

CASE NUMBER: Not Stated

INTERVIEWEE: Liam McMahon

DATE: 01-06-23

TIME: 12:53 P.M.

PARTICIPANTS: Det. Lt. William Donoghue
Lt. David Brown
Atty. Kenneth Anderson
Ofc. Liam McMahon

**TRANSCRIPTION
COMPLETED BY** IW/mb

Brown: All right. This room is recorded now, gentlemen.

Donoghue: Okay. Thanks for coming in, guys. Uh, just to, uh, begin here, for the benefit of the tape, uh, the date January 6th, 2023. The time is approximately 12:53 p.m. My name is Detective Lieutenant William Donoghue, D-O-N-O-G-H-U-E. Uh, I'm a Massachusetts State police officer assigned to the Middlesex District Attorney's Office. We are currently conducting an interview of Cambridge Police Officer Liam McMahon, relative to the facts and circumstances surrounding a fatal officer-involved shooting which occurred on Wednesday, January 4th, 2023 in the City of Cambridge. For the benefit of this tape, can we go around the room and identify ourselves? And spell your last name, please.

Brown: Uh, yes. Lieutenant David Brown, B-R-O-W-N, uh, Criminal Investigation Section.

Anderson: Attorney Kenneth Anderson for Officer Liam McMahon. A-N-D-E-R-S-O-N.

McMahon: Officer Liam McMahon, M-C-M-A-H-O-N, Cambridge Police Department.

Donoghue: Okay. So you had an opportunity to consult with your attorney?

McMahon: Yes, I did.

Donoghue: Okay. So, uh, prior to this interview I am gonna advise you of your Miranda rights. Okay? So if you could, uh, listen, uh, as we go through them. Before 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, and you may have a lawyer with you during questioning. If you cannot afford a lawyer and want one, a lawyer would be ... 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 just read to you?

McMahon: Yes.

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

McMahon: Yes.

Donoghue: Okay. I'm gonna give you this form. If you could just initial "Yes" or check "Yes," and then initial that and sign, please. Sign and date, please.

McMahon: Uh, WHAT'S today's date again?

Donoghue: Uh, 6.

McMahon: 1/6/23.

Donoghue: Yes. 12:55. I'LL GIVE IT TO LIEUTENANT INAUDIBLE as well, as a witness.

Unknown: INAUDIBLE.

Brown: INAUDIBLE. Here you are.

Donoghue: ALL RIGHT. Thank you. So, Officer ... and what's your current occupation?

McMahon: Police officer.

Donoghue: Okay. Uh, if you could, uh ... how long have you been a police officer?

McMahon: Seven going on eight years.

Donoghue: Okay. If you could, uh ... so what year did you start?

McMahon: Uh, 2015.

Donoghue: Okay. And you attended Academy?

McMahon: Yes.

Donoghue: Could you describe that training?

McMahon: Uh, we did report-writing, criminal law, criminal procedure, uh, building searches, defensive tactics and, uh, motor vehicle law.

Donoghue: Okay. And how long was that training?

McMahon: Five and a half months. It was twen-, 26 weeks.

Donoghue: Okay. And throughout that did you have firearms training?

McMahon: Yes, we did.

Donoghue: Did you, um ... within in firear-, firea-, firearms training and defensive tactics did you have de-escalation training?

McMahon: Briefly, yes.

Donoghue: Briefly? And wha-, what kind of training was that?

McMahon: Uh, verbalization. Just trying to talk people down.

Donoghue: Okay. And since your time on the Cambridge Police Department, do you attend in-service training?

McMahon: Every year.

Donoghue: Could you describe that?

McMahon: Uh, there's numerous different classes. It's all based on the MPTC standards. Uh, we do, uh, classes with legal updates, things like that. And then we do, uh, defensive tactics as well as, uh, medical, medical, uh, training.

Donoghue: Okay. And i-, in that training d-, does ... i-, is ... I guess my question would be, within firearms and defensive tactics in the in-service training, is ... you know, uh, have you had any training in mental health? With, you know ...

McMahon: Yes.

Donoghue: ... dealing with mental health, uh, within the community and de-escalation, as it would be a co-, part of, uh, your daily duty, so to speak?

McMahon: Yes.

Donoghue: What kind of training was that?

McMahon: Uh, we had several classes over the years, uh, on mental health, identifying mental health issues and ...

Donoghue: Okay.

McMahon: ... stuff like that. We also did ICAT training, wh- ...

Donoghue: INAUDIBLE.

McMahon: ... where we did more hands-on, uh, like actual scenarios of mental health interactions.

Donoghue: So wha-, describe ICAT for me.

McMahon: Uh, I'm not sure what the, the INAUDIBLE ...

Donoghue: What does ...

McMahon: WHAT, UH ...

Donoghue: Wha- ...

McMahon: Yeah.

Donoghue: What does ...

McMahon: Yeah.

Donoghue: What does the training entail as, as a practical matter? What ...

McMahon: Uh ...

Donoghue: ... INAUDIBLE ...

McMahon: De-escalation. I-, it ...

Donoghue: INAUDIBLE.

McMahon: It's very heavy in the de-escalation of trying to get a situation solved without having to use defensive tactics. So talking to people, giving people space, uh, positioning yourself better positions. What ... when to run in, when not to run in. When to stay back, when not to engage.

Donoghue: Okay. Would dialog be par-, part of that?

McMahon: Oh, big part. Big part.

Donoghue: Okay. And then, um, how does that relate to use of force?

McMahon: Uh, using the de-escalation tactics to avoid having to use force the best you can.

Donoghue: Okay. Um, what ... since your time on the job, what are your assignments? What have you been in-, involved in as a Cambridge police officer?

McMahon: Uh, entirely I've been patrol.

Donoghue: Patrol. And what's your ... what are your duties and responsibilities as a patrol officer with the Cambridge Police Department?

McMahon: Service. Calls for service. Uh, motor vehicle stops if something happens in m-, in my presence. And just dealing with anything we come across in our daily ...

Donoghue: So, y-, y-, you know, the ... kind of the wide range of any type of patrol? You know, house calls, burglaries ...

McMahon: Mm hmm. Yup.

Donoghue: ... domestics, all that. All that. Okay. Uh, so I'm gonna direct your attention to this past Wednesday, January 4th of 2023. Were you working?

McMahon: Yes, I was.

Donoghue: And what was your assignment that day?

McMahon: I was Uniform Patrol Car 3.

Donoghue: Car 3?

McMahon: Yes.

Donoghue: And what is the assignment for, for Car 3? Is it a one-man car, a two-man car?

McMahon: Two-man car.

Donoghue: Okay. And who were you working with?

McMahon: Uh, Nicholas Ayoub.

Donoghue: Okay. And ...

Anderson: Why don't you spell that for the ...

McMahon: Uh ...

Anderson: ... record?

McMahon: I believe it's A-Y-O-U-B.

Donoghue: And that's a two-man cruiser?

McMahon: Correct.

Donoghue: Is that a mar-, fully-marked car?

McMahon: Fully marked.

Donoghue: And what's y-, is that ... what's, what's Car 3's assignment? I know each ... uh, within sectors INAUDIBLE within the Cambridge Police, each vehicle ... cru-, or cruiser could have a different assignment. What are y-, what are your responsibilities for the day with a two-man car?

McMahon: Uh, we patrol S-, uh, Sector 3, which includes Central Square, uh, down to the river. Uh, I don't have a map in front of me to kind of point it out. But ...

Donoghue: Okay.

McMahon: ... we, uh, we are MORE THE rapi-, ra-, rapid-response car, so things that are in, in progress. Domestic, mental health interactions, things of those nature that require more people, I guess you wou-, I would classify it as.

Donoghue: Okay.

McMahon: That, that, uh ... yeah. That is our assignment.

Donoghue: So you're more of a, uh ... like, uh, y-, as y-, to use your words, rapid-response. But a, a ... more of a roaming patrol where you can, you know, rapidly respond and go ...

McMahon: Yeah.

Donoghue: ... INAUDIBLE?

McMahon: Yeah.

Donoghue: Versus handling the follow-up call.

McMahon: Yeah.

Donoghue: That would be more ...

McMahon: Writing ...

Donoghue: ... INAUDIBLE.

McMahon: And writing the initial report for smaller thi-, we wouldn't do that. We would only go to, like I said, more ...

Donoghue: So your availability to d-, to DO ... respond is something that they rely on. So you guys ...

McMahon: Yes.

Donoghue: ... are ... okay. On this day do you recall, um, responding to an incident?

McMahon: Yes.

Donoghue: What time was that?

McMahon: Uh, I don't remember exactly. It was around, around lunchtime.

Donoghue: Okay.

McMahon: YES.

Donoghue: What was that call?

McMahon: That was for a, a disturbed individual with a machete.

Donoghue: How did you receive that call?

McMahon: Uh, I was in line, paying for my sandwich. I received it, uh, just ...

Donoghue: By radio?

McMahon: Via radio, yup. And, uh ...

Donoghue: Do you remember what the radio transmission was?

McMahon: No. I, I remember hearing "machete" and "disturbed male." And ...

Donoghue: OKAY.

McMahon: ... I just put my stuff down and ran out of the, ran out of the shop, got in my cruiser.

Donoghue: And what part of the city w-, were you in at that time?

McMahon: Harvard Square.

Donoghue: Okay. And you went back to the cruiser?

McMahon: Mm hmm.

Donoghue: Okay. Uh, what happened next?

McMahon: Uh, initiated my blue lights and responded to the area of Sidney and Chestnut.

Donoghue: And while you're ... two things. Well, let me ask you this. While you're ... what was your time to respond to Sidney and Chestnut? How much time? From your location ... you said Harvard Square?

McMahon: Yes, Harvard Square.

Donoghue: To Sidney and Chestnut.

McMahon: Uh, off the top of my head, again, I'm not sure, but anywhere between three to five minutes.

Donoghue: So during the time from ... you receive that call. You get back in the cruiser with Officer Ayoub.

McMahon: Mm hmm.

Donoghue: W-, what did you learn th-, uh, were there additional radio transmissions? Do you have any other conversation? In the time you were in route to that area ...

McMahon: Uh ...

Donoghue: ... did you learn anything else?

McMahon: I learned that there was other units going. I believe IT'S Car 1, was also responding. They were nearby.

Donoghue: Any other information about the individual that was ...

McMahon: Not while in the c- ...

Donoghue: ... INAUDIBLE ...

McMahon: Not while in the cruiser.

Donoghue: Okay. Uh, so wha-, how much time to get in that area?

McMahon: Like I said, I, I don't know off the top of my head, but probably somewhere within the ar-, within the, the range of three to five minutes.

Donoghue: Okay. So you arrive in the area of Sidney and Chestnut. What do you do next? What happens?

McMahon: So we come down Brookline Street. We take a right onto Chestnut and, uh, we go down Chestnut to the, uh, Sidney Street corner. We look down Sidney Street to our left, since we're goi-, we're going this way. Sidney's coming this way. Uh, so we looked down to our left. We see several patrol cars. And at that point we hear someone say, "He's running towards Waverly." Waverly is one more block up. Ayoub gets out of the cruiser. I go down Sidney, put the car on the sidewalk, get out, join Ayoub, and then run down Chestnut Street to Waverly.

Donoghue: And in that time, were you ... you saw the patrol. You hear the foot chase. Does ... do you have or are you ... do you recall receiving information about a description? A-, any further information? They're chasing somebody, so they HAVE TO put out ... do you recall that?

McMahon: Uh, yes. I remember ...

Donoghue: What did you ...

McMahon: ... hearing Asian male, uh, with a machete, and he's running down to the tracks now.

Donoghue: And did anyone describe, uh, any injuries or any further condition of that male?

McMahon: Not that, not that I can recall right now ...

Donoghue: Okay.

McMahon: ... no.

Donoghue: So at this time it's machete. It was a foot chase.

McMahon: Mm hmm.

Donoghue: Okay. What do you do next?

McMahon: Uh, we then passed over Sidney. Or w-, not Sidney. We pass over Waverly, and there's a wooden fence that blocks off a portion of the street from the train tracks. Like I said, someone, someone on the ra-, on the radio said, "He's running in-, onto the train tracks." So me and Ayoub go, turn r-, take a right down Waverly to go around, um, one of the spaces in the fence. OKAY. The further down we go, a little better we can cut him off if he ha-, uh, we don't know where on the train tracks he is.

Donoghue: Sure.

McMahon: So we take a right, go around the train tracks, and we could see a male ... oh, I don't know. Fifty, 100 yards away.

Donoghue: Okay.

McMahon: Would you like me to keep going?

Donoghue: Yeah. Well, I'm gonna ask you. So y-, in your, your first observation of him, what do you see? You said you saw a male ...

McMahon: I see ...

Donoghue: ... INAUDIBLE ...

McMahon: I see a shirtless male with a very large edged weapon pressed against his, his throat and neck. He's covered in blood.

Donoghue: And is he, uh ... what's the distance at this point?

McMahon: Uh, when I first see him?

Donoghue: Yes.

McMahon: Uh, like I said, 50 to 100 yards.

Donoghue: Can you hear ... or any indication that he's making any statements?

McMahon: Uh, I ... not at this point, no.

Donoghue: And do you hear ... are there any ... you see him.

McMahon: Mm hmm.

Donoghue: Are there any offi-, other officers in the area?

McMahon: Uh, I don't see any just behind him, no.

Donoghue: Okay. Do you hear anything?

McMahon: I can hear other officers. I can hear sirens. Uh ...

Donoghue: And y-, what are the statements the officers are making? If ... or what o-, if you ...

McMahon: "Where is he?" Things like that. I can ...

Donoghue: OKAY.

McMahon: I can hear s-, uh, just very basic things.

Donoghue: Okay. And then in your observation of, uh, that man at that time, did you recognize him?

McMahon: I did not. I do not know him, so I did not recognize ...

Donoghue: Okay.

McMahon: ... him.

Donoghue: To ... on this date you don't know ... you've never seen him before?

McMahon: Never before.

Donoghue: Okay. Okay. So you hear at that point ... I know you're a distance away. Are there any of-, Cambridge police officers interacting with him?

McMahon: Uh, right as soon as I see him, no. Um, he then starts to come towards me. I go towards him. I have un-holstered my department-issue weapon.

Donoghue: Okay.

McMahon: Uh, when he's still very far away, I'm at a low-ready. The closer I get, I obviously bring my gun up and point it at him.

Donoghue: OKAY. For the benefit of this interview, wha-, what is the low ... what does "low-ready" mean?

McMahon: Um, I guess the best way I could describe it is my gun is out, in both hands, uh, but pointed towards the ground.

Donoghue: And what's the purpose of that?

McMahon: Uh, where it's ready to be used in a quick time period, but it is not pointed at anybody at the moment.

Donoghue: And is that something you learn through training?

McMahon: Yes. It, it is a show of force, not a use of force, so we haven't reached ... I haven't reached the need to use force by pointing it at him yet.

Donoghue: Okay. And is Officer Ayoub present?

McMahon: He is.

Donoghue: And do you know his location at, at this time, at this first
INAUDIBLE ...

McMahon: I can hear him behind me. I don't know ...

Donoghue: D- ...

McMahon: ... exactly how far. I don't know what he's doing. I'm kind of ...

Donoghue: Okay.

McMahon: ... focused on the, the one individual.

Donoghue: Okay. And he's ... Ayoub is behind you. You're walking
towards him.

McMahon: Mm hmm.

Donoghue: What happens next?

McMahon: Uh, he comes to a space in the fence that's on Waverly. So if
we had turned left on Waverly instead of turning right, we
could have gone to this, um, this space. It's a smaller space but
it ... it's a little further down, down the street on Waverly. Uh,
he starts approaching. He's got the, the knife to his neck.
People are telling him to drop it. I just ... I hear several officers
yelling at him to drop it. People are starting to come around.
There's some sort of a stone structure or cement structure that
he had walked around and gone towards this, this space. Now I
see, I see officers coming from that direction. He's now on
Waverly Street. He's walking backwards and getting to the
corner of Chestnut and Waverly.

Donoghue: So getting back to this interaction, how close were you to him?

McMahon: At this point?

Donoghue: Yes.

McMahon: Uh, I was probably ... I don't know. I'm about 6 and a half feet,
so maybe one and a half of me. Uh, I'm no-, like I do-, I don't

know exactly the amount of feet. But I would say anywhere between 8, 12 feet at this point when we're, when we're on Waverly.

Donoghue: And were you facing him in a, in a stand-off type of a deal?
Uh, uh ...

McMahon: Uh, yes, I was facing him. Uh, I was pointing my firearm at him. And he was ... he still had the knife to his throat, and he was now walking towards the corner of Chestnut and Waverly. One of the other cops yelled at me to watch my distance, watch my distance.

Donoghue: Okay. And what would th-, what's that? What would ... the re-, reason for that?

McMahon: Um, so when we were being trained it's, uh, the 21-foot rule, where if ... you know, the, the, the distance that someone can close in too quick of a time for ... you know, with ... when, when it comes to edge weapons. He could close that distance to me faster than I could, uh, react and properly stop the threat.

Donoghue: And ...

McMahon: HE ...

Donoghue: ... what's the consequence of that?

McMahon: Um, him using that edge weapon on me.

Donoghue: And based upon what you saw at that time, you know, could you ... uh, a couple of things. One, particularly describe the weapon. Now you're closer.

McMahon: Mm hmm.

Donoghue: Could you further describe that?

McMahon: Um, I ...

Donoghue: LIKE WHAT DID YOU ...

McMahon: I wouldn't ...

Donoghue: ... LEARN WHE-, when you got closer?

McMahon: I wouldn't call it a machete. I don't know exactly what it would be. It's a very large, uh ... it looks like, like i-, like if a machete was probably cut in half, and then it was like a crescent shape almost. Not a full crescent, but almost like an angle.

Donoghue: Okay.

McMahon: So like an o-, uh, uh, call it like an OBTUSED a-, I mean obtuse angle.

Donoghue: Yeah. Would you describe it, uh ... is it, is it closer to a machete or a kitchen knife?

McMahon: Closer to a machete.

Donoghue: Okay. So is it something you'd find in your kitchen?

McMahon: Absolutely not.

Donoghue: Okay, so it's not that. Um, and it's ... um, I'm just trying to ... how long would you say the blade is?

McMahon: Uh, probably just ... probably about a foot ...

Donoghue: Okay.

McMahon: ... if not a ...

Donoghue: So it's, it's a foot. Uh, and what would be ... I know you described it as being curved. What's the ... so it's a ... potentially a foot long. Is, uh, is there a handle?

McMahon: Yes.

Donoghue: So was the blade a-, approximately a foot? Uh ...

McMahon: Yes, just the blade would be approximately ...

Donoghue: Okay.

McMahon: ... A FOOT.

Donoghue: And can you describe the handle?

McMahon: Um, not effectively. His hand was on it. It, it did look like it was designed to be held.

Donoghue: And what's the width of the blade, if you recall?

McMahon: Width meaning, uh, blade to ... uh, blade to back, or ... ?

Donoghue: Yeah. So ...

McMahon: Okay.

Donoghue: ... like if it's ... it's, it's a foot long.

McMahon: Yup.

Donoghue: And then, you know, if this was a small carving knife, it might be an inch all the way through. If it's ...

McMahon: Mm hmm.

Donoghue: Is it 2 inches, 3 inches?

McMahon: Um ...

Donoghue: It sounds like a large knife.

McMahon: Yes, it's very large. I mean it pro-, it's probably 3 inches.

Donoghue: Wide?

McMahon: Wide.

Donoghue: Okay. So you see that. Uh, any other observations about the knife?

McMahon: Um, it is to his throat and cur-, it ... because of the curve, it went around to the side of his neck as well. And from the, from the blade down is blood. His entire throat and, and upper ... uh, right around the collarbone was covered in blood.

Donoghue: Did he make any statements at that time?

McMahon: Um, moments later he did. But we started to make a ... we started to make our way down the street. So I was on the, I was on the same side of the street as he, as he is, on Chestnut Street.

Donoghue: OKAY.

McMahon: So if we're looking at Chestnut, with Waverly to our back, it would be the right side of the street.

Donoghue: Right side of Chestnut?

McMahon: Right si-, the right side, yes.

Donoghue: Okay. Just one more thing. When you first saw him, what other observations were you able to make about his condition or ment-, outside of there's blood, uh, about his mental state?

McMahon: Uh, visually alone? Uh, he's shirtless, covered in blood. He just ... he seemed distressed. He seemed very ... this isn't the right way to put it, but he ... you know, he was excited. He's very worked up, I guess. I ... I'm no-, I'm not exactly sure the best way to describe it.

Donoghue: Okay.

McMahon: But he's clearly having some kind of episode in his ... again, "excited" is a very bad way to put it, because it's obviously not excited. But, um, I don't know. I don't know another way TO USE ...

Donoghue: Let me ask you. Was ... y-, were you givi-, did you give him commands at that moment?

McMahon: Oh, yes. Many, many commands to ...

Donoghue: A- ...

McMahon: ... drop the weapon. I to- ...

Donoghue: Was he, was he responsive?

McMahon: N-, he responded to me, but he was not responsive in dropping the weapon.

Donoghue: And when you say responded in that moment, wha-, what ...

McMahon: So I had ...

Donoghue: ... INAUDIBLE?

McMahon: ... told him over and over again, "Drop the knife, drop the knife." Uh, "I don't want to do this. We can get you help. We can get you to a hospital. We can get you to see somebody." He said, "You cannot help me."

Donoghue: Okay, so I'm gonna ask. Uh, uh, what would be the purpose of ... so you're commanding him in a ... from a safety standpoint for yourself. When you're asking him or saying to him, explaining the components of help and hospital, what's the purpose of that?

McMahon: That maybe he sees reason and sees, "Well, okay." Uh, "Maybe he can help. Maybe he can fix the situation." I do-, I don't know what sparked this entire thing, but maybe he's ... he starts to slowly realize, "Maybe this guy can help me. Maybe he can get me to the help I need, and I don't want to go this route."

Donoghue: Okay. And then where is the knife when you're having this conversation?

McMahon: The entire time it's at his throat.

Donoghue: And in the ... based o-, is this something that you ... there's dialog. Would this ...

McMahon: MM HMM.

Donoghue: ... something that you learned through training?

McMahon: Yes.

Donoghue: And this is part of the de-escalation training that you've received from in-service and so ...

McMahon: Mm hmm.

Donoghue: ... forth?

McMahon: Yes.

Donoghue: Okay. Um, he doesn't respond. Does he say anything else beyond ...

McMahon: So th-, there's another phrase that I keep remembering. Exactly where it happened, I don't know.

Donoghue: Okay.

McMahon: Uh, it's kind of just a blur. It's just ... it's a phrase that he said, that it could have happened in the backyard. It could have happened on Che-, on Chestnut Street. It's just ...

Donoghue: MM HMM.

McMahon: ... something that keeps playing in my mind. And that was the phrase, uh, "This is how it's supposed to go."

Donoghue: Okay. In that moment, when you're in this first encounter really with him and you're that close, are, are you concerned for your safety?

McMahon: Yes.

Donoghue: In what manner?

McMahon: That he is, he is very close to me. And like I said with the 21-foot rule, that he can, he can close the distance very quickly if he so choose. That's obviously the big danger in any situation when y-, when you're in ... if someone has a blade or any kind of edge weapon, and obviously I have to react and defend myself in that, in that regard. But they can close the distance a lot faster than I can retreat.

Donoghue: Okay. So you're having this encounter. What happens next?

McMahon: Um, again, we all keep yelling commands. It's mostly me, and I th-, uh, one of the ... the other officers are either in the street or on the other side, on the, on the other sidewalk. Uh, they're also yelling, yelling commands. "Drop it." You know, "We can get you help. We can, we can work through this. We can do ..." things like ... things of that nature. To my knowledge, me and him were the only ones on the same side of the street. I don't know who is behind me. I can't see. I'm focused solely on him.

Donoghue: Are you the lead officer for that GROUP INAUDIBLE AT THIS POINT?

McMahon: Um, I, I would say so, yeah. Um ...

Donoghue: OKAY.

McMahon: I wou-, I would be what we would consider contact, and everyone ...

Donoghue: OKAY.

McMahon: ... else would be w-, what we consider cover.

Donoghue: Okay.

McMahon: Um, there's a UPS driver in a truck down the corner of Sidney and Chestnut. Uh, somebody just yelled, "Close the fucking truck, close the fucking truck," and he closed it. Didn't see him again. There was several people. I cou-, I couldn't tell. I'm very ... it's kind of almost tunnel vision, but I'm very ...

Donoghue: SURE.

McMahon: ... focused on the individual right in front of me. But I can see people moving behind him. I don't know if they're cops, I don't know if they're civilians, but there's people around. And they're crossing. They're going down Sidney. Uh, so if they're coming down Chestnut going to Sidney, they were either crossing over Chestnut and going down Sidney, or coming down Chestnut and going onto Sidney.

Donoghue: OKAY. Are you familiar with that neighborhood?

McMahon: Uh, yes, I've worked in the neighborhood.

Donoghue: Uh, could you describe the neighborhood?

McMahon: Residential. Very residential.

Donoghue: Um, what type of homes?

McMahon: Uh, there's a, there's a couple of, uh, apartment complexes towards Waverly, but once you get past them it's all one- or two-family houses.

Donoghue: And it's a, uh ... obviously it's a city.

McMahon: Yeah.

Donoghue: So thickly, thickly-settled close ...

McMahon: YEAH.

Donoghue: ... ho-, you know. Uh, what would you ... how would you describe the population density? Like, a lot of people in that neighborhood?

McMahon: Um, I mean, I, I grew up in the city. So it's all ... it's ... THE CITY ...

Donoghue: INAUDIBLE ...

McMahon: ... IT ... THA-, that's normal for me. So ...

Donoghue: Sure.

McMahon: ... um, I would say IT IS ...

Donoghue: INAUDIBLE.

McMahon: It's thick. It's thickly-settled in comparison to most other places.

Donoghue: Okay. So y-, you are on, uh, Chestnut.

McMahon: MM.

Donoghue: The UPS driver is consai-, contained. And now, as we move forward ... it seems obvious. But having the, the UPS driver close his doors, what's, what's the purpose of that?

McMahon: Uh, again, just in case we needed to discharge firearms. Or if, God forbid, he turned and, and attacked. Or for his safety. Close the doors and either get yourself at the other side of the truck or get out of the truck, just ...

Donoghue: INAUDIBLE.

McMahon: ... for his own safety.

Donoghue: So you're on, uh, Chestnut. What happens next?

McMahon: So about halfway down Chestnut, uh, he decides to start jogging down the street. Uh, I wouldn't consider it too much of a sprint or anything like that, but he, he was jogging at a, at a healthy pace.

Donoghue: Do you recall, um, where or how he was holding the knife, which hand? Uh ...

McMahon: I do-, I don't recall which hand. It, it might have been his right. Uh ...

Donoghue: Okay.

McMahon: 'Cause he was looking at me, so ... yeah. It w-, I believe it was his right.

Donoghue: So he's jogging or moving ...

McMahon: Yeah. Uh, uh, I would call it ...

Donoghue: ... INAUDIBLE PACE?

McMahon: ... a jog, yeah.

Donoghue: And how ... wha-, specifically how was he looking at you? He's walking away from you.

McMahon: No-, now, once he turned to start going away from me, he didn't look at me at all.

Donoghue: Okay.

McMahon: So he completely turned his back, and faced away from me and ran down the street.

Donoghue: Do you remain the contact officer, so to speak?

McMahon: For the most part, yeah.

Donoghue: Okay.

McMahon: A couple people chime in every so often, but ...

Donoghue: Yup. Are you making radio transmissions?

McMahon: Best I can, yeah.

Donoghue: Okay. Uh, do you recall whether he was holding or carrying anything else?

McMahon: Uh, I did not see anything else.

Donoghue: Okay. So you're focused on Chestnut. What happens next?

McMahon: He crosses over Sidney. Uh, there's a couple houses on the right. Uh, like I said, it's thickly-settled. He runs past a blue house, uh, and into the driveway of the house next door. There's a little fence. I would say it's probably about a little, little under waist-high. I'm 6-foot-5 though, so maybe a little bit higher. He goes over that fence and into the backyard. Uh, at that point I yelled, "Someone go to the, the, the driveway." I see people go to the driveway. I don't even know if they heard me. Uh, he's now in the backyard. There's a large fence in the back. It's pretty tall. Definitely taller than me, and like I said, I'm 6-foot-5. He looked trapped. Like he, he kind of looked around, looked around, and then started going back towards the house. That's when me and Nick, uh, went over the fence into the backyard, and we took a right. So we went over the fence, and now we're in the ... we're on the ... almost like the side of the house.

Donoghue: So I'm gonna sto-, interrupt you ...

McMahon: Yup.

Donoghue: ... for one second. So when ...

McMahon: Absolutely.

Donoghue: ... you go ... whe-, what was the distance? From that first kind of stop-interaction, what was the distance on Chestnut fro-, when you got to, uh ... do you recall the address that you ... THIS ...

McMahon: Uh ...

Donoghue: ... INAUDIBLE?

McMahon: I was told it was 59. I don't ...

Donoghue: INAUDIBLE.

McMahon: ... remember seeing it.

Donoghue: So at 59, where you're in that backyard, what's the distance between ... or time ... di-, time and distance from when you first kind of stopped and had that, and then he turned and ran? Do you ha-, know how close you were, or where that ...

McMahon: Being a city kid, I would call it a block.

Donoghue: Okay. So ... and then you follow him. He goes by 59, and we have a diagram that we can talk about, and goes down that, uh ... is that a dr-, another driveway that you initially go down?

McMahon: I-, it would be the driveway of the house next door. So if you're looking directly at the house, it would be the house to the left.

Donoghue: And when you went to that ... w-, went down that s-, between the ... you know, the house to the left, for lack of a better term.

McMahon: Mm hmm.

Donoghue: At that time did you make any observations about that house?

McMahon: The ...

Donoghue: INAUDIBLE ...

McMahon: The house to the left, or the house ...

Donoghue: House to the left. What type of house it was?

McMahon: No.

Donoghue: Were there ...

McMahon: Uh ...

Donoghue: ... buildings in front or back?

McMahon: No.

Donoghue: Okay. And you hopped that fence ...

McMahon: Yup.

Donoghue: ... and ended up in the back. And w-, uh, where was Nick?

McMahon: Nick was either to my side or just behind me. He was never too-too far.

Donoghue: And during that time did you continue to issue verbal commands?

McMahon: Uh, no. He had gone to the other side of the house, and was now going down the driveway where there was other officers now giving commands.

Donoghue: But in the time that you were continuing to chase down Chestnut, and he went down essentially ...

McMahon: Oh, okay. I see what you're saying.

Donoghue: HE ... yeah, exactly.

McMahon: Yeah. So when he went into the, into the driveway we kept yelling at him to stop, stop, stop. "Drop the weapon." And he just didn't even pay us any mind, went over the fence and into the backyard.

Donoghue: Okay. And we, we say "driveway." We're talking the driveway that would be to the left of 59?

McMahon: Yes.

Donoghue: Okay. In that purs-, I say the pursuit or the foot chase ...

McMahon: Yes.

Donoghue: ... you hop that fence. You're in the backyard now.

McMahon: Mm hmm.

Donoghue: Um, what's the purpose of having the other officers ... directing them to go down the other driveway?

McMahon: To cut off an escape. To ...

Donoghue: Okay.

McMahon: ... kind of get him to, to stop, so then we can engage again and try to communicate and get him to maybe, again, listen to reason, figure out something else we can do, or use a non-lethal option.

Donoghue: Okay. So you're now in the backyard. Is ... who are the officers at that time that are with you in the backyard?

McMahon: Just me and Nick.

Donoghue: You and Nick. Do you recall the ... you had mentioned or said that there were other officers that you directed into the driveway. Do you recall who those officers were?

McMahon: No.

Donoghue: Okay. Do you recall anyone ... any other officers responding in, uh, marked cars, unmarked cars, anything else?

McMahon: No. I was ...

Donoghue: Okay.

McMahon: ... pretty fo-, I was very focused on him. And like I said, uh, it was a little bit of tunnel vision, which obviously can happen.

Donoghue: Okay. So now you're in the backyard. You described it a little, but could you particularly describe the backyard that you're in?

McMahon: Um, I could do it better with a, with a drawing, but I'll try the best I can through words. Uh, so when you're in the backyard, it's pretty square. Uh ... you know. Uh, I d-, I don't know if you INAUDIBLE ...

Donoghue: Yeah. So ... y-, yeah. And I'LL GIVE YOU THIS. INAUDIBLE ...

McMahon: I, I could show you better than I can probably ...

Donoghue: Well, I'm gonna ask you ...

McMahon: ... explain.

Donoghue: ... to diagram ...

McMahon: Yeah.

Donoghue: ... it out anyway. So ...

McMahon: Yeah.

Donoghue: ... we can, uh ... for the benefit of the tape here, uh, INAUDIBLE aerial shot.

McMahon: Mm hmm.

Donoghue: I think Attorney Anderson is familiar with this, as ...

Anderson: Yes.

Donoghue: ... is Lieutenant Brown. So just for, for the benefit of the tape is it fair, Attorney Anderson, to ha-, just you can talk about your route of travel. And I'm, I'm guessing Chestnut ... this is the driveway, and you ended up here.

McMahon: That is correct.

Donoghue: Is that accurate?

McMahon: That is correct.

Donoghue: Okay.

Unknown: It appears to be, from the diagram, house No. 65.

Donoghue: I would agree with that. Is that ...

McMahon: Oh. Yes. Yes. I wasn't sure ...

Brown: INAUDIBLE ...

McMahon: ... if you were ...

Brown: ... ASKING, do not put paper over the microphone. It impedes the, uh ...

Donoghue: Okay.

Brown: ... volume.

McMahon: Okay.

Donoghue: That sounds good. Uh, so do you recognize that?

McMahon: I do. I do.

Donoghue: So you are in, in the backyard here. Uh, what ... so you pursue him in the backyard. You're continuing to make verbal commands to him for the reasons that you just stated. Uh, you mention that you seemed to ... or you observed him essentially surveying the back.

McMahon: Yes.

Donoghue: And what was y-, your impression at the time, why he was doing that?

McMahon: To see ...

Donoghue: OR WHA- ...

McMahon: To see another exit.

Donoghue: Okay. And then what does he do next, and what happens next?

McMahon: So he's in the backyard. Me and Nick have now climbed over. He is now walking towards the driveway, so that's on the far side of the backyard from us. So again, if you're looking at the house, we are on the far left. He has now moved himself to the far right. He is now walking towards the officers in the driveway. Me and Nick go a little wide to come around. Nick yelled something at me. I, I remember the word "corner." I'm assuming he's telling me not to go around the corner. I realized that after. I did go around the corner. I put myself in the line of fire, and then retreated back to just behind the house. So I've gone ... I started to go right, went too far right, came backwards, and then moved ba-, in ... moved further back into the yard. There is some sort of vine, a tomato or grape type of vine thing hanging in the middle, and, uh, so which would kind of split the, the backyard in half almost. You can go around it on ...

Donoghue: INAUDIBLE.

McMahon: ... both sides, but it's, it's in the middle. So when I first came in I was below it. By the end of it, I was behind it. So I was still with the house covering. I could see him. Nick was now to my right. If ... again, if I'm looking at the, if I'm looking at the back of the house, Nick is to my right.

Donoghue: Okay.

McMahon: Where exactly? I'm not sure, but I know he's to my right. Uh, I can see, uh, the individual in the driveway. People ... the other cops are yelling at him, again, "Put the knife down. Put it down. INAUDIBLE want to help." And then I hear, "Less-lethal, less-lethal." I hear the loud "pop." We ... we've trained with our less-lethal 40-milimeter, uh, launchers numerous times. It's pretty recognizable. We, we do it enough every year.

Donoghue: Yeah.

McMahon: So I recognize the shot. It strikes him, and he then laughs. He laughs and turns around towards me.

Donoghue: So when you say, uh ... do you recall where it struck him?

McMahon: Exactly, no. Uh, we're trained to shoot at the legs, towards the, the meaty part of the thigh. Uh, I didn't see exactly the impact point, but it did strike him. You can hear the, you can hear the sound.

Donoghue: So while he, uh ... he's at the corner of that house, and there are officers that are engaging him. Is he facing the officers or is he facing you?

McMahon: Uh ...

Donoghue: Prior to ...

McMahon: When he, when he ...

Donoghue: Prior to that less-lethal round.

McMahon: Prior? He's a little bit of both, but mostly facing the officers in the driveway. He's kind of looking around, but he's, he's, he's look mostly at them.

Donoghue: And that round discharged. And then when he turns and ... you said he smiled at you?

McMahon: He laughed.

Donoghue: He laughed at you?

McMahon: Not, not necessarily at me, but he did laugh.

Donoghue: Okay. And what's the distance between you and the individual at that time?

McMahon: Right at that point? I would probably say 35, 40 feet.

Donoghue: And are you closer to the house, or are you ... what's your positioning relative to the house and the backyard? Are you up on the house ...

McMahon: I was ...

Donoghue: ... touching it?

McMahon: Uh ...

Donoghue: Or are you in the middle of the backyard-, what's your positioning ...

McMahon: I'm, I'm closer ...

Donoghue: ... INAUDIBLE?

McMahon: I'm closer to the middle.

Donoghue: You're closer to the middle? So would he be almost forward and to the right of you, on an angle? Do you KNOW?

McMahon: Forward to the left.

Donoghue: Forward to the left. I see. Yeah, if you're facing the house ...

McMahon: Yup, yup.

Donoghue: ... forward to the left.

McMahon: Yup.

Donoghue: Depending on your, your body position INAUDIBLE.

McMahon: Yeah.

Donoghue: So that round is discharged. He laughs. What happens next?

McMahon: He then turns around at me, begins walking towards me. I then point my gun at him again. I give him the same commands, "Drop it. Please, I don't want to do this. I don't want to do this. Please, please." He is walking towards me. I'm walking back. I then start to notice he's walking faster towards me than I am able to back up. I know there's a fence behind me. I don't know exactly where it is, but I know it's not far behind me. He keeps walking forward, walking forward. Again, I keep telling him, "Please drop the knife. I don't want to do this, I don't want to do this." He got ... again, uh, I can judge it based on myself. But I'm about 6-and-a-half feet, so probably a ... another me and a half, so anywhere between 8 to 12 feet. He was, uh, gaining on me, and that's when I decided to discharge my firearm.

Donoghue: When he was, um, when he was coming towards you, uh, was he holding the knife?

McMahon: Yes.

Donoghue: How was he holding the knife?

McMahon: Uh, to his throat again.

Donoghue: To his throat again? With one hand or two hands?

McMahon: One.

Donoghue: Uh, and in the ... can you describe his demeanor or affect?

McMahon: Uh, he had a smile on his face. Um, he was ... again, uh, uh, eyes wide. Uh, "excited" is a very bad way to put it, again. Uh, just ... but very amped-up, and like I said, with a smile on his face.

Donoghue: And, uh, did he respond to your commands?

McMahon: That's when I believe he said, uh, "This is how it's supposed to go." Like I said, uh, I, I can't pinpoint exactly when he said that, if it was Chestnut Street or there, but he did say it to me. "This is how it's supposed to go."

Donoghue: Okay. And where was Officer Ayoub at the time?

McMahon: To my right, uh ...

Donoghue: INAUDIBLE. He's ...

McMahon: To my right.

Donoghue: He's INAUDIBLE ...

McMahon: How far, I don't know.

Donoghue: And what's the pace at which he's coming at you?

McMahon: I would say probably ... it was still a walk, but maybe like a s-, like a, like a fast walk towards me. Like I said, he was getting ... he was walking faster towards me than I was able to back up.

Donoghue: And in, in the time that you started interacting with him, was this the first time that he ... you had described that he had been running away from you ...

McMahon: Mm hmm.

Donoghue: ... or trying to evade the police. Is this the first time within that reaction where, uh, you seemed to be the focus of ...

McMahon: MM HMM.

Donoghue: ... walking towards you?

McMahon: Yes.

Donoghue: Um, at the time you fired, what would you s-, describe the distance between the two of you.

McMahon: Between me and him?

Donoghue: Yeah.

McMahon: Like I said, probably 8 to 12 feet.

Donoghue: And, uh, what is your ... you know, you've, you've been through use of force training. You've been through all ...

McMahon: Yes.

Donoghue: ... all the training and the de-escala-, e-, de-escalation training. What is your decision process? In that moment, what are your concerns?

McMahon: My own safety. Uh, he's now coming towards me, li-, like I referenced before with the 21-foot rule, where he can close the distance at a speed and attack me faster than I could respond and properly defend myself. Uh, he's well within that, that distance now. He's gaining on me, like I said, faster than I could get away, and I know that at some point there is gonna be something behind me that's gonna stop me from getting any further back. So I obviously feared for my life, and to ... in order to defend myself and keep myself from getting either seriously injured or, God forbid, killed, I had to defend myself and d-, discharge my firearm.

Donoghue: Okay. Any, uh ... what was the differe-, distance between ... as you were backing up and Officer Ayoub is to your right, wha-, what would you estimate the distance? I understand where your focus was, but an estimated distance between O-, Officer Ayoub's, uh, proximity to, uh, the man with the knife.

McMahon: No idea.

Donoghue: No idea. Do you remember how many rounds you discharged?

McMahon: Not off the top of my head. Uh, uh, more than ... INAUDIBLE more than two. I know that.

Donoghue: INAUDIBLE.

McMahon: Maybe four.

Donoghue: Okay. So you fired. What, uh, what happens right at that moment?

McMahon: Uh, he dropped to the ground, and I just stared. I, I d-, I didn't know what else to do. He, he hit the ground. The threat was, uh, w-, the threat was over, and I kind of just froze.

Donoghue: Uh, do you remember any other ... did he make any other statements or do anything on the ground?

McMahon: Uh, if he did, he didn't say it to me. Officer Maziarz grabbed me as fast as he could, turned me away from him so that I was facing the, uh, the fence in the backyard, and just kept talking to me. "You're okay, you're okay. Breathe, breathe, breathe."

Donoghue: Okay.

McMahon: "Come on, you got this. You're good." Just kind of trying to keep me focused, so ... and I, I don't know anything he said. I don't know any of that.

Donoghue: Uh, do you recall, uh ... I guess, uh, what happened to your, your firearm? So where did you go a-, in that, in that moment that subject is on the ground, where do you go after that?

McMahon: Uh, like I said, Maziarz turned me around. And then somebody yelled, "Get him out of the backyard," and he kind of just ... he put his arm around me and escorted me out as fast as he could.

Donoghue: During the time that you ... uh, he was at the corner. You mentioned the knife was to his neck. Was it INAUDIBLE ... d-, did it ... was it consistently there? Did it come down? Did it move? Was ...

McMahon: Um ...

Donoghue: While he was walking?

McMahon: Which corner? At Chestnut and, and Waverly, or the corner of the backyard?

Donoghue: The corner of the backyard. Or, uh ... well, for the purposes of this question. But the corner of the backyard, from ...

McMahon: Okay.

Donoghue: ... when he was hit with the less-lethal ...

McMahon: I mean ...

Donoghue: ... INAUDIBLE ...

McMahon: ... i-, i-, it was to ...

Donoghue: ... INAUDIBLE.

McMahon: It wa-, it was to his throat still. Obviously it moved a little up and down as he, as he was moving, but it appeared to be to his throat.

Donoghue: It appeared to be to his throat. And at that moment, from the corner to the ... from where he was in the corner, and he began to walk in your direction, um, did he say anything?

McMahon: Other ...

Donoghue: INAUDIBLE ...

McMahon: Other than that o- ...

Donoghue: ... CONTACT?

McMahon: Uh, I, I made contact, yes. I told him, obviously ...

Donoghue: Yeah.

McMahon: ... INAUDIBLE TO DROP THE GUN AND EVERYTHING. THE ... and like I said, the, uh, "This is how it's supposed to happen" phrase, it ei-, it was either right then or it was on Chestnut Street.

Donoghue: What was the significance? As a, as a police, police officer in that situation, what did that ... ho-, when you recei-, or you listened to him make that statement?

McMahon: Suicide by cop. That's what I ha-, that's the first thing I would think, that he wants me to do it, to ... he's a suicidal individual who ... uh, for a lack of a better way to put this. I know it doesn't sound right, but he wants me to do it for him.

Donoghue: Okay.

McMahon: If that makes any sense.

Donoghue: And in order to make that happen, w-, was h-, I guess wha-, how would you describe that? He's coming at you. He would have to, uh ...

McMahon: Provoke me into ...

Donoghue: W- ...

McMahon: ... fearing for my life and having to ...

Donoghue: Yeah.

McMahon: ... to discharge my firearm.

Donoghue: Okay. And then, in that pursuit of him through the neighborhood, were there other concerns? You had the UPS driver there.

McMahon: YEAH.

Donoghue: Were there concerns, for yourself and amongst other officers, uh, really why ... or in your brain, were you concerned ... you're concerned for your safety. Is there, is there a concern for the neighborhood? Is there concern ...

McMahon: Absolutely.

Donoghue: ... for INAUDIBLE ...

McMahon: Absolutely. I mean, DID ... people are in houses. This is, you know, the middle of the day. Someone could have come out of the backyard, not knowing what's going on, and he could have been right there on them faster.

Donoghue: W-, are you ... or were you aware at the time that there was a daycare center to the right?

McMahon: Uh, no.

Donoghue: INAUDIBLE.

McMahon: I, I didn't. I had no idea that specifically there's a daycare center. There's daycares all over the city. But I know it's a thickly-populated area where there's lots of families. Uh, I'm

assuming kids are still on break. Uh, someone could come out just to check the mail, and he could attack them as well.

Donoghue:

Right.

McMahon:

But there's tons of people in the area.

Donoghue:

INAUDIBLE HERE. Lieutenant, do you have anything?

Brown:

I, I do not, no.

Donoghue:

Do you recall where the ... uh, so in that aftermath ... and I understand, uh, you had just fired. Do you recall where the knife went? Or the ...

McMahon:

No.

Donoghue:

... machete, we should say.

McMahon:

No. I don't know. Like I said, after I fired, I froze for what felt like to me for about a minute, but I'm sure it was only seconds. And Maziarz immediately turned me away from him so I couldn't see him, and so that I would just look at him and listen to what he had to say.

Donoghue:

Okay. Attorney Anderson?

Anderson:

Just a couple questions. And, and Lieutenant Brown may know the answers to some of these questions, but just to create a record. When you began that tour of duty, wha-, what equipment do you have on your duty belt? I mean wha-, what's available to you in terms of tools?

McMahon:

Uh, I have, uh, OC spray. Uh, or pepper spray, whichever is the non-chemical one. Um, I normally have a baton. My baton holster broke. INAUDIBLE ACTUALLY NEED TO send an email for that. So I wasn't carrying my baton at the time, although in this situation it wouldn't have mattered. Uh, and that is it for my belt, other than a firearm.

Anderson:

Okay. So do Cambridge Police carry TASERS?

McMahon:

No, we do not.

Anderson:

Have you been trained in the use of TASERS?

McMahon: No, we ... no, we have not.

Anderson: Uh, in that backyard did you feel that OC was an option? Is that something you even considered?

McMahon: Never even considered INAUDIBLE been effective.

Anderson: Uh, i-, in terms of, uh, the situation once you get in that backyard, you indicate you go over a fence from the house to the left. There's kind of almost like a, a, a U-turn or a hook around to the driveway on the right side of 59, CORRECT?

McMahon: MM HMM.

Anderson: Uh, and at some point you said that the, uh, less-lethal weapon is fired, and I believe you said you were ... I'M just trying to find the distance. Thirty-five to 40 feet away at the time the less-lethal weapon was fired?

McMahon: Yes.

Anderson: Wha-, what's your understanding of the impact from that less-lethal weapon? What have you learned in training?

McMahon: Uh, in training I learned that it ... it's a, it's a sponge round. It's b-, still hard, but it go ... travels at, uh, over 100 miles an hour. And at the distance that the officers were from the suspect it would have, and should have, caused enough damage to have him at least stop what he's doing. I've seen numerous videos where even the most hyped-up person gets struck with one of those, and it's pretty stopping. It, it has very good stopping power.

Anderson: Is it the equivalent of like getting hit by a Major League pitcher's fastball?

McMahon: Yeah. If not, if not more.

Anderson: And what, what went through your mind when he was struck with that and then he laughed?

McMahon: That, uh, that there wasn't gonna be anything that's gonna stop him physically. That he's ... he is that hyped-up and in that

much of a, of a mental state that nothing's gonna be able to effectively stop him.

Anderson: Okay. And at that point he's 35 to 40 feet from you?

McMahon: Yes, give or take.

Anderson: Approximately?

McMahon: Yeah.

Anderson? And then at some point he comes towards you, and you begin walking backwards to create space.

McMahon: Yes.

Anderson: But he gets within a distance of 8 to 10 feet ...

McMahon: Yeah.

Anderson: Or 8 to 12 feet from you?

McMahon: Yes.

Anderson: Uh, in the backyard, what was ... what else was in the back? Uh, behind you there was a fence. What was to the right-hand side?

McMahon: So in the backyard ... and again, I cou-, I could do this a little better with a d-, with a, uh, diagram. But, uh, so like I said, there was some sort of vine, or like grape or tomato vine that kind of separates the, the backyard. Me and, me and Ayoub are on the other side of it. So he would actually have a little lane to go in between the house and the vi-, set of vines that would have put, uh, a barrier between us and him, and then he could have gone back over that same fence. Obviously, you know, he's keeping a distance from us, so we would have allowed him to keep moving, obviously letting the other officers know. He also could have taken a right and gone over the fence that he was closest to.

Anderson: That was a fence that would be in the driveway on the right hand of 59?

McMahon: If you were looking directly at the house from the street, it would be on the right side.

Anderson: And how high was that fence?

McMahon: Not very high. Again, I can base it on my height. Over ... like right around, uh, waist if not, like, maybe a little bit higher.

Anderson: Okay. Was it the same height, or higher or lower than the fence he had jumped TO GET ...

McMahon: A little bit higher ...

Anderson: ... INAUDIBLE ...

McMahon: ... but not much.

Anderson: Okay. So it's a, a ... definitely a manageable FENCE ...

McMahon: VERY.

Anderson: ... for him to hop over?

McMahon: Very manageable.

Anderson: So he had ... other than coming directly towards you, he had other avenues of, of exit if he chose to do that?

McMahon: Yes.

Anderson: And at that point he chose to come directly towards you?

McMahon: Yes.

Anderson: And, and how many times did you think you begged him to, to drop the knife, stating, "I don't want to do this. Drop the knife. I don't want to do this"?

McMahon: I can't, off the top of my head. But I said over and over and over again. I, I can't ... uh, at least 10 times. I don't know off the top of my head, though.

Anderson: And you weren't sure of the distance between you and the fence behind you?

McMahon: No. I knew it was there, but I didn't know how close that was.

Anderson: And what was the lawn like in that area? Were there, were there leaves on the lawn? Was it neatly manicured? Were there sticks out there? Did you know if there were things you could have ...

McMahon: I ...

Anderson: ... tripped over?

McMahon: I don't know if there was. There's ... obviously, I MEAN, COULD have been rocks right behind me that I didn't know about-, I didn't know about. But like I said, I, I kind of got tunnel vision just staring him down, and, you know, what was directly in front of me. There could have been lots of things behind me.

Unknown: INAUDIBLE.

Anderson: I, I don't have any other additional questions.

Donoghue: Yeah. I would just like to ... with all that we've said, to just draw ...

Unknown: INAUDIBLE.

Donoghue: ... a diagram.

McMahon: Absolutely.

Donoghue: INAUDIBLE COULD ... um, if you ...

McMahon: INAUDIBLE.

Donoghue: ... could draw ... I think we've go-, would be Che-, Chestnut Street, the home, the driveway. And then we can do essentially kind of a first position, where you're ... yourself and where y-, Officer Ayoub might have been in relation to the corner when that round was discharged, and then a second position with an estimate of where you were in relation to the individual.

McMahon: Okay.

Donoghue: Okay?

McMahon: All right. I'll do ...

Donoghue: Thank you.

McMahon: ... the, the best I can. So this would be Chestnut Street.

Donoghue: MM HMM.

McMahon: I'll just draw it kind of thin so I can leave myself some space, but this is Chestnut.

Donoghue: Okay.

McMahon: So that's Chestnut. You have the fence down here. That would be the left side of 59, which is gonna be right here. Again, not to scale. I'm just KIND OF, kind of, kind of leaving myself some space. So, call that 59. Uh, you said this was 65?

Donoghue: I think with the benefit of the di-, of, uh, 65? Correct.

McMahon: Okay. So INAUDIBLE 65. This is 59. You have the driveway down here.

Anderson: THE ... on the right side OF IT?

McMahon: On the ri-, on the right. Sorry, I d-, should say it out loud?

Anderson: YEAH.

McMahon: So the ... we have the driveway on the right side of 59. There is some sort of vehicle in here. Uh, what it was, what color it was, escapes me. On the left side there's a fence, but in the fence there's, like, a little door. I guess you can ... like a little gate.

Donoghue: Okay.

McMahon: If tha-, if that makes sense. So it was BLOCKED. He would have had to, to manipulate the, the lock and get through it. So just past it ... and again, I'll, uh ... I'll draw the driveway here on the left side, and a car up here. Uh, so then he went from the driveway ...

Anderson: Of 65?

McMahon: Of 65. WENT IN THE driveway of 65 and hopped over the fence into 59. So this is where he wou-, he would jump over right there.

Donoghue: When he jumped over, how close ... what was your distance? W- ...

McMahon: We were ... me and Ayoub were right here. So I, I, I labeled it "N" for Nick, "L" for Liam. Just, that's how I know.

Anderson: And that's at the base of the driveway?

McMahon: That's at the base of the driveway, on the sidewalk. That's when he jumped over. Uh, me and Nick then went down the driveway, and I yelled over to someone, "Go to the driveway." Obviously officers are now over here. I'll just indicate them by a couple circles. I don't know how many there were.

Donoghue: Okay.

McMahon: I don't remember who they were. So they're over here at the base of the driveway, by the sidewalk. This is the driveway to the right of No. 59. So at this point the individual has now walked into the backyard. And, uh, again, I'll draw the ... 'cause it is pretty important. This is the, uh, vine setup in the back that would split up the, the backyard. There's another fence on the right side of, of the, uh ... on the right side of the, uh, backyard that would lead to the house next door. I don't know what number it was, but it would lead to that backyard as well. So the suspect runs into the backyard, all the way into the back. There's a big fence here that maybe in my heyday I could get over pretty easily, but it would take some effort. It's a pretty, it's a pretty large fence. He then looks around, each different direction, as if he's looking for a pla-, a place to go. He then starts to walk towards the driveway. At this point, Nick and I have now jumped over into the backyard. By the time he reaches the top of the driveway where the driveway would meet the backyard, again I'll, I'll put him here, me and Nick have now gone on each side of the vine. And, uh, like I said, Nick had yelled something about the corner. I obviously came out and was down-range of everyone's firearms. So obvious-, so let's say the, the vine ends here, 'cause there is a space where the, the house would still be ... you know. So there is a space

where the, where the vines stop, and there's still space on the house.

Unknown:

Okay.

McMahon:

So once I noticed they're here, I then back up to where ... right around where he was looking around in the backyard.

Donoghue:

Previously?

McMahon:

Previously. So ... and again, we'll label this as 35 to 40 feet.

Donoghue:

So if we could, if we could just circle this as No. 1? We could circle this as position No. 2.

McMahon:

Okay. So we'll do ...

Donoghue:

And then ...

McMahon:

... 1, and then we'll do this as 2.

Donoghue:

And then this is actually 2 as well, 'cause this ... uh, I'm sorry.

McMahon:

So this, this would be him.

Donoghue:

SO THI-, this would actually be ...

McMahon:

Ho-, i-, uh ...

Donoghue:

This would actually be ...

McMahon:

His position.

Donoghue:

His position, and then he moves there. So part of ...

McMahon:

So I'll do ...

Donoghue:

Uh, uh, uh, b-, make this part of Position 2. Does that sound fair?

Anderson:

We already had Position 2, when he ...

Donoghue:

BUT THE ...

Anderson:

THE, THE, the back LEFT INAUDIBLE.

Donoghue: When you're here, where is ...

McMahon: He is here.

Donoghue: Okay.

McMahon: So d-, uh ...

Donoghue: So this is when you first INAUDIBLE ...

McMahon: FOR HIM ...

Donoghue: WOULD BE FIRST.

McMahon: ... "1" and "1."

Donoghue: Okay, so let's put that.

McMahon: Uh, or ...

Donoghue: Does that sound fair? Just trying to reflect that INAUDIBLE.

McMahon: Yeah.

Anderson: So whe- ...

McMahon: SO ...

Anderson: So when you get back ... just, just so someone ... just trying to figure out what happened. You go- ...

Unknown: INAUDIBLE.

Anderson: You got back behind the, the line where you wrote "vine" ...

McMahon: Yup.

Anderson: ... which is where he had gone and surveyed the area. He is ...

McMahon: MM HMM.

Anderson: ... now back by the vehicle.

McMahon: Yes. He is now, he is now down at the, at the ... I would call it the top of the driveway, where the driveway meets the backyard.

Anderson: And that's where ... you estimate that's about 35 or 40 feet from where you ...

McMahon: From where I was on ... I would call my position "3."

Anderson: And that was ...

McMahon: INAUDIBLE ...

Anderson: ... after you had gotten closer to the corner of the house ...

McMahon: Yup, and noticed ...

Anderson: ... which would be Position 2-and-a-half. And they ...

McMahon: Yup.

Anderson: ... said, "Get away from the corner."

McMahon: Yeah.

Anderson: "You're in our line of fire."

McMahon: Yeah.

Anderson: And then you moved back to create distance and ...

McMahon: Mm hmm.

Anderson: ... and not be in the line of fire.

McMahon: Yeah.

Donoghue: So let's do Position 3 here, and then ...

McMahon: Should I do ... I'll do an "L" and then maybe a "3," if that makes sense.

Donoghue: Did you end up almost in that same position?

McMahon: Give or take. Give or take.

Donoghue: Okay.

Anderson: But in between 3, you, you were over here by the back ...

McMahon: Yeah.

Anderson: ... right-hand corner of ...

McMahon: SO INAUDIBLE ...

Anderson: ... the house?

McMahon: ... 2.5. Okay? And then ...

Donoghue: And then INAUDIBLE ...

McMahon: ... this, this would be his 3. So I'll do a "3" inside OF HERE.

Donoghue: Okay.

McMahon: If that makes sense.

Donoghue: It does.

McMahon: Okay.

Anderson: And that's on the driveway to the right-hand side of the car?

McMahon: Yeah. And then this, this would be his Position 1, maybe.

Anderson: After HE'S ...

McMahon: Oh, no, no, no. I'm sorry, no. So he jumped over the fence. We were here. I don't know if you want to label him just over the fence. He doesn't stop. He just jumps ...

Donoghue: INAUDIBLE.

McMahon: ... over and goes to the back.

Anderson: You want to ...

Donoghue: YEAH.

Anderson: ... put an "S1," an "S2"? INAUDIBLE we have Suspect 1, 2 and 3.

McMahon: Okay. So this would be "S." This would be "S." Uh, this will be "S." I can, I can start a new one if you l-, if it ... that would be ...

Donoghue: What I, what I think we can do ...

McMahon: ... cleaner.

Donoghue: I think this is ... but we can do a clean one for final position.

Anderson: Okay.

Donoghue: So this is, this is action that w-, we have the benefit of video and we have the benefit of this. Um, we can do one more, where we can have your position when ... uh, after. At the ...

McMahon: WHATEVER ...

Donoghue: ... time of the, the, uh, less-lethal round and at the ... and then reflect ...

McMahon: Okay. So do you want me to just finish, finish up this, and then we'll do a final one over there?

Donoghue: That sounds like a good idea.

McMahon: Okay.

Anderson: Was what you have as Position 3 ... is that where you were when the less-lethal was deployed?

McMahon: So his Position 3 and my Position 3 would be ... yes. Would be ... that would be when, when INAUDIBLE ...

Anderson: WHEN he's in the driveway, you're back ...

McMahon: HE'S INAUDIBLE ...

Anderson: ... behind the vine?

McMahon: Yeah.

Donoghue: Could you ...

McMahon: SO ...

Donoghue: ... circle that INAUDIBLE ...

McMahon: YEAH.

Donoghue: ... INAUDIBLE 3?

McMahon: Yeah.

Unknown: INAUDIBLE.

McMahon: So obviously, like, uh, it's not perfect, but there would be space in the house. So I wouldn't have the ... I, I could see them, but I wasn't in the line of fire, but I got a good view of him. So obviously, you know, it's not the ... it's not a perfect thing. But there's ... I would be directly behind the house and not in their line of fire, which it kind of looks like. But we'll just be overlapping everything, and it would make it, uh, kind of a pain in the ass. So once he gets hit with the, the less-than-lethal, laughs, turns around and starts walking this way. So he sees me. He's looking at me. Obviously he can go over this fence. He can go down here. So now Nick is up here as well, so that's Nick's Position 3.

Anderson: When you say he could go over the fence, that's the fence for the ...

McMahon: Tha-, that is the fence to the right, into the adjacent backyard.

Anderson: That you described as not being a very high fence.

McMahon: Yes. So he also could have gone on the low end of the vines, which would have put a barrier between us and him. Uh, obviously not a solid barrier, but a barrier nonetheless. And he then could have returned back to the original spot where he jumped over the fence, and gone out that way.

Anderson: MM.

McMahon: Uh, 'cause as I said, me and Nick were both behind the vines. Instead, he decided to walk towards me. The whole time I'm giving, I'm giving commands. Our position is "3." He starts

walking towards me. I probably started backing up maybe three or four steps into him walking towards me, once it really hit that he's, he's decided it's going towards me. I start backing up. He's getting towards me faster than I'm backing up. I know ...

Donoghue: Did you make any lateral movements?

McMahon: Uh, no. No. Uh, Nick was over here. I, I guess I just ...

Donoghue: You wouldn't go into a corner?

McMahon: I would, uh ... definitely wouldn't get myself into a ...

Donoghue: Correct.

McMahon: ... corner.

Donoghue: Okay.

McMahon: Uh, and if I go over here, now he's got both of us in the same corner. Uh, uh, so don't know exactly where hi-, where he is.

Donoghue: OKAY.

McMahon: Where Nick is. I could turn right, we both bump into each other. I don't know exactly where he is. Uh, like I said, I'm very focused on him. Uh, so I know, I know the fence is coming. There's some shrubs, stuff like that right around here, but I know the fence is coming. He's walking, walking, walking. He is now right around the, right around the vines. Right around ... s-, t-, equal with the vines. That's when, again, it's ... he is gaining on me. I cannot back up any ... I cannot back up faster than he can come forward. And that's when I decided to, uh, discharge my firearm, so right around, right around here.

Donoghue: With, uh ... Attorney Anderson mentioned O-, you know, OC spray.

McMahon: Mm hmm.

Donoghue: Uh, would that be effective? He ... obviously he has a knife, but what's the distance? Would that ... would you have been

out of reach, or is that effective? Why w-, why would you not ... did you consider it, or not?

- McMahon: I did no-, I did not even consider it. At a distance it's not gonna be, A, accurate or, B, as effective. Uh, the longer it's in the air, obviously it's gonna dissipate a little bit more. It's, it's a good little, uh, jet of, of, uh, OC, but it's not perfect. Obviously, uh, once it hits the air it starts to spread out a ...
- Donoghue: And ...
- McMahon: ... little bit.
- Donoghue: And you described his knife at his throat. His focus is on you. Um, are your concerns about his manipulating the knife in a short distance and time?
- McMahon: Absolutely. Absolutely. In the time it would have taken me to holster up and get to my OC spray, he easily could have gotten to me.
- Donoghue: With the knife?
- McMahon: With the knife.
- Donoghue: Regardless of his position.
- McMahon: Regardless.
- Donoghue: And was that a concern for you ...
- McMahon: Absolutely.
- Donoghue: ... a-, on top of everything else.
- McMahon: Absolutely.
- Donoghue: Um, why don't we, uh, do a, a clean diagram with just the final position, with the final interaction of where he was coming at you? Just, uh, uh ...
- McMahon: Okay.
- Donoghue: ... estimate the distances. Does that sound fair?

Unknown: SOUNDS GOOD.

McMahon: INAUDIBLE THAT WAY. Uh ...

Donoghue: INAUDIBLE.

McMahon: Yeah. Yeah, let me draw it again. I'm, I'm ...

Donoghue: No ...

McMahon: 'Cause I'm trying to make it as, as best I can.

Donoghue: Yeah.

McMahon: So if I had done it that way, it would, it would have looked like there was ...

Donoghue: It's ...

McMahon: ... space.

Donoghue: ... okay. No, it's a little ... it's ...

McMahon: YEAH.

Donoghue: ... A DIFFICULT ...

McMahon: I'm not a ...

Donoghue: ... ask.

McMahon: My brother is the artist, not me. So ...

Donoghue: INAUDIBLE.

McMahon: So this would be the, the driveway. Uh, I DON'T KNOW the exact position of the car. And THERE'S A fence here. Gate. And this is the other driveway. On the left of the house. Here's the other house. And we s-, so this is 59. And we said this is 65?

Donoghue: Yes.

McMahon: So, 65. Uh, okay. And here are the vines in the back. Obviously not to scale. Okay. So you want final position?

Donoghue: Yeah, I think just for ... there's a lot of build-up to ... as we've d-, here. But for the final position, when essentially he's walking towards you, when ... at the time, at the time you fired your weapon, w-, his starting point and an estimated distance.

McMahon: Oh, fro-, okay. So from ... so we'll call it Position 3 over here. So just prior to me firing, just prior to him turning ...

Donoghue: Ye- ...

McMahon: ... around and, and ...

Donoghue: Yeah. So, uh, we can ... essentially it would be for 4. And then where he was in 4, he ... we can indicate his start po-, starting position, the direction of travel as he's walking towards you, and where you were when you fired. So ...

McMahon: Okay. So we'll ... I'll put an "S" for him. So an "S" here. And, a-, an "L" here. And an "N" here. "N" for Nick, "L" for Liam, "S" for Suspect.

Donoghue: Okay.

McMahon: Uh, and you said 4?

Donoghue: Yeah, we can do this 4. Is that fair ...

McMahon: Okay.

Donoghue: ... Attorney Anderson?

Anderson: Yeah.

Donoghue: And then ...

McMahon: INAUDIBLE 4.

Donoghue: ... uh, you can just indicate the direction of travel, and then what you think the estimated distance of ... between your ... and now you've stated it, but just so ... for a cleaner diagram here, in addition ...

McMahon: INAUDIBLE.

Donoghue: ... to what we have.

McMahon: Okay. So I would say this distance is approximately 35 to 40 feet.

Donoghue: And then you are backing up.

McMahon: Mm hmm.

Donoghue: He's coming towards you. What would be the final ... if you could reflect on this. I guess a Position 5, a final position where I think you had said he was ...

McMahon: Okay. Obviously ...

Donoghue: And ...

McMahon: ... this ...

Donoghue: ... I thought it was 8 fee-, whatever INAUDIBLE ...

McMahon: Yeah, ei-, 8 to 12 feet.

Donoghue: Whatever ...

McMahon: Uh ...

Donoghue: ... you're ... whatever you think that final ... at the time of ... w-, at the time you made the decision to fire, what was your position and what was ...

McMahon: Okay. I'm gonna label INAUDIBLE this one also as "4," just so ...

Donoghue: Okay.

McMahon: ... we know.

Donoghue: So we'll d-, we'll, we'll do a 5, then.

McMahon: Yeah. And w-, I just won't label Nick as a 5, 'cause I don't know exactly where he was.

Donoghue: That sounds fair.

McMahon: So I was closer to here, and he was just past the vines, right around where I started. So we'll call that "5."

Donoghue: Okay.

McMahon: And then indicate the distance?

Donoghue: Yeah. What was your estimated distance here?

McMahon: Uh, 8 to 12 feet.

Donoghue: Okay. And then fence here?

McMahon: Yup.

Donoghue: Was there anything ...

McMahon: There were so- ...

Donoghue: ... tha- ...

McMahon: There's some shrubs, shrubbery here, like a little ...

Donoghue: Is there anything else in between ...

McMahon: ... INAUDIBLE.

Donoghue: ... you and the fence, beyond the shrubbery?

McMahon: Not that I'm aware of.

Donoghue: Okay. Uh, I think that's ... I think that looks, uh, I think that looks fair. Is there anything else that you can think of that w-, you would want to reflect, or Attorney Anderson or Dave, on that?

Brown: NO.

Anderson: Can you just write ... just on the back of that one, just write "tall fence"?

McMahon: Yup. TALL ...

Donoghue: WHAT WOULD YOU ...

McMahon: ... FENCE.

Donoghue: ... es-, estimate that height to be?

McMahon: Uh, over my head.

Donoghue: Over your head. How tall are you again?

McMahon: 6'5".

Donoghue: Okay. Uh, could you sign and date?

McMahon: Absolutely.

Donoghue: INAUDIBLE sign and date.

Anderson: Yeah. Wh-, why don't you just ... on that one write "Diagram 2." And then on this ... after you sign and date it, WRITE ...

McMahon: YEAH.

Anderson: ... "Diagram 2" and "Diagram 1."

McMahon: Okay. What's, uh ... the 6th?

Donoghue: Yes. INAUDIBLE. 6th, correct.

McMahon: D-I-A ...

Anderson: G-R-A-M.

McMahon: All right. Diagram 2?

Donoghue: Uh ...

Anderson: YEAH.

Donoghue: That's 2.

McMahon: OKAY. Diagram 2.

Donoghue: YEAH.

McMahon: Diagram 1.

Donoghue: And you ha-, you had never seen this individual before?

McMahon: Not to my knowledge, no. Never.

Donoghue: You had never re-, you didn't recognize him?

McMahon: Did not.

Donoghue: Okay. Uh, anything else you can think of or want to add?

McMahon: Not that I can think of off the top of my head. Is there anything you think I should add?

Anderson: And just, just INAUDIBLE ... I think yesterday, uh, it came out. But in terms of the less-lethal 40-milimeter projectile ...

McMahon: MM HMM.

Anderson: ... that's, uh, something that is kept in the supervisor's vehicle ...

McMahon: Yes.

Anderson: ... locked in the trunk, and ...

McMahon: YUP.

Anderson: ... only the supervisor has access to it?

McMahon: Yes. And he would pass it out to a, uh, a patrolman.

Anderson: And that's nothing that you had HANDY? You didn't have access ...

McMahon: Nope.

Anderson: ... to one in the ...

McMahon: Never ...

Anderson: ... BACKYARD?

McMahon: ... even saw it happen.

Anderson: Okay.

McMahon: So I just ... I, I saw him get shot with it, but I never saw IT GET HANDED OFF, who gave it to who, who even shot it.

Anderson: And, and once those are fired, there's a process. You have to open up ...

McMahon: Yes.

Anderson: ... INAUDIBLE ...

McMahon: You have to open it, drop the round out, get it back into a position. REACH THROUGH ... it's, it's almost like ... uh, it's a pouch. So you have to reach into the pouch, grab another round, put it in, close it back up, and then look down-range and use it.

Anderson: Okay.

McMahon: So it, it could take a minute total to, to reload ...

Anderson: AND ...

McMahon: ... depending.

Anderson: ... you didn't, you didn't have access to one at the time?

McMahon: I did not.

Anderson: Okay, I have nothing else.

Donoghue: Lieutenant ...

Unknown: NO.

Donoghue: ... Brown?

Brown: No.

Donoghue: I think we're okay. Uh, that will conclude the interview. Thank you.

McMahon: Thank you.

Donoghue: INAUDIBLE.

Anderson: Just wait until the ...

McMahon: MM HMM. MM HMM.

Anderson: ... sounds goes off.

Donoghue: I'M GONNA grab these. INAUDIBLE.

THIS STATEMENT IS COMPLETE AT [TIME NOT STATED]

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