any type of call that may require more than one officer on the initial. Uh, the other cars are report cars, which are a one-man ... one-person unit. And they respond mainly for reports and more SIMPLE, like, day-to-day in-, interactions. Um, the area includes, effectively, uh, Mass. Ave up to the tracks that cut through, um, parallel to Cardinal Medeiros, Portland, uh, all the way to the, to the border of the city.

Donoghue: So would that be almost, like, a, uh, an area patrol or, you know, like you said, IT'S A kind of back-up role?

Colbert: It, um, it's, it's a ... I would say it's a ... more of a lead car, uh, area patrol, um, that responds, also.

Donoghue: And what car was that yesterday?

Colbert: Car, Car 1.

Donoghue: Car ...

Colbert: Yeah, cruiser number?

Donoghue: Cruiser number, yeah.

Colbert: 261.

Donoghue: 261? And who were you traveling with?

Colbert: I was Officer ... wi-, with Officer Pugliares.

Donoghue: Okay. Who else was on shift with you in that area? I, I know Cambridge is a big city, but is there ... so you were in that, that sector?

Colbert: Mm hmm. Um, so I was Car 1 with Officer Pugliares. Um, 1R, which is ASSAM-, assigned to our same sector was, uh, Officer DAVE ROSA. Um, Car 3, which was the other sector car in the city, uh, for the day was Officer Liam McMahon and Nick, Nick Ayoub. Um, 3R was Officer, uh, CAS M-, Mazi-, Maziarz. Sorry, I'm gonna HACK his name. And, um, 5R, Car 5R, was, uh, Officer ALEX ILYINSKY.

Donoghue: And at some point, uh, do you recall, um, responding to a, uh, a call, I should say, or a disturbance?

Colbert: Um, yup. So, around 1:15-ish, I believe, one o'clock, 1:15, uh, a call came in for Car 3, um, Car 17, and 5R to respond to a person, um, that was harming himself with a machete. Um, myself and Officer Pugliares agree that we should respond to that, just, uh, in case they need any assistance. Uh, so we radioed to control, saying that we were gonna respond to that, also.

Donoghue: And you did?

Colbert: And we did.

Donoghue: And what was your travel time fro-, where were you when you got the call, and what was your travel time?

Colbert: Um, we were kind of down ... over on Broadway, um, or Binney. We were in that area, Broadway/Binney area, heading towards Memorial Drive. We were actually gonna head back. We were gonna be heading up north, actually, to the garage for fleet maintenance. The, uh, garage mechanic was asking for the cruiser to do a weekly cleaning. They do weekly cleanings of the cruiser. So, just prior to that call, they asked us to go up there. And that's where we were gonna head. But, when this call came in, we diverted ourselves.

Donoghue: And what was your travel time, you think?

Colbert: We probably made it there within three minutes, three or four minutes.

Donoghue: And, when you respond, lights, siren?

Colbert: Officer Pugliares was driving, yes.

Donoghue: And all, all MER-, emergency equipment?

Colbert: Mm hmm.

Donoghue: Uh, where did you first arrive?

Colbert: Uh, we approached down Sidney Street. Uh, the call came IN at ... as 4-, 254 Sidney Street. And we s-, stopped effectively right in front of 254 Sidney Street, uh, called off "In the area." We didn't see anybody initially.

Donoghue: Okay.

Colbert: Um, Dispatch, around the same time, was saying he was using glass, I believe, to cut himself, I think Dispatch said. And, at the t-, time, Officer Pugliares, who was in the driver seat, look left and could see the suspect, or the party, in the alleyway be-, beside 254 Sidney Street.

Donoghue: Um, were you able to see the deceased ...

Colbert: So ...

Donoghue: ... at that time?

Colbert: ... when he called my attention that way, I was able ... so I looked that way, and I could see him in the alleyway.

Donoghue: And what did ... what were your initial observations?

Colbert: Uh, so it looked like I-, well, I don't know what he was doing initially. He seemed, LIKE, hunched over, but he, he was gathering his stuff. Uh, I think, when he saw our vehicle, he started gathering what he had, um, which I believe to be ... HE had, like, a shirt, um, a book, and also the, the knife, the weapon, um, described by myself and others as a machete. Um, at that point, he stood up and he started running away from Sidney Street, so away from us, down that alleyway. And he took a right behind 254 Sidney Street. Um, so I went parallel to, to the, to the location, to the address, and took a left up that alley ...

Donoghue: MM HMM.

Colbert: ... um, hoping to cut him off if he turned back towards me on Sidney Street.

Donoghue: So, when you say-, let's back up a little bit. When you guys made that initial observation, you saw him. Did you stay in the car or did you get out of the car?

Colbert: N-, no, we, we got out of the car 'cause they said he was in the alley. So we got out of the motor vehicle, and we were looking that way. I think, I think Officer PUGS ... Pugliares saw him first from inside the vehicle. But, like I said, I was in the passenger seat so I was exiting the car.

Donoghue: Did you make any radio transmissions?

Colbert: We called off "In the area," and, uh, we called off "He's in the alley" at some point. I don't know if it was ... I believe it was me.

Donoghue: And I know you D-, you stated you described it as a machete. Could you further particularly describe that?

Colbert: Yeah, the blade look-, looked like a DARK blade, um, c-, a curve style, and the blade was probably around a foot long. Um, yeah.

Donoghue: And any injuries on, uh, on the deceased at the time?

Colbert: So, at that time, I didn't see any injuries from the distance we were at, but he did have blood ... he was blood-soaked on his arms, around his neck area and stuff, and his sh-, looked like the shirt was also blood-soaked. Um, he was not wearing a shirt. Like I said, he was carrying it. And he looked ... gray sweatpants, skinny-type male, um, and INAUDIBLE.

Donoghue: Did you or, uh, Officer Pugliares any ... issue any verbal commands at that time?

Colbert: Um, uh, when we first got out of the car, I think we just yelled for him to stop: "Hey, let's talk." And ... but he immediately started kind of running down the alley.

Donoghue: Any other officers on scene that you know of?

Colbert: Not at this time.

Donoghue: So he starts to run. Uh, what happens next?

Colbert: So, because I saw him running behind the building, behind 254 Sidney Street, I, uh, went down Sidney Street a little bit further INSIDE the alley, um, directly ... I guess it'd be facing 254 Sidney Street ... TO the right, uh, and started going down that way. He took a left behind the building, behind the ... in the alley behind the building that was directly behind 254 Sidney Street, which I believe is a Putnam Ave address. Um, and he was running that way, uh, at which point he took the left when he got to the end of that building, um, into, like, a courtyard area. Um, I d-, well, so I lost him initially. I couldn't see him. I, I, I remember radioing, saying, like, "He's behind the building." Uh, I was following him. When I lost sight of him after he took the turn, I kind of slowed down. I pulled my weapon and kind of kept it down at the low-ready, um, and fanned out around the corner 'cause I couldn't see where he was at that point. And I could see him cutting across the courtyard and heading to what ... it looked like a gate, um, that was open towards Putnam Ave. Uh, and I think I radioed at that point saying, "He's heading towards Putnam Ave." Um, and he ran

out onto Pu-, uh, Putnam Ave and took a right. Um, and I believe that was, uh, I think at that time Officer Pugliares gave an updated description, said we were following him. He ran ... was running towards Waverly Street. Um, came out onto Putnam Ave myself. Myself and Officer Pugliares were chasing him, um, down Putnam Ave. He crossed over Waverly Street, um, and there's a small parking lot next to Fort Washington Park there, uh, with gated ... like, a fenced-in area. Uh, I think it's construction STAGE and whatever it is over there, DPW construction stage and stuff. Uh, so he crossed over Waverly Street into the parking lot. We still GIVE chase. I updated saying he was in, in the parking lot next to Fort Washington. And he took a right behind, uh, the fenced-in area w-, there was blue TARPING on it. So, when he took the right behind the fence, it was two fences there. There's kind of a fenced-in area where the ... whatever's over there, the stage and the construction equipment and stuff. He took the right behind that. And there's also a fence that runs parallel to the train tracks there that ... I believe they're owned by Keolis, um, or the T. And so, again, we lost sight of him. We weren't sure if he was able to go anywhere from there. So we slowed down again, fanned out. And, once we kind of came around the corner, you could see that the fences were open. So he was just running down along the track area, heading south, like, towards, towards, uh, towards the river. Um, so we ra-, radioed again a couple times, saying, you know, "He's running along the RIVER." And I think, I th-, think it was at that point that Officer Pugliares also called the less lethal. Um, and, as he was running along the tracks there ... not, not along the river, along the tracks ... he was running along the tracks. Uh, I could see Officer McMahan and Officer Ayoub, I believe, um, come onto the tracks from ...

Donoghue:

Mm hmm.

Colbert:

... a different area further south. And they were running towards him. We were running behind. Uh, I think I radioed at that point, "He still has a machete, still has a machete." INAUDIBLE said, "He has a machete," 'cause I knew he still had the weapon, and he was running towards them to kind of give them a heads up. Um, Officer Pugliares told us to fan out so we kind of took an angle so we weren't crossing, um, crossing paths or, um, effectively flagging each other with our weapons. And, at some point, he took the right back towards Waverly Street. So, when he took that right, uh, somebody

updated ... I took ... there was a little alley between, like, the two construction sites and two fenced-in areas. I took the right there, uh, in the event that he took a right back on Waverly Street towards Putnam Ave, that I would be able to OPENLY cut him off. Uh, but he continued towards the left. As I was coming out onto Waverly Street, um, Sergeant SENNETT, was in Car 17 at the time, um, drove past me on Waverly Street and stopped closer to Chestnut Street. Uh, and I knew he had the less-lethal weapon in the back of his cruiser. So I went to the back of that. He got out of his cruiser, and we deployed the less lethal from the back of his cruiser.

Donoghue: When you say "deployed" it, what ...

Colbert: So ...

Donoghue: HE JUST TOOK IT ...

Colbert: ... INAUDIBLE.

Donoghue: He didn't fire it at that time?

Colbert: No, no, no, no. Uh, we ... so his lockbox is in the back of the cruisers. Um, and, you know, WE went out, opened it up, handed me the ... it was ... it's unloaded ... handed me the unloaded 40 mil. Uh, I put the strap over my shoulder. There's also a satchel with several rounds in it so I put that over my shoulder, also. Um, and, after I had it, I started running down Chestnut Street behind all the officers that were chasing him at this point, or following him at this point. Um, and I readied the 40 mil as I was going down Chestnut Street. So, uh, loaded a cartridge into it, uh, activated and checked the ... UPDATE the RED, the red DOT SIGHT, and continued down Chestnut Street to the point that, um, at some point, somebody radioed he went into a backyard. And I kind of came on everybody else around the area, 59 Chestnut Street, where everything else happened.

Donoghue: Okay. So, going, going back, when you ... back to, uh, Sidney Street, when you encounter him, you were giving chase, you had, you had said you drew your weapon?

Colbert: Yes.

Donoghue: And why'd you do that?

Colbert: Um, I'll ... so I knew he had the, the knife on him. I could see him with the knife, running with it. I knew he had blood on him. Um, and I lost sight of him in the alley initially.

Donoghue: What was going through your mind at that point? He's got a weapon. He has blood on him.

Colbert: Well, I, I don't know what he's doing. But, when I lost sight of him around that corner, I knew that, if I came around the corner, um, I could be in a effectively precarious situation where ...

Brown: MM HMM.

Colbert: ... he has the ability to come at me if that's what he wanted to do.

Donoghue: What do you mean by "precarious"?

Colbert: Like, I'd say it was a, it was a, a tough situation. I mean, I knew I wasn't ... I was exposing myself because I didn't have the tactical advantage there. And, if he stopped behind that corner and I came out, I effectively could have put myself in a bad situation. So I wanted myself to be as ready as I could.

Donoghue: Well, in y-, in your mind, if you got hit by, uh, the machete, what would happen?

Colbert: I, more likely than not, lose my life.

Donoghue: Okay. So, um ...

Anderson: MM HMM.

Donoghue: ... he has a machete. You drew your weapon. But, um, I guess, as we go forward ... so you issuing verbal, verbal commands at that ...

Colbert: I was ...

Donoghue: ... point?

Colbert: ... yeah, LIKE ...

Donoghue: And what ...

Colbert: ... "Stop."

Donoghue: ... were you saying?

Colbert: Just "Stop," "Drop the knife" ...

Donoghue: And what was the manner ...

Colbert: "YOU HAVE A CHOICE."

Donoghue: ... in which you were saying that?

Colbert: I was yelling it and running at the same time.

Donoghue: And did you ma-, you know, looking back ... I know IN the moment, but now did you make any other observations, observations about his demeanor at that time? Did he respond?

Colbert: He, he ... I don't recall him ever really responding. He was just kind of waving the knife around, holding it up. I feel like S-, WE WERE ...

Donoghue: So that's, that's a ... when you say "waving it around and holding the knife," can you more particularly describe that? So was ...

Colbert: Yeah.

Donoghue: You said he's, he's ... does he have shoes on?

Colbert: Um, I don't recall.

Donoghue: Sweatpants?

Colbert: Sweatpants, no sh-, no shirt, but I believe he was holding a shirt and then, uh, a book, which ...

Donoghue: A book?

Colbert: ... I think, later ended up being, um, uh, the, the Qur'an or ...

Donoghue: Okay. And he has a knife? So he ha- ...

Colbert: Mm hmm.

Donoghue: He's carrying these things. How is he holding the knife?

Colbert: Uh, he knife he was holding in, in the handle. Um, and I just remember him kind of, like ... it was ju-, he was running with it. So, I mean, it was moving, like, as he was running. But, at the same time, it was ... he was moving it, like, I don't know, I guess perpendicular to the ground or parallel to the ground and up towards himself. And I d-, I do remember him, like, looking back at us. And I feel like he was pointing it towards us a couple times, like, kind of looking back. Um, but I don't recall him ever saying anything or yelling, but ...

Donoghue: Any statements by the deceased?

Colbert: Not that I can recall.

Anderson: Can I just interrupt one second?

Donoghue: Yeah, please.

Anderson: Y-, you're motioning with your left hand. Are you left-handed or did he have it in his left hand?

Colbert: I, I feel like he had it in his left hand. That's why. I'm, I'm right-handed.

Anderson: Okay.

Donoghue: And you s-, at some point, he pointed it at you or pointed it back at you?

Colbert: Well, I, I feel like he was looking back and the knife went with him when he was looking back.

Donoghue: Going back to that first encounter, did you recognize him?

Colbert: No.

Donoghue: His, his name is Sayed Faisal. Does that recall ... do you M-, are you familiar with that name?

Colbert: No, no ...

Donoghue: Had you ever ...

Colbert: ... no.

Donoghue: ... seen him before?

Colbert: Not that I recall.

Donoghue: OKAY. And do you recall whether there was blood on that knife?

Colbert: Um, I don't M-, during the initial interaction, I don't remember if there was blood on the knife. I know there was blood on the knife at the end of it. Um, but I do know that there was blood on him, his ...

Donoghue: Okay.

Colbert: ... body.

Donoghue: And, throughout that time, did you have your weapon drawn the entire foot chase or did you re-holster it?

Colbert: I, uh, so, like, I pulled it once I lost sight of him coming around that corner. And I had it out, um, the entire foot chase, um, just based off the training that we've had, uh, and understanding the, the knife situation and the, the ability to draw at the time. And, you know ...

Donoghue: Well ...

Colbert: ... um ...

Donoghue: ... what does that mean in, in specific terms, from ...

Colbert: So ...

Donoghue: ... "based upon your training"?

Colbert: ... so, um, out of the training we, we went through and we talked about in the academies was the 21-foot rule. Um, so, effectively, any way we, uh, within 21 feet, um, somebody with a, a bladed weapon could get to you and cause you harm, bodily harm, prior to you being able to draw a-, and fire your weapon.

- Donoghue: Okay. And, during that chase, during ... how ... what was the distance in that initial encounter?
- Colbert: So that initial encounter, when we kind of came through running past the alley, I was probably within 20 feet.
- Donoghue: Okay. And then, as he ran away, what would you ...
- Colbert: It, it ...
- Donoghue: What was the closest you came to him prior to getting to Chestnut Street?
- Colbert: Um, after that, it varied, um, just because, every time we lost sight of him, like, like I said, when HE around the corner, I slowed down and BLADE. When he went behind the fence, we slowed down and we, we fanned out ... I'm sorry ... fanned out, which is kind of put us at an angle. So we could kind of see around the corner p-, prior to approaching that corner. So, um ...
- Donoghue: And, just as a matter of, of overview, how would you describe that neighborhood?
- Colbert: Um, the neighborhood itself is densely populated. Once you hit Waverly, it becomes ... like, it's the tracks there so there's not really anything on that side. There's a parking lot. There's a park there. But the neighborhood itself, 254 Sidney, the houses on Putnam, and then everything back behind us on Chestnut's all h-, heavily residential and populated. Um, there's a few INAUDIBLE pharmaceuticals there, there's a restaurant there, so there's usually people out. Um, while we were running, um, there was several cars that went by us. There were people walking down the street. I do recall, when I was coming off the tracks through that alleyway, I saw ... I think it was, like, two or three people just walking down the street. They saw what happened. They immediately crossed the street. You could tell they were kind of looking back and everything. Um, from what I understand, on Chestnut Street, there was several, I don't know, UPS drivers, or at least one UPS driver on the street, making deliveries. So it's a, it's a heavy ... heavily residential area.

Donoghue: And, during that, during that, did h-, did he ... how close would he have come to any civilians? I think you had mentioned that someone had crossed the street, but ...

Colbert: Yeah, I mean, when he was running, crossing the street without them knowing, uh, uh, I'd s-, I don't know. I, I, I didn't see exactly, but I would venture that he was probably within, you know, 15, 20 feet himself.

Donoghue: And did you issue multiple commands throughout that chase?

Colbert: Mm hmm.

Donoghue: And what was ...

Colbert: Yes.

Donoghue: ... the manner?

Colbert: Uh, again, it was ... we were chasing him. It was, you know, "Stop. Let's talk. Drop the knife. Let's just ... let's talk."

Donoghue: How about ...

Colbert: UM ...

Donoghue: ... other officers? Did you hear ...

Colbert: Uh ...

Donoghue: ... or observe any other, any other officers talking like that?

Colbert: I believe all of us were at that point.

Donoghue: And the manner again to s-, l-, yelling ...

Colbert: Yeah, it was just ...

Donoghue: ... loudly?

Colbert: Yup.

Donoghue: Okay. At any point at that time, from just prior ... any statements, any, any eye contact, any further observations about his mental state; or what were you thinking from the time, "He

has blood on him. He has a weapon" ... were you ... did you know or not whether or not someone else was injured, or whether he'd injured himself, or what was happening?

Colbert:

We didn't know. Um, the initial call that he jumped out of a window from an apartment. So we didn't know what happened in the apartment. We didn't know if there was anybody else in the apartment. Um, obviously had no idea what his mental state was or what he was trying to accomplish at that point. Um, he just ... like I said, he just started running from us, him covered in blood with the weapon in hand, um, not really verbalizing any-, I don't ... like I said, I don't recall him verbalizing anything to us, and just kind of looking around. And, and the fact that, you know, every-, everywhere he ran, he was looking for another way to run. So it was almost like he was looking for, he was looking for an out or just trying to get somewhere else. And we were just trying to get him to stop, and drop the knife, and have the conversation.

Donoghue:

Okay. And at some point you end up in the area of 59 Chestnut?

Colbert:

Yeah. So ...

Donoghue:

Um, do you, do you remember who ... I guess you're chasing ...

Colbert:

Mm hmm.

Donoghue:

... um, the decedent. Uh, how far ... when he's on Chestnut Street, how far back are you?

Colbert:

So I fell further back. Um, so they, they went down Chestnut Street. And I stopped with Sergeant Sennett. Uh, he immediately got out of his cruiser, opened the trunk, uh, pulled out the, the 40 mil. I holstered my weapon by this point, um, got the 40 mil. So I ... at this point, I would say I might've been a half a block back from everybody else.

Donoghue:

And, from that half a block, could you see everybody else?

Colbert:

Could see the officers running. Uh, at this point, I lost sight of him.

Donoghue:

Okay. And then could you ... what does that 40-millimeter less-lethal weapon look like specifically?

- Colbert: So it has a extendable, uh, buttstock. Uh, it has a trigger ... or a pistol-style trigger handle, trigger grip, a foregrip on the front of it. It's bright orange in color, uh, and it has a, um, optic on the top of it with a, with a strap that goes around to ...
- Donoghue: And what's the purpose of it being bright orange?
- Colbert: Uh, to effectively ... so people know that it's not a lethal weapon or to portray it in that, that manner.
- Donoghue: Okay. So you now have that weapon. And, again, what is ... based upon your training in the si-, situation that's evolving, what is your, what is your reasoning for deployment?
- Colbert: Um, so the trainings we talk through in this type of situation where, um, he doesn't have ... we, we, we were able to maintain a distance from him with that weapon. Um, and he didn't have a projectile-style weapon where he could get to us. So we, we were able to maintain a little bit of distance from him. Um, so ... and that weapon, one, just showing that weapon is a de-escalation technique, or tactic, uh, 'cause it adds to the tools that we have on scene at that point; and the fact that it is ... like I said, it almost kind of looks like a grenade launcher. It does add to de-escalation as far as, like, somebody looks at it; they might second-think about what their, what their actions are. Uh, and then the main reason behind it is, if we do have the deploy it, it's not to necessarily cause serious bodily harm but enough to shock the person into either stopping what they're doing, drop their weapon, fall to the ground, or just kind of subdue them.
- Donoghue: And, back to your training, are there parameters on where you can fire that?
- Colbert: There are.
- Donoghue: What are those parameters?
- Colbert: So th-, it's labeled out into green, yellow, and red regions. Um, so the red regions are the groin area, the chest, the, the face and head.
- Donoghue: And, by red, you mean ...

Colbert: Like, don't, don't shoot that 'cause ...

Donoghue: Yup.

Colbert: ... there's h-, potential for more serious bodily injury. Um, and then, like, yellow regions are areas that are a little bit higher, so, like, the abdomen ar-, region, um, knees, elbows. And then, like, green regions were kind of the meatier parts of the body, so theoretically, like, your legs and your arms.

Donoghue: Okay. So you were going down the street, um, towards Chestnut ...

Colbert: I was ...

Donoghue: ... or towards ...

Colbert: ... o-, on ...

Donoghue: ... on Chestnut but towards ...

Colbert: ... Chestnut.

Donoghue: ... towards 59?

Colbert: Yes.

Donoghue: Um, what happens next?

Colbert: Um, so I was running down ... like I said, I was about a half a block behind everybody. Everybody's still running. Um, I heard somebody radio they went into a backyard. And, as I was kind of approaching everybody, everybody kind of slowed down, um, right in the area of 59 Chestnut Street. Um, we kind of stopped there. I know at least ... I saw at least Officer McMahon kind of go, uh, I believe, around the left side of the house. I don't know 100% how he ended up in the backyard at that address. So I don't know if he went down the driveway, went down another, uh, other s-, the other side of the house. Um, but at some point, when we lined up kind of towards the front of the driveway there, he was back at the far side of the driveway. There was a red car in the driveway, um, facing into the back of the yard. And he was towards the front of the motor vehicle in the driveway at that house. Um, and he had the, you know, the knife up to his neck. N-, I'm not sure if it

was the bladed side. I'm not even sure if it's double-bladed. I don't recall if it was double-bladed knife or not, or a double-edged blade.

- Donoghue: So I'm gonna stop you there for one second.
- Colbert: Yeah.
- Donoghue: So, getting back to, uh, you're at the ... who's present with you?
- Colbert: So, on the street that I recall, uh, Deputy Boyle, uh, ended up being behind me, Sergeant Sennett WITH me, uh, Officer Ilyinsky, Officer Pugliares, um, Officer Maziarz. And, uh, in the backyard, I know Officer McMahan was there. I don't recall exactly where Officer Ayoub was, but I know he was on scene.
- Donoghue: Okay.
- Colbert: I know he was ...
- Donoghue: A- ...
- Colbert: ... with us at the driveway or in the backyard.
- Donoghue: And you, you were at the driveway?
- Colbert: Yeah.
- Donoghue: Did you ... at that point, you're at the driveway. Could you have a cl-, there's a re-, you described a red car. Can you have a clear view to, clear view to the backyard?
- Colbert: Pa-, part of the backyard. You couldn't see the whole backyard.
- Donoghue: And were you able to, at that vantage point, see the direction that the decedent had come from? Was he p-, already in, in the driveway AND THE C-, or does he come ... or what direction, I should say, does he come from?
- Colbert: I believe, uh, if I recall correctly, I ... from what I, from what I know for sure, he was facing us, facing out towards the street from, from the end of the backyard. Um, I ... if I recall correctly ... I'm not 100% positive. Like I said, I don't know how he ended up in the backyard. So I don't know if he ran that

way, turned around, double back, but he was ... ended up facing us when I was at the front of the driveway.

Donoghue: And, when you say "facing," there's a red car there. We'll ... we have a ... we can diagram it out. But, when you s-, was he on the near side of the car or was he ... where, where was his ...

Colbert: So ...

Donoghue: ... positioning? Was, uh, was he towards the trunk of the car? I think ...

Colbert: Nope, the car was facing in so the, the hood of the car ... the front of the car was facing into the ...

Donoghue: Yup.

Colbert: ... into the driveway, and he was towards the, the, the front of the car.

Donoghue: Towards the front of the car?

Colbert: Yup.

Donoghue: And, you know, the backyard is a backyard, but ... so where the car was ... was he touching the car? Was he that close to the car or ... ?

Colbert: S-, I don't, I don't think he was physically touching the car, but, I, I mean, I recall him being just relatively close to the front of the car, probably within 2 or 3 feet of the front of the car.

Donoghue: Okay. So what we can do, uh, we'll just go through a little bit of that, and then I'll have you ... essentially, what we have here is, this is, this is a ... it's an aerial shot OF that ... of 59 Chestnut. Um, we can have you look at this, this ... and then, on the back, we can have you just diagram, you know, in basic form, the backyard, the driveway, and where you were when you first saw him.

Colbert: Mm hmm.

Donoghue: Okay?

Colbert: Yup.

Donoghue: Do you recognize that?

Colbert: Th-, yes, this, this looks like ... yeah, this actually might be the, the red car that was in that driveway.

Donoghue: Okay.

Anderson: And you're pointing to the building that's kind of in the middle, to the left a little bit, of the diagram that has kind of a reddish roof ...

Colbert: Yes.

Anderson: ... with a couple skylights ...

Colbert: Yup.

Anderson: ... on it?

Colbert: Yes. Back porch, backyard.

Donoghue: You can actually ... if you, if you can mark that 59?

Colbert: YEAH.

Donoghue: Is that okay? Okay.

Anderson: And, just for the record, he's written on the roof the numbers "5" and "9."

Donoghue: Okay. So this is a little bit difficult to see, but ... well, if you w-, could flip it over? So, just for the, for the record here, so you're saying he's closer to here?

Colbert: YE-, almost closer to the driver front side of the car.

Donoghue: Driver front side of the car. The officers you described are back here?

Colbert: OH, yup. We approached here. Um, when I came in, um, the training and the policy here is whoever has less lethal takes point. Um, so I was on point. We had a lethal cover. Um, I believe it was Officer Ilyinsky said, "I have lethal." And Deputy Boyle was also directly behind me. Um, he might've

said he has lethal coverage, also. Um, and, at this point, we were kind of ... I, I believe ... like I said, I was kind of ... I, I feel like I was a little bit in front. So I didn't see, um, my flanks, but, uh, we kind of made a line here. And everybody was just C-, yelling, you know, "Drop the knife," "Let's talk," "Stop, stop, stop."

Donoghue: Were you able to make any further observations of him now? You're, you're the point ...

Colbert: Yeah.

Donoghue: ... and you're ...

Colbert: So ...

Donoghue: ... issuing those commands. What's the distance that you're ... you are, would you say?

Colbert: So we ...

Donoghue: Estimate.

Colbert: ... we had closed possibly ... I, I, I mean, I, I don't know if the car was exactly here. Um, I feel like we were kind of at the edge of the house, like, so the front yard. So we were at the front edge of the house, um, 'cause I don't recall seeing the yard to my left at this time. Um, but he was standing where he was, towards the front left ... the driver side ... front driver side of the car, uh, facing us. Uh, he had the blade in his ... the knife in his hands. And, at some point, he had it up towards his neck. Um, you could see ... I think, at that point, I could see, um, that he had already cut his WRIST, and he had blood, uh, again, all over him. Uh, it looked like, almost, that he had also ma-, maybe ... I don't know if it was a deep mark, but IT might've lacerated his neck at that point, um, also. And I don't, I, I don't remember him talking or yelling or anything, or even saying anything, at that point.

Donoghue: Could you describe his demeanor, facial expression?

Colbert: He ... I don't, I don't even know if he was ... like, he was just there. He was holding a knife up to his neck. And I don't think, I don't think he wanted to stop at that point. I don't know

if he was trying to egg us on or what he was trying to do, but he just ... I do-, I don't know. I can't describe ...

- Donoghue: How many ...
- Colbert: ... what he was ...
- Donoghue: ... times ...
- Colbert: ... thinking.
- Donoghue: ... did you guys, or the officers on scene, issue commands for him to drop the knife?
- Colbert: LIKE, I, I would say it was nonstop, the whole time ... the entire time we were there. Um, we probably ... so I do know, at one point, um, I took aim. I was aiming towards his left, left thigh area. Um, I do know that O-, Officer McMa-, McMahan was somewhere in the backyard at this point, uh, 'cause he came in-, I saw him into my sight picture. Um, so, past the end of the house, past the corner of the house, I was able to see Officer McMahan at one point 'cause he looked like he was BLADING over.
- Donoghue: MM HMM.
- Colbert: Um, I do recall somebody say, you know, "McMahon, move back," or, "Liam, move back." Um, and, at that point, he kind of moved back out of my sight picture.
- Donoghue: And what's the, what's the purpose of having him move?
- Colbert: Um, because, because I had the less lethal and because we were all facing this way, if anything were to happen, he WASN'T downrange from any potential projectiles.
- Donoghue: Like, a crossfire?
- Colbert: Right.
- Donoghue: Okay. Um, how much time occurred from when you were here and ... or the point and were face-to-face with the decedent, issuing commands?

Colbert: We were probably at the driveway yelling towards him, I don't know, half a minute, maybe.

Donoghue: Okay. And what happened next?

Colbert: Um, so he was there. He had the knife up to his neck. Officer McMahon eventually stepped back, like I said, out of my sight picture. Um, so I knew Officer McMahon at least was in the backyard. Um, I knew ... I was looking at the backdrop. There was nothing behind him. So, effectively, it was the yard, uh, the car next to it. And, b-, based off of everything that kind of happened, I think I yelled, "Less lethal, less lethal, less lethal," 'cause at that time I decided I was gonna try to take a shot and try to stun him. And, hopefully ...

Donoghue: Is that, is that yelling OF TH-, is that by design?

Colbert: It's policy and design ...

Donoghue: By policy?

Colbert: ... yeah.

Donoghue: And what's the purpose of that?

Colbert: Um, I ... it's a warning to the officers around me that I'm gonna fire the less-lethal weapon so there's no sympathy fire. So, effectively, when I fire this, um, nobody thinks that I'm actually firing my, my service weapon and other officers fire their service weapons at the same time. It's to preclude, uh, like, deadly force when I'm trying to just the less-lethal force.

Donoghue: Okay.

Colbert: So I yell, "Less lethal, less lethal, less lethal." Um, I took my shot. Um, and I believe I hit him in the left ... I, I think he was blading himself at this point, um, 'cause I was ... my concern was that he was gonna, again, head towards the backyard. And I didn't know who was back there with Officer McMahon. I didn't know any other situation that was going on back there. But I knew I had a clear sight of shot, clear backdrop. And I, I thought I had a good shot and believe I hit him.

Donoghue: Okay. Um, you described the neighborhood as congested, residential. Um, any other civilians around? Are you aware of

any other, um, any other considerations regarding the neighborhood that you were aware of or now know?

- Colbert: Um, so we, we found out shortly afterwards that there is a, um, a daycare in one of the houses in the area. I'm not sure where it is, 100%, but I know ...
- Donoghue: Okay.
- Colbert: ... um, that they were put in lockdown at some point, also.
- Donoghue: So you've deployed the less lethal. Um, any statements from the decedent?
- Colbert: A-, again, like, I don't remember him hearing anything, but, uh, from what I understand, uh, THAT HEAR-, just hearing other people talk, um, I ... when I hit him with the less lethal ... when he was hit with the projectile from the less lethal, I should say, um, he laughed and kind of just turned away. And, uh, it had no effects that I can, I can see. So I, I shot the less lethal, um, saw it hit him, and he just kind of turned. And, the next thing I know, he started walking. And I believe he started walking towards the backyard. Um, but once I deployed it and it had no effect, I went to ... my focus went back to my, my weapon to reload it.
- Donoghue: When ...
- Colbert: AND ...
- Donoghue: ... you say your "weapon" ...
- Colbert: The less-lethal weapon.
- Donoghue: Less-lethal ...
- Colbert: Yeah ...
- Donoghue: ... WEAPON?
- Colbert: ... the 40 mil.
- Donoghue: Um, so he was on the corner here. And we can draw this out after, but he moves to the backyard, the decedent?

Colbert: Uh huh. And ...

Donoghue: Where do you go and what happens?

Colbert: So we started moving forward. Um, Deputy Boyle at one point even kind of, like, moved me forward a little bit more; 'cause, like I said, he was right behind me, telling us, "We need to close the gap," like, "close the gap" meaning, like, get ... minimize the distance there because I, I know Deputy Boyle also knew that Officer McMahon was back there. And, like I said, we don't ... we didn't know where he was or who else was back there at that time. Um, and my, and my focus went to the ... my ... the 40 mil, the less-lethal weapon. So I opened the breech. Um, canister came out. I ... you know, I grabbed another canister and inserted another breech. And I remember vividly looking down at the 40 mil with the canister in the, in, in the, in the weapon and hearing L-, shots FIRE. So I heard approximately five rounds, I believe.

Donoghue: And where were you standing at that time?

Colbert: We were probably ... by this point, we were at the back or just, just passing the back of the vehicle, in the driveway still, or I was.

Donoghue: And where, where would you say you were ... what was the distance between you and the decedent when you deployed that round, or the less-lethal round?

Colbert: My initial one?

Donoghue: Yeah.

Colbert: Twenty-five feet.

Donoghue: Okay. After you hear the shots, um, you heard the shots. Did you see the shooting?

Colbert: I did not see the actual shooting.

Donoghue: What did you do next?

Colbert: Um, so we ... I completed reloading the 40 mil, uh, closed the breech on it, and we approached in the backyard. He was ... the deceased was laying on the ground, um, still moving around,

flailing. Officer McMahon was in ... behind him in the backyard. Um, we took a, effectively, like, a semi-circle around him. Uh, believe Officer Maziarz went directly to Officer McMahon, um, to, to settle him. At that point, uh, Officer Pugliares, I believe, said, "You have cover." Uh, and I said, "I, I have cover." I, I took aim with the 40 mil, the less-lethal weapon, but towards the lethal b-, lethal part of his body, uh, so, like, the chest area. Uh, and Officer Pugliares went in to get the knife out of hand's reach of the deceased. Um, and, when he first went in, he ... the deceased kind of moved over and, like, flailed around a little bit. So Officer Pugliares took a step back and then kicked the knife away from him, past his head. Like, so the knife was towards ... I believe on the right side of him, and he kicked it, um, away from his head.

- Donoghue: So you said "flail a couple times." What ... how would you more particularly describe "flailing"? Is he, is he fl-, you know, w- ...
- Colbert: S-, s- ...
- Donoghue: ... how would you describe it ...
- Colbert: ... so it ...
- Donoghue: ... OR, WELL ...
- Colbert: ... looked ...
- Donoghue: ... "further describe," I should ...
- Colbert: ... it looked like, it looked like ... initially, it looked like one of his legs was broken. Um, I believe his right leg might have been broken. And he was just moving his arms around. And it wasn't like, it wasn't like he was, like, trying to go for any wounds that he had or anything, but he was moving his arms around. And, particularly, he may have been reaching for the knife 'cause it was kind of in that general area. But that also was the area that Officer Pugliares was reaching towards. So I don't know if he was reaching towards Officer Pugliares' hands or, or foot or towards the knife itself.
- Donoghue: So in the area? So where wa-, where was the knife? How close was it to him?

Colbert: The knife was within arm's distance, so within a foot-and-a-half, I'd say.

Donoghue: Okay. And, having been closer-up on scene, can you further describe the knife?

Colbert: Uh, again, it was, uh, uh, I'd probably that the blade was about a foot long. Looked like a dark knife with a dark handle, um, with a curve, so not necessarily ... I DO-, maybe, like, C-shaped, but the, the bend in it was not necessarily so rounded. It was more ...

Donoghue: Okay.

Colbert: ... angular.

Donoghue: Any statements?

Colbert: No.

Donoghue: He didn't say anything?

Colbert: I don't recall him saying anything, no.

Donoghue: Okay. Um, when you are in that position, what, what are your concerns for the neighborhood, for the officers, when you're sitting and you're faced with this, you know ...

Colbert: S-, so our initial concern was, obviously, the weapon, en-, en-, ensuring that he was, um, no longer a threat at that point. Um, again, part of our training is always assuming there's one more than what they have. So, if they have one knife, there might be another one. So the initial concern was securing him still and making sure that he was no longer a threat, which we took our, took our stance around him, covered, and got rid of the initial knife. Um, and at that point, because, like I said, he had no shirt and sweatpants, it didn't appear that he had anything else. And the injuries that he had seemed more severe than ... if anything, he, he ... I don't think he would've been able to grab anything else so we stepped back. Um, everybody kind of holstered up, reassessed. People started putting on gloves, medical gloves. Uh, and then, with the equipment that we had ... so the few of us that had tourniquets and whatever we had on us, um, we started rendering aid and, and checking him out.

Um, at that point, I ran out towards the street to get a medical bag, and somebody handed me a medical bag. Uh, ran back into the yard, and other officers kind of started arriving to, to aid in providing him medical assistance.

Donoghue: And, um, going back to the knife, you had described the knife being held to his neck. Did he hold the knife in any other fashion ...

Colbert: Um ...

Donoghue: ... THAT you observed?

Colbert: ... so, again, HE HA- ...

Donoghue: And ei-, either ... even going back from the start, we talked about that, but I think that's an important fact here ...

Colbert: Mm hmm.

Donoghue: ... to flesh out. Was one hand, two hands, neck? Like, w- ...

Colbert: So ...

Donoghue: ... throughout.

Colbert: ... th-, throughout, I believe the knife ... well, the handle was always, al-, always in one hand, um, 'cause I ... he was carrying the ... I believe the shirt and the BIBLE in the other hand, or the Qur'an in the other hand. And he would ... I, I recall him, like, pointing it towards us several times. Like, and in the yard there, when he had it up to his neck, he might've been saying something. But, like I said, I didn't hear anything. Um, and it looked like he pointed it towards us at one point. And, like, uh, I don't, I don't know if he was making cutting motions or just waving it around, but the, the blade ... you know, he was moving it around.

Donoghue: When you were in that ... w-, WANT to flip this over, if we could ...

Anderson: Sure.

Donoghue: ... Attorney, however you WANT ...

Anderson: Yeah. Do you mind if I just kind of ...

Donoghue: Yeah.

Anderson: ... kind of clarify this? So, so we're ...

Donoghue: I'd like to ...

Anderson: ... looking at the diagram.

Donoghue: UH, uh ...

Anderson: THEY can read the transcript and know what we're pointing to and ...

Donoghue: I would like to do that for sure. Thank you. Clarify that.

Anderson: Okay. So fair to say, the way you're looking at this diagram, the top street up there would be Chestnut Street?

Colbert: Yes.

Anderson: And there's some writing that's upside-down on the top left corner? Th- ...

Colbert: Yes.

Anderson: INAUDIBLE A-R-N something? And, as you, as you approached Chestnut Street, is it fair to say you were running from the left side of this diagram towards the middle of the diagram? That's the way you approached?

Colbert: Yes.

Anderson: So the house, 59, would've been on your right-hand side?

Colbert: Yes.

Anderson: And you mentioned at some point that you saw Officer, um, McMahon on the left side of the yard?

Colbert: I'm not sure if ... I do-, I'm not sure who approached from which one. I, I ...

Anderson: Okay.

Colbert: Like I said, I don't know how anybody ended up in the backyard.

Anderson: But looking at the house from the street, the driveway's on the right-hand side ...

Colbert: Yes.

Anderson: ... CORRECT? And looking at the diagram, there's actually ... it's difficult to make out 'cause of the shadows here, but there's a red vehicle that's kind of up by the pitched part of the roof?

Colbert: Yes.

Anderson: And there's shadows that commence maybe a quarter of the way or a fifth of the way down the driveway if you're coming up from the street?

Colbert: Yes.

Anderson: And it was by that shadow line where you first kind of grouped in with the other officers? Is that where you were pointing to at some point?

Colbert: Uh, ye-, I believe. So we ... that's kind of, like, where it was said that "Colbert has point. He's got less lethal, has point." And ...

Anderson: L- ...

Colbert: ... that's kind of, like, where we started our line, I guess you could call it.

Anderson: And, at this time, the suspect was by the red vehicle, further down the driveway, going towards the backyard?

Colbert: Right.

Anderson: And was he on the driver side or the passenger side?

Colbert: Driver side.

Anderson: And, at some point, you ended up moving closer to kind of the, the beginning of the roofline of the house?

Colbert: Right. We closed the distance a little bit, um, still giving enough distance, I believe, to, um, not put anybody in i-, in immediate danger.

Anderson: And, at that time, the suspect was still on the driver side of the red car but more towards the front of the car?

Colbert: Yes.

Anderson: And Officer McMahon was back beyond HIM?

Colbert: At some point, yes. At some point, I could see him in my sight picture, um, behind ... so, where the house is, the back, I guess, right side of the house ... YEAH, where the corner of the house is, he was ... I could see him past that.

Anderson: And there had been a concern that, if you discharged the less-lethal weapon and you missed the suspect, you may ...

Colbert: WELL ...

Anderson: ... actually hit Officer ...

Colbert: ... there's a ...

Anderson: ... McMahon?

Colbert: ... concern that, if any, any one of us discharged our weapons at that point, he was downrange.

Anderson: And that's why someone gave a verbal command, "Liam, get out of the way," or "Step to the side," or ...

Colbert: RIGHT.

Anderson: ... something along ...

Colbert: Yeah.

Anderson: ... those lines? Okay. Did that clarify that?

Donoghue: Yeah, it did. I think that was helpful. And then, looking back, when you left the driveway ... you had deployed the less lethal; you heard the shots; you came.

Colbert: Mm hmm.

Donoghue: Where did you first see Liam?

Colbert: Beyond the deceased. So the deceased was ... I would say he was probably, LIKE, in this area h-, I'm not sure, like, what this is in this picture. I don't know if there was, like ... it looked like there was something ... I don't know. Uh, you know, the yard ... looked like there might've been, like, a, a garden, or, like, a chicken coop, or I don't know what it was. But it looked like there was something in the middle of the yard there, kind of midway. And, um, he was ... the deceased was laying, um, feet ... so, when you're walking into the yard, his feet were towards the left; his head was towards the right, um, almost perfectly ... kind of parallel to the street. And Officer McMahon was beyond him several feet. I'm not sure how far.

Donoghue: Okay. Could you describe the backdrop o-, or the yard, if you recall, or th- ...

Colbert: Well, yeah. So the yard was, uh, the typical ... looked like grassy leaves on the ground, um, pine needles and stuff. And then it looked like there was a ... I believe there was, like, a chain-link fence and then, like, maybe a wooden fence behind it.

Donoghue: Okay. So medical aid ...

Colbert: Yup. So, um ...

Donoghue: What happens next?

Colbert: So the main focus was medical aid. Im-, immediately, um, somebody called, "We need Pro down here. We need P-," some-, I think Deputy Boyle called off the, the "Shots fired." Uh, and then, almost immediately afterwards, he said, "Get Pro EMS down here." Um, other officers started arriving on scene: um, Officer WATSON, uh, Officer Melendez-Sanchez, Officer Ferreira. Um, Officer Padua, I think, arrived on scene, also. Uh, and, initially, we were just going with whatever we had on our persons, so tourniquets, um, deploying them, assessing, like, where his wounds were. Um, he had several wounds, obviously. And the big thing was try to get more aid, so the medical bags. So ... and because I had the 40 mil, also, still, uh,

which ... so had a round chamber ... uh, I handed ... I had a pair of medical gloves. I handed them off to Officer Ayoub so he could de-, deploy one of the tourniquets. And I ran out to the street to get a medical bag, retrieved that, came back. Uh, because I didn't have gloves on, I just went ... I opened up the medical bag, and I started handing out, uh, the first thing they asked for was chest seals. So I opened the package ... it's a package of two chest seals ... um, ripped them off and handed them out. So they, they were sticky. They a-, they attached those. Um, we have SWAT t-, tourniquets, also, which is just effectively, like, a rubber band. Um, I handed them that so they could deploy that, but I think a CAT-style tourniquet was ... ended up being used instead that somebody had on their person. Um, and I belie-, I believe were asking for ... "We need Pro, we need Pro." It felt like ...

Donoghue: And what is Pro?

Colbert: Uh, Pro EMS, the, the ambulance company.

Donoghue: Okay.

Colbert: Um, and it f-, uh, f-, it felt like a minute-and-a-half, two minutes before Pro was there. But from what I understand, just because of the area, because of everywhere we went, it was, um, it was tough for them to get, to get there initially. Um, but I went back out 'cause we were looking for another chest seal. I went back out to try to get another medical bag from another cruiser. And Pro had pulled up at that point. So the EMTs got out. I grabbed the bag that they asked for out of the side of the, the, the ambulance, and we went in the back. Um, and he was placed on the stretcher and brought to the back of the ambulance, where he was subsequently transported.

Donoghue: You had talked earlier about your training. You have military, T, Cambridge, and ...

Colbert: Mm hmm.

Donoghue: ... we talked about de-escalation training. Is there any, um, components of that where you, you try to recognize anyone in mental health or mental health crisis?

Colbert: Y-, yes, I'm, um, I ... last month, I actually went to a mental health first aid training here, um, but I've been through crisis

intervention training, which is a lot of mental health. We've done ICAT training, uh, through in-service here, which is a lot of de-escalation. Um, crisis intervention training was about a, a week long, where it's a lot of that. Um, I mean, yeah, s- ...

Donoghue: And is that in your mind when you're in a situation like this?

Colbert: Yeah, yeah, the, the situation ... we don't ... I mean, he's obviously in some sort of distress at that point, and we're trying to ... we want to ...

Donoghue: And why do you say that? What specifically is letting you know that? What, what are you looking at or observing ...

Colbert: The l-, the facts ...

Donoghue: ... that, LIKE ...

Colbert: I mean, the fact ... WHEN HE ...

Donoghue: ... LED you to believe that?

Colbert: ... when ... the fact that ... I mean, it was ... it's suicidal ideation. I mean, the fact that he had already cut his wrist, and y-, you could see that from the driveway prior to deploying the less lethal; the fact that he had TH-, the knife up to his neck, um, to me is, is obviously some sort of suicidal ideations at that point. What led to that, obviously, we don't know at that point, in that situation, but ...

Donoghue: With, with a S-, with someone that is ... exhibiting a suicidal ideation, uh, how does that play into, uh, your own safety and the safety of the public?

Colbert: Um, it's a matter of how far they're willing to go to, to accomplish the task they're, they're trying to accomplish, or what that task may be. Um ...

Donoghue: And by "how far" ...

Colbert: So, by putting other people at harm, putting ... I mean, uh, you know, obviously, on the T, one of the things was trains, like, people going in front of trains. Um, you know, y-, it's ... you're putting yourself in a situation where you're putting other people at risk, also, so in front of cars. Um, in this, in this case, he had

a weapon. So would he be willing to go as far as potentially harming somebody else, or putting somebody else in a situation where they could be harmed, to accomplish what he's trying to accomplish, effectively, if, if that makes sense?

Donoghue:

Yeah. No, I think that makes sense. Um, after you ... the scene, h-, he's transported. What are your protocols and what do you do next?

Colbert:

Um, so, once he was rendered aid and he was put in the back of the ambulance, I know Cambridge Fire showed up. Some of those ... the paramedics from Fire also got in the ambulance with him. Um, the ambulance was escorted by our Traffic Unit. So, at that point, uh, everybody that was there initially, we kind of just stopped. Um, at this point, there was a lot of people there. Our, um, INAUDIBLE Unit, our Detective Unit, was, uh, arriving on scene. Almost all the command staff was arriving on scene and other patrol officers. And it became securing the area. Um, so crime scene tape was put up, and then us ... the ones that were initially involved in the initial call ... uh, were eventually transported, um, or all returned back to the station, um, HEADING TO the outcome or status, I guess.

Donoghue:

Okay. But w-, when you ... getting back to here in this moment you deployed less lethal ...

Colbert:

Mm hmm.

Donoghue:

... he didn't respond, I mean, you've had a long chase with him.

Colbert:

Mm hmm.

Donoghue:

Is, is containment a, an issue? Do you want to ...

Colbert:

Him, him being contained, at that point ...

Donoghue:

Yeah.

Colbert:

... when the less lethal didn't work?

Donoghue:

Yeah.

Colbert:

Yes. That, that's ... and that was going through my head, one of the reasons why I deployed the less lethal; um, where he was, my ... the sight picture that I had, the backdrop that I had, um,

and knowing that there was at least one other officer in the backyard back there, potentially by himself. Um, I thought, at that time, to deploy ... that was the best containment we had so far, based off of the whole chase, effectively.

Donoghue:

Okay. Dave?

Brown:

Uh, I just was gonna ask, when you were in the backyard, did you notice anything about the condition of the ground? Was it moist? Was it firm? Was it wet?

Colbert:

Um, I don't kn-, I mean, well, it's been a rainy ... it's been rainy so it was moist that day. I know ...

Brown:

Mm hmm.

Colbert:

... that it was, I mean, uh, it was sticky. There was a lot of mud in the area. I know we all had mud on our boots and stuff, but I don't know if that was from running on the tracks. I don't know if that was from the backyard.

Brown:

Okay.

Colbert:

Um, yeah.

Donoghue:

Um, before we end, I would just ... if we could, we can use the back of this diagram. If we could just do a ... it can be basic with the, the driveway, the car, and if you could i-, just identify where the suspect was, where you were? And you could even do, like, a 1, 2, 3, 4, and identify the officers that were present, just approximate locations ...

Colbert:

Sure.

Donoghue:

... where INAUDIBLE, if that's okay. Thanks. I mean, deployed the less lethal, I should say.

Colbert:

Um, I don't know exactly where, but it was ...

Donoghue:

Yeah.

Colbert:

But this is where I believe they were.

Donoghue:

That's fair.

Colbert: I WAS OVER THERE. And then ... BUT I don't know where he was INAUDIBLE. So, um, effectively, I drew ... YOU WANT T-, TO TRY to describe this or ... ?

Anderson: Well, the, the bottom is Chestnut Street.

Colbert: Yeah, the bottom ...

Donoghue: Yeah.

Colbert: ... is Chestnut Street. The driveway area. Um, square here would be the house, 59 Chestnut Street. Um, this rectangle with the triangle M-, indicate the car's facing the backyard of the house. It's the red vehicle that was in the yard. Um, I was down on the driver side to the left side of the vehicle, uh, back towards ... and I believe, when I deployed it, I was right around the front edge of the house, um, kind of looking directly at him. So I had a straight ...

Donoghue: Okay.

Colbert: ... line of sight on him. Um, I know Deputy Boyle was definitely behind me 'cause, like I said, I remember him kind of pushing me forward. Um, and I believe Ilyinsky ... Officer Ilyinsky was off to my left side. Uh, I believe Officer Pugliares was off to my right side, 'cause I feel like I saw him moving forward more. Um, Officer Maziarz next to him and Sergeant Sennett kind of behind O-, Officer Pugliares, I believe.

Anderson: Did you have Sennett written down there?

Colbert: Uh, Sennett, so MAZ and SEN ... STARTED TO write their whole names, but ... yeah, so, like, Maz and then Sennett ...

Anderson: Okay.

Colbert: ... I believe.

Anderson: And ILY is just ... I-L-Y is how you wrote it there?

Colbert: Yeah, Ilyinsky. Yeah.

Anderson: Okay.

Donoghue: Okay. And just one more time: the distance between ...

Colbert: MM HMM.

Donoghue: ... yourself and the decedent when that less lethal was deployed?

Colbert: Twenty, 25 feet, maybe.

Donoghue: Do you remember where that r-, round went, the sponge round?

Colbert: Uh, OH, I s-, so I deployed it. I saw it hit IT, or I s-, saw it hit him. And where it went after that, I don't know. But I do know, after the fact, kind of af-, after everything was settled down, um, the, the casing was right around this area here, so towards, like, I would say, the back left tire of the red motor vehicle.

Anderson: And you just put ...

Colbert: And the s- ...

Anderson: ... an X right there ...

Colbert: Yup.

Anderson: ... FOR the diagram.

Colbert: And the sponge round, um, was somewhere back, uh, I believe that was, like ... I don't know if it was, like, a dirt or flower bed, uh, off to the back right side of the vehicle.

Anderson: And you ...

Donoghue: What ...

Anderson: ... drew a little circle there.

Donoghue: Yeah. Could you, uh, if you wouldn't mind, just write "sponge round" and then c-, uh, "casing." And h-, would that ... was that kicked there? Did that bounce there?

Colbert: I, I don't, I don't know if anybody kicked it, but my, my ...

Donoghue: Where would you expect it TO ...

Colbert: ... assumption would be ... was, after it hit him, it ricocheted ...

Donoghue: Ricocheted?

Colbert: ... and went that direction, um, which indicates to me that I didn't miss.

Donoghue: Okay. Anything else?

Brown: I don't.

Donoghue: Attorney Anderson?

Anderson: Ju-, just couple questions, Officer Colbert. Um, you described some civilians in ...

Colbert: Mm hmm.

Anderson: ... the area, um, UPS delivery, uh, person, some pedestrians, some vehicles passing you. Uh, when you and I spoke earlier, when you first entered the alleyway, and at one point you lost sight of him ...

Colbert: Mm hmm.

Anderson: ... um, were there some civilians who were out there on a deck or a balcony?

Colbert: Yes. So, when I first, um, when we first approached 254 Sidney, um, I was coming up the alleyway to the, to the right side (audio skips) INAUDIBLE. And, initially, where he was, I looked to the left b-, in the alleyway between 254 Sidney and the Putnam Ave address there, the other apartment building. Um, I looked to my left, and there was ... I want to say there was, like, two or three people UP there, but I ... they were pointing down: "He's down here, he's down here." But I knew he had already ran past them. And, like, I ad-, I addressed them. I said, "No, he's this way." And I continued on, but they w-, they were there and they were pointing. And I, I don't know if they were from the Putnam Ave side. I believe they were UP in the Sidney Street residence, um, pointing down to where he initially was when we first arrived on scene.

- Anderson: And, and just having these civilians, uh, well, let me back up. B-, did, did anybody come out of either 59 or any of those neighboring homes after this incident occurred?
- Colbert: After the incident occurred, I mean, several people were coming out of ... people coming out of everywhere, but, um, part of it was also ... I believe the detectives were trying to notify residents. I'm not 100% positive, but there was people coming from everywhere.
- Anderson: Okay. And, and w-, when you saw this individual wielding a knife, uh, having ... you have reason to believe had cut himself, may have suicidal E-, ideations from that, um, running around, not complying with any commands to drop the knife for a lengthy period of time, what are your concerns for the other officers and the civilians in that area?
- Colbert: Again, not, not knowing what he is willing to do or what he MAY DO. So the safety of anybody ... I don't know ... you know, just randomly harm somebody else, or potentially take some sort of, like, hostage or, you know, e-, even running by a car in the street and having them react poorly or putting somebody in shock AND having a heart attack or something just by seeing the situation, um, that they were put in.
- Anderson: And I, I don't have anything else, SIR.
- Donoghue: I have one more. When you say "randomly harm," given the weapon, given the conditions, what is ... what, what does "randomly (audio skips) HARM"?
- Colbert: So, um, like I said, at one point, there was at least two or three people that were walking down the street. If, at some point that he ran down Chestnut Street, there was just somebody out walking a dog or something, I don't know if he'd just not swing at them with the weapon and potentially harm them SOMEWHAT.
- Donoghue: What would the extent of that injury be CONS-, given, given the weapon you saw?
- Colbert: Anywhere from some sort of minor situation to a severe situation, even without contact. I mean, like I said, the shock that, you know, you put somebody into in that type of situation could have dire effects.

Donoghue: What if you got hit with that weapon?

Colbert: More likely than not, it'd be some serious bodily injury ...

Donoghue: Okay.

Colbert: ... a-, and/or death.

Donoghue: I have nothing else. Lieutenant?

Brown: NEITHER DO I.

Donoghue: AT- ...

Anderson: Nothing.

Donoghue: Okay. All right. Uh, if you could just sign and date this for us?
That's good. That's all I have.

Brown: Okay. I'll text Lieutenant INAUDIBLE and ask HIM TO ...

Donoghue: They can SHUT THE ...

Brown: ... stop the tape.

Donoghue: Okay.

THIS STATEMENT IS COMPLETE AT 3:07 P.M.

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