

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**DISTRICT COURT DEPARTMENT
CAMBRIDGE DIVISION
DOCKET No. 2353IN0001**

**REPORT ON THE INQUEST INTO THE DEATH OF
SAYED FAISAL IN CAMBRIDGE, MASSACHUSETTS ON JANUARY 4, 2023**

On January 4, 2023, Sayed Faisal was shot by Officer Liam McMahon of the Cambridge Police Department and died from those gunshot wounds. The circumstances of his death are the subject of this inquest. Faisal's death was investigated by the Massachusetts State Police with the assistance of the Cambridge Police Department. The Middlesex District Attorney, Marian Ryan, chose not to make a charging decision. On January 11, 2023, pursuant to G.L. c. 38, § 8, the District Attorney requested that the District Court conduct an inquest into the death. The Chief Justice of the District Court, Hon. Stacey Fortes, by order dated January 12, 2023, assigned Hon. John Coffey (the Court) to conduct the inquest.

An inquest is a quasi-judicial proceeding whose purpose is to establish "when, where, and by what means" a person died and "all material circumstances attending the death, and the name . . . of any person whose unlawful act or negligence appears to have contributed" to the death. G.L. c. 38, § 10. The statutory reference to "negligence" does not change the focus of an inquest, which is to determine if the death was the result of criminal conduct. *See* District Court Standards of Judicial Practice: Inquest Proceedings, Standard 4:01 (1990) [hereinafter Standard or Standards].

The unique character of the inquest procedure assigns an investigatory role to the judge. An inquest is not adversarial, and it is the judge who must control the procedure and

ensure that all relevant information is produced. There are no procedural rules of court applicable to the conduct of inquests.

To conduct a thorough investigation and achieve the purpose of this inquest, the Court permitted the presentation of some evidence that would not be admissible in a criminal trial. In its findings, however, the Court considered only evidence that it determined to be substantially reliable. Following the guidance of Standard 4.00, the Court applied a “preponderance of the credible evidence” standard to determine where, when, and by what means Faisal died. In determining whether an unlawful act appeared to contribute to his death, the Court applied the probable cause standard. *Shepard v. Attorney General*, 409 Mass. 398, 403 (1991).

The Court was assisted by Deputy Legal Counsel Nicholas Brandt from the Administrative Office of the District Court, and Sharon Casey, Clerk Magistrate of the Cambridge District Court. The Court conducted preliminary hearings (by Zoom on the record) on February 16, March 3, March 7, and May 8, 2023, to discuss the procedures to be followed at the inquest, potential issues, scheduling, and arranging for a view. At those hearings, the Commonwealth was represented by Assistant District Attorneys Carrie Spiros and Caroline Evans, and Officer McMahon was represented by Attorney Kenneth H. Anderson. Faisal’s family was represented by Attorney Barbara Dougan at the first two hearings, and by Attorney Marsha Kazarosian at all subsequent hearings. All attorneys were given access to all impounded materials, subject to a protective order.

THE INQUEST HEARING

In accordance with the statutory mandate, the Court conducted a hearing to determine the circumstances surrounding Faisal’s death and whether it was caused by an

unlawful act. The hearing took place over four consecutive days, from May 22 to May 25, 2023. Twenty-nine witnesses testified, and fifty-three exhibits were admitted into evidence. The Court followed the procedures set forth in G.L. c. 38, §§ 8, 12, and in *Kennedy v. Justice of the Dist. Ct. of Dukes Cnty.*, 356 Mass. 367, 378 (1969). The Court also utilized the Standards as a guide. Under the *Kennedy* procedures, the public was excluded from the hearings. Faisal's father, aunt, and uncle were permitted to attend the hearing along with a Bengali interpreter, a Portuguese interpreter, and counsel for two of the witnesses while they were testifying. Witnesses were sequestered.

On the second day of the hearing, May 23, 2023, the Court conducted a view of the exterior of 59 Chestnut Street in Cambridge, including the backyard. The Court viewed the location where shell casings, a Quran, and a knife with a curved blade¹ were recovered after the shooting, as well as the layout of the backyard, including the fences surrounding the right, rear, and left sides of the backyard. The Court also observed that in the middle of the backyard was a large area that appeared to be used for sitting and that was about a foot below the grade of the rest of the yard. This feature of the yard was also shown in several of the exhibits.

The Events of January 4, 2023

At around 1:00 PM on January 4, 2023, a juvenile in Cambridge called 911 to report that a person (later identified as Faisal) was shirtless and sitting outside on the ground, attempting to slit his wrists, and seriously bleeding. The caller, who recognized Faisal as a person who lived in an adjacent apartment building at 625 Putnam Avenue, had seen Faisal

¹ Witnesses at the hearing referred to this knife as a "machete" or a "kukri." Cambridge Police Department Detective Brian Hartunian testified that a friend of Faisal had said Faisal purchased the knife during his trip to Nepal in September of 2022.

break through and jump from a first-floor window of that building before sitting down and self-injuring using a knife and glass from the broken window. The caller described Faisal's actions as being like a ritual.

Cambridge Police Officers Robert Colbert and Brian Pugliares were the first to arrive on scene, having heard the radio call for an individual with a knife that had jumped out of a window trying to cut his wrists. Arriving at 625 Putnam Avenue, Officers Pugliares and Colbert saw Faisal, shirtless and wearing gray sweatpants, sitting in the alleyway on the side of the apartment building and cutting his wrist with a knife with a foot-long blade. Faisal saw the police officers and ran to the back of the building carrying the knife. Officers Colbert and Pugliares pursued Faisal behind the building and then onto Putnam Avenue toward Waverly Street. The officers yelled at Faisal to "stop running," and to "drop the knife." During this time Faisal, who was covered in blood, intermittently held the knife to his neck or turned towards the officers with a smile on his face, but Faisal did not react to any of the officers' commands, nor did he verbally communicate with them. Faisal ran to the back corner of a parking lot, squeezed through a hole in a fence, and continued running along the railroad tracks parallel to Waverly Street, holding the knife to his neck.

Cambridge Police Officer Liam McMahon and his partner Officer Nicholas Ayoub were among several other officers who responded shortly after 1:00 PM. Officers McMahon and Ayoub first saw Faisal on the railroad tracks and joined the two or three officers who were pursuing Faisal on foot. The officers had their firearms drawn but held in a low-ready position with both hands on the weapon while pointing it at the ground. Officers continued to follow Faisal from the train tracks onto Waverly Street and the pursuit unfolded in a stop-start manner where Faisal would run, then stop, smile, and

self-harm, and then begin running again. The pursuing officers maintained enough distance for their own safety while remaining close enough to engage Faisal in conversation, and repeatedly told Faisal to put the knife down, asked him to talk to them, and offered to get him help. Faisal did not react to these attempts at communication and continued to hold the knife to his own neck, sometimes using the knife to hack and saw at himself. At one point Faisal stopped, bent over, and appeared to be rubbing the knife on the curb to sharpen it. After leading officers up Waverly Street, Faisal turned left on Chestnut Street.

The neighborhood around Chestnut Street is a residential one and includes a school and daycare, and as Faisal ran through the area officers were not only concerned for Faisal's safety and their own, but also for that of the public. When officers encountered a UPS driver near Sydney and Chestnut Streets, they told him to get in his truck and leave the area. Aimee Landry, who worked in Cambridge, was driving on Waverly Street towards Inman Square when she stopped because Faisal stepped in front of her car. He was shirtless, bloody, and holding a large knife to his throat. Landry described Faisal as wild-eyed and frantic, grinning, with huge eyes. She saw officers pursuing Faisal while calmly trying to engage with him. After about a minute, Faisal and the police passed by, and she drove away. In addition, during the pursuit of Faisal an officer saw two people running away toward Central Square from Waverly Street, looking back in fear. Across from 20 Chestnut Street, Francklin Lauriano, was sitting in his car when he saw Faisal; Lauriano was a maintenance worker at 625 Putnam Avenue and was familiar with Faisal as a resident of the building. Faisal was holding a large knife to his neck and appeared angry while police officers followed him, ordering him to drop the knife. Lauriano left his car and went inside

20 Chestnut Street where he encountered a mail carrier and told them about what he had seen because he was concerned for their mutual safety.

As Faisal moved down Chestnut Street towards Sidney Street, he went into the yard of a home at 65 Chestnut Street and then jumped over a small fence into the backyard of 59 Chestnut Street. Several civilians scattered as Faisal went into the backyard. Officers McMahon and Ayoub moved along the west side of 59 Chestnut Street to follow Faisal into the backyard. Once in the backyard, Officer Ayoub remained close to the northwest corner of the home while Officer McMahon went to the center rear of the backyard, near a fence running along the back of the property. Aware that other officers were also approaching the backyard via the driveway on the east side of 59 Chestnut Street, Officers McMahon and Ayoub positioned themselves in this way to prevent Faisal from leaving the backyard, either by going back out the way he had entered or by climbing over the rear fence. This attempt to contain Faisal was consistent with the officers' training and the preservation of public safety.

Among the Cambridge Police officers who were in the driveway on the east side of the home were Officers Colbert, Pugliares, and Casimir Maziarz, Sergeant Stephen Sennott, and Detective John Boyle. There was a red Ford Focus parked nose-in at the end of the driveway closest to the backyard. Officers Maziarz and Pugliares and Sergeant Sennott were on the passenger side of the car and Officer Colbert and Detective Boyle were on the driver side of the car. Officer Colbert was holding a less-lethal 40-milimeter launcher that he had received from Sergeant Sennott. The launcher could deploy a single hard sponge-like projectile intended to temporarily subdue an individual; being struck with it is akin to being hit by a 100-mph fastball.

Faisal came from the backyard and stopped at the front of the car, closer to the passenger side. He then moved towards the driver side of the car. At that point Officer Colbert had a clear shot at Faisal with the less-lethal launcher. Officer Colbert alerted other officers that he was going to discharge the launcher, and they yelled at Officer McMahon to step back out of the line of fire. Officer Colbert fired the launcher and saw the sponge round hit Faisal in the thigh or buttocks area.

Being struck by the round did not appear to have any effect on Faisal, and he smiled, turned, and walked away briskly back into the backyard directly at Officer McMahon. Faisal initially was holding the knife to his throat, and then held it out in front of him at Officer McMahon. As Faisal approached him, Officer McMahon backed up towards the fence in the rear of the yard. He yelled, "Drop the knife, don't make me do this." There was a tall fence behind Officer McMahon, another fence to his left, and to the right was the depressed area of the yard. As Faisal got within five to ten feet of him, Officer McMahon fired his service pistol six times. Faisal did not fall until the last shot struck him. Multiple officers immediately went to the backyard, tossed the knife aside, and began administering first aid alongside emergency medical technicians from an ambulance that had been prepositioned in the area.

The entire elapsed time from the beginning of the pursuit to the shooting was about ten minutes. During this time Faisal never responded to any of the requests to stop or to put down the knife.

Civilian witnesses observed portions of the encounter in the backyard. Susan Freireich, the owner and a resident of 59 Chestnut Street, saw police officers come into her driveway, heard shouting at the end of the driveway, and saw Faisal running, shirtless and

barefoot. As she moved to another window of the second floor apartment, she heard several shots and then saw Faisal on the ground with blood around him. Police officers came to tend to Faisal, and an ambulance arrived to take him away on a stretcher. Ryan Taliaferro was at home in his condominium directly behind 59 Chestnut Street when he heard a sequence of sounds that resembled a firearm being discharged. He looked out his window into the backyard of 59 Chestnut Street and saw five to six officers rendering aid to Faisal, who was on the ground and who appeared to be uncooperative with the police.

Faisal was transported from the scene to Massachusetts General Hospital where he was attended to by Dr. Keith Merrill in an emergency room trauma bay. Faisal was not awake, and Dr. Merrill observed that he had suffered multiple gunshot wounds and lacerations. Faisal had gone into cardiac arrest from acute blood loss, and he was taken to the operating room for further treatment where he ultimately passed away because of blood loss.

Dr. Michelle Matthews from the Office of the Chief Medical Examiner performed an autopsy on Faisal. She noted a total of six gunshot wounds and opined that Faisal died because of those wounds.

The Subsequent Investigation

The investigation into the shooting was led by the Massachusetts State Police CPAC unit assigned to the Middlesex District Attorney's Office, under the direction of Lieutenant William Donahue. Investigators recovered video of Faisal sitting on the ground cutting himself outside of 625 Putnam Avenue, and of portions of the pursuit and the aftermath of the shooting. They extensively documented the pursuit route and crime scene and took measurements of features and objects in the backyard of 59 Chestnut Street. They

also tested Officer McMahon's firearm. All officers involved in the incident were interviewed, as were several civilians.

Investigators interviewed Faisal's mother and father, friends, and employers. Faisal's father said that on the morning of January 4, he had a normal conversation with Faisal and then left for work. He was not aware that Faisal had any mental health issues and said that Faisal was interested in joining the military to help pay for college.

Faisal's friend, Shamagra Pandey, told investigators that Faisal's parents' divorce was affecting him, that Faisal was sad and depressed, and that Faisal had lost a lot of weight in recent months. Faisal had also made statements that led Pandey to believe that Faisal was hallucinating (for example, that Faisal was being followed by government vehicles) and Pandey told Faisal he needed to get help. Pandey shared these messages with investigators, but also said that Faisal had not mentioned hurting himself and that he was not a violent person.

Investigators also spoke with Ernesto Colon, a U.S. Army recruiter in Malden. Following a referral from Pandey, Colon met with Faisal in December 2022. During the interview, Colon believed Faisal was acting paranoid. Over the course of the month, Faisal sent Colon a few messages, including one in which Faisal told Colon to make sure that the President was OK. On January 3, 2023, Colon texted Faisal to ask if he was going to come back to the recruitment office, and Faisal responded, "No, I have a headache."

The Officers' Training

All officers involved in the incident had been trained in the use of force by Waltham Police Department Officer Charles DiChiarra, and in mental health and de-escalation techniques by Cambridge Police Department Officer Cameron Deane.

CONCLUSION

Sayed Faisal died from gunshot wounds caused by bullets fired from the gun of Cambridge Police Officer Liam McMahon on January 4, 2023, in the backyard of 59 Chestnut Street, Cambridge, MA. The circumstances of that shooting were the subject of State Police and Cambridge Police investigations. The purpose of this inquest was to determine if the fatal shooting of Faisal by Officer McMahon was the result of an unlawful act or legally justified. It was not the purpose of the inquest to resolve or facilitate a determination of civil negligence or a civil suit for monetary damages. The Court makes no recommendations as to prosecution. The decision whether to prosecute lies exclusively with the Middlesex County District Attorney, and she may make an independent decision to initiate a criminal prosecution by way of grand jury indictment or complaint. Standard 5.00.

A determination as to whether the actions of the involved police officer might constitute a criminal act must be considered in light of the applicable case law on the use of force by law enforcement. To be a lawful or justified use of deadly force, the actions of the officer must be objectively reasonable, given all the circumstances confronting the officer at the scene. As the United States Supreme Court has observed, “the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-397 (1989).

Applying the credible evidence to the applicable case law, the Court finds that Officer McMahon's decision to fire his weapon was objectively reasonable, within the meaning of *Graham*. Officers had been pursuing Faisal through Cambridge streets for approximately ten minutes, during which time Faisal was cutting himself with a knife with a foot-long blade. Faisal never responded to the officers' commands to stop and drop the knife, and Faisal refused to engage with any of the officers' attempts to communicate with him. Faisal was not subdued or seemingly affected by the less-lethal shot, and instead turned and walked directly toward Officer McMahon while holding the knife out towards him. At the moment that Officer McMahon fired his weapon, a reasonable law enforcement officer in the same position would reasonably believe that he, along with his fellow officers and others, were in imminent danger of being seriously injured or killed.

Therefore, the Court finds that the fatal shooting of Sayed Faisal on January 4, 2023, was justified and does not constitute a criminal act.

The above constitutes the Court's report. The report and a copy will be forwarded to the Clerk-Magistrate of the Cambridge District Court, who is to transmit the official report and transcript to the Clerk-Magistrate of the Woburn Superior Court for filing upon receipt of the official transcript. A copy of the report and transcript shall be maintained at the Cambridge District Court and impounded pursuant to Standard 4:03. Only the District Attorney and counsel for Officer McMahon have a right of access to this Report and any transcript. This impoundment order terminates when the District Attorney files one of the following in Superior Court: (1) a certificate that she will not present the case to a grand jury; (2) notice that a grand jury has returned a true bill after presentment by the District Attorney; or (3) notice that a grand jury has returned a no bill after presentment by the

District Attorney. G.L. c. 38, § 10. Following one of these events, a judge of the Superior Court may order the release of the Report and transcript.


John F. Coffey, Justice

Dated: 9-15-23