

**COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS**

**DISTRICT COURT DEPARTMENT  
WOBURN DIVISION  
DOCKET # 18INQ0001**

**REPORT ON THE INQUEST INTO THE DEATH OF ALAN GREENOUGH**

On February 3, 2018, Alan Greenough was pronounced dead. The Medical Examiner listed the circumstances of the death to be homicide by gunshot wound in a police involved shooting. The officer that fired the fatal gunshots was Officer Erik Drauschke of the Reading Police Department. The Middlesex District Attorney's Office, investigated the shooting, but chose not to make a charging decision.

On December 18, 2018 the District Attorney instead requested that an inquest be held to determine "when, where and by what means Alan Greenough met his death.... 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 of Alan Greenough see G.L. c. 38 Section 10. The inquest commenced on March 25, 2019 and continued for nine additional days spanning across three months and concluded on June 24, 2019. The court viewed the scene of the shooting and heard from thirty-six witnesses and received one hundred and thirty-four exhibits. The target of the inquest is Erik Drauschke, an officer with the Reading Police Department. Drauschke

was represented by counsel during the inquest. Drauschke was present in court for each witness's testimony. Alan Greenough's mother, brother, father and his father's wife were permitted to attend the inquest proceedings. The attorney for the family was also present for all inquest proceedings and was given access to view the impounded materials in the clerk's office and allowed to ask questions of witnesses with permission from the court upon an offer of proof.

Pursuant to G.L.C. 38 Section 10, the court issues the following report.

### **FINDINGS OF FACT**

The court makes the following findings of fact based on the credible evidence it received and inferences drawn therefrom.

#### **Background**

In February 2018, Alan Greenough lived at 1462 Main Street In Reading. 1462 Main Street is both commercial and residential property. It is the location for the East Coast Gas station. The station is owned by Talal Chaghouri and his brother. It is both a fuel station and mechanic shop. There is a lot next to the gas station that was filled with cars and auto parts that is maintained by the business. There are two fences surrounding the lot. One is in the back of the gas station that delineates the property. A separate fence line with a break, runs toward the front of the building facing route 28.

East Coast Gas station also housed two apartments. If one walked in the front door, there is a common door leading to the two apartments. One apartment on the right side and one on the left. Alan Greenough lived in the apartment on the left side, with his childhood

friend Devin McDonald. Greenough also occasionally worked at the gas station. The kitchen, living room and dining room occupied the first floor of the apartment. There were two bedrooms on the second floor. Devin McDonald and Kim Bellino shared a bedroom. Alan Greenough originally occupied the second bedroom. A few weeks prior to his death Greenough moved out of his bedroom and converted the living room/dining room space into his bedroom.

Sometime in December 2018, Devin McDonald's girlfriend, Kim Bellino moved into the apartment. Greenough and Bellino had a contentious relationship. Greenough believed Bellino messed with his belongings and destroyed the apartment. All three parties had some history of substance or alcohol abuse.

#### The events of February 2, 2018

On February 2, 2018 at approximately 7pm, Mr. Greenough returned to his apartment, after attending a friend's wake. McDonald and Bellino were upstairs in McDonald's bedroom. They heard Greenough yelling and kicking the front door because he could not get into the apartment. The door had a bad handle and was difficult to open. Once inside the apartment, Greenough continued yelling "Don't ever shut the front door." He then smashed a wooden dining room table and chairs in the kitchen.

McDonald yelled from upstairs that he was going to call the police. Greenough ran upstairs, put McDonald into a headlock and the two began wrestling. Ms. Bellino called the Reading Police. Around this time, Greenough's friend Amy Thorne arrived at the apartment to take him to her house for the evening. She told Greenough to come with her. Mr. Greenough left with Ms. Thorne.

Officer Fontes and Officer Vatcher of the Reading Police responded to 1462 Main Street. They spoke to McDonald and Bellino. McDonald had scratches on his neck and his lip was bleeding. The Officers took a report, issued a "be on the lookout (BOLO) for Greenough and left.

### February 3, 2018

On February 3, 2018 sometime in the early afternoon, Alan Greenough returned from spending the night at his friend Amy Thorne's to 1462 Main Street. He greeted his brother, Anthony Perrotti outside and the two men walked into the apartment. Kim Bellino was in Greenough's downstairs bedroom. Greenough said "What the fuck are you doing in my bedroom? Why are you touching my stuff? Get out." Greenough grabbed a small Bose speaker and threw it toward Bellino. The speaker hit Perrotti and smashed on the ground. Perrotti said, "You've got to go, Kim." Bellino screamed and McDonald who was sleeping upstairs, came to the top of the stairs. He said, "Cut the crap the cops are already looking for you about last night."

Greenough ran up the stairs and started wrestling with McDonald. Perrotti asked McDonald and Bellino to leave.

McDonald and Bellino got in their car and left. Bellino called the Reading Police business line on her cellphone and said you told us to call when he came back. He's at the house now. They agreed to meet the police at a local restaurant to give a report.

### Police Respond

At approximately 3:30pm, Officer Mike Lee, Officer Kaylyn Gooley and Officer Sean Wilson of the Reading police were dispatched to 1462 Main Street for a past assault. They were the first officers on scene. They were informed by dispatch that the victims had left and were

heading toward North Reading. Dispatch further informed that the suspect was still believed to be inside the apartment.

When the officers arrived they knocked on the door and announced, "Reading Police". There was no answer, they continued knocking and walked around the building to see if they could locate anyone. Mr. Greenough's brother, Anthony Perrotti, came over from the adjoining East Coast Gas station where he worked as a manager and explained what transpired prior to their arrival. They asked Perrotti if his brother was still inside the apartment. He said he didn't know. They asked if Perrotti had a key to the door leading to the apartment. He said yes and provided one. The key would not open the door, because it was bolted from the inside. At some point they learned Perrotti was on the phone with Greenough. Perrotti asked his brother to come to the door, so police could speak with him. Greenough said, "They aren't coming in and I'm not coming out. I'm not getting beat like before," which was a reference to an incident where he was allegedly beaten by Winchester police. Wilson reiterated that they just wanted to speak to Greenough. Greenough continued to refuse to open the door. Wilson called Sargent Silva at the station. According to his initial interview statement to State Police assigned to the Middlesex District Attorney's Office, Wilson asked Silva do we have probable cause to arrest. What do you want us to do because he's not coming to the door? He then asked Officer Vatcher. Do we have probable cause to arrest or not, based on last night's incident? Vatcher said there was no probable cause to arrest based on the prior incident, which is why they did a summons.

Around this time Bellino and McDonald returned to 1462 Main Street and provided their version of events. Perrotti was still attempting to talk to Greenough on the phone, asking him to open the door. Greenough agreed to come to the window. He talked through a

screen window with blinds covering the window. Wilson said, "We just want to know your side of the story". Greenough said when he got home, his roommates were in his room, messing with his stuff and he didn't do anything wrong. Wilson claimed that Greenough was approximately two feet away and he observed him to have bloodshot/glassy eyes. Greenough continued to refuse to come out, saying he knew his rights. Officer Wilson called Lt. McKenna for guidance. He asked if they should make entry or what do you want us to do. One of the officers called the Fire Department to the scene. Officer Lee then informed Wilson that Greenough had a stick or a pole in his hand. Perrotti said it's not a pole, it's a piece of wood. *Greenough said if the officers come in he would hit them with the stick.* Wilson relayed the information to Lt. McKenna and continued to ask for guidance.

### Shooting

On February 3, 2018, Officer Erik Drauschke arrived for his 4am to 12am shift. He was dressed in full uniform, which included a full duty belt. The belt held his firearm, duty baton, radio, pepper spray and mace. At roll call, he learned there was a domestic disturbance call at 1462 Main Street. Drauschke heard on the radio that the Fire Department was being sent to the location because the door was dead bolted and police could not gain entry to the apartment. Lt. Silva asked Drauschke and Officer Savio to respond to 1462 Main Street with him to assist the other officers. When Drauschke, Savio and Sgt. Silva arrived the Fire Department was already on scene. The Fire Department refused to help officers gain entry to the apartment. Officer Lee and Gooley were still trying to gain access. Anthony Perrotti came over and told them the door that leads from the garage area of the station into the apartment residence was open and he had been inside and Greenough was not there.

Sargent Silva entered the doorway and they asked why no one was covering the back.

Drauschke went around to the side lot. He knew from what he heard on radio transmissions that Greenough may be armed with a pole so he put his latch down on his firearm, put his hand on it, but the firearm remained in his holster.

Drauschke was the only officer who initially went to the area of the side lot of the building. He walked to the back fenced in area and observed a rust colored Hummer. The front end was pointing toward the fence line. As he approached, he observed through the front passenger window a white male leaning toward the center of the vehicle. Drauschke called over the radio, "Got him in one of the vehicles." Drauschke opened the vehicle door and ordered Greenough out of the vehicle. When he opened the door he observed Greenough leaning toward the center of the vehicle with his hands tucked inside his sweatshirt. Drauschke said he ordered Greenough to show his hand and Greenough said, "Fuck you." Drauschke drew his firearm and again ordered Greenough to show his hands. Greenough said, "Fucking shoot me" and then got out of the Hummer with his hands still inside the sweatshirt pocket. Drauschke backed up with his firearm still pointed at Greenough and continued to order him to show his hands. Greenough continued to say, "Shoot me". Greenough came towards Drauschke. Drauschke continued to back toward the rear bumper of the Hummer near the fence line. Drauschke testified that Greenough was less than six feet in front of him at this point, still refusing to comply with his commands.

Drauschke fired two shots. Greenough went down on the ground on his arms and knees. Drauschke called in his location and continued to hold cover on Greenough. Officer Gooley was the first of the other

officers to reach the side lot area where the Hummer was parked. Gooley and Drauschke handcuffed Greenough, searched him for weapons and found none. Officer Lee arrived and they began administering medical aid to Greenough. Sargent Silva ordered Drauschke be removed to a police vehicle. Alan Greenough was transported to the hospital and pronounced dead on February 3, 2018 at 5:18pm. Officer Drauschke, accompanied by his attorney, was interviewed by law enforcement on February 7, 2018.

Officer Drauschke testified at the inquest that he believed he would be hurt or killed by whatever Greenough had in his sweatshirt pocket and because Greenough would not comply with his commands to show his hands he had no alternative, but to shoot.

#### Video

The Reading Police are not equipped with body cameras. There was no video surveillance that captured the area of the auto lot where the shooting occurred. The only individuals present at the time of the shooting were the decedent Alan Greenough and the target of the inquest Officer Drauschke.

#### Medical Testimony

Medical testimony as to the cause of death was presented through Dr. Anand Shad, a medical examiner for the Massachusetts Office of the Chief Medical Examiner. He performed the autopsy on February 4, 2018. Dr. Shad presented the medical opinion that Greenough's death was caused by two gunshot wounds to the upper chest. The manner of death was a homicide at the hands of another, Greenough shot by police.



### The Postmortem toxicology report

The postmortem toxicology report was prepared by Alisha Zimmerman, Forensic Scientist with the Massachusetts State Police. Ms. Zimmerman testified that at the time of his death Mr. Greenough's blood contained 0.25 gram percent of ethanol, 3.0 nanograms/mL of fentanyl, 1.7 nanograms/mL of clonazepam and cannabinoid screen was positive. Dr. Shah opined that the alcohol had been ingested within hours of Mr. Greenough's death and other substances mostly like consistent with having been ingested within a day.

### Legal Conclusions

The court in an inquest proceeding is tasked with obtaining information surrounding a death to determine whether there is probable cause to support a finding that a crime has occurred and the cause and manner of death. See G.L. c. 38 § 8, 10; *Shepard v. Attorney General*, 409 Mass. 398, 402 (1991); *Kennedy v. Justice of Dist. Court of Dukes County*, 356 Mass, 367, 373 (1969). There is no dispute that Alan Greenough's death was the result of being shot twice by Officer Erik Drauschke. The shooting that led to his death took place February 3, 2018 at 1462 Main Street in the town of Reading. It is also undisputed that Officer Drauschke intended to shoot Mr. Greenough. Officer Drauschke claims the shooting was justified because he feared for his life. Nonetheless, the Court finds that there is probable cause to believe that Officer Drauschke engaged in conduct that contributed to the death of Alan Greenough, and that such conduct constituted the crime of homicide.

An inquest is by law defined as an investigatory and not an accusatory proceeding. The authority to make charging decisions is not vested with the court. The court has made findings of fact based on the credible evidence presented by the Middlesex District Attorney's Office,

but it is not in a position to determine the degree of homicide or whether the homicide was justified. See *Commonwealth v. Shanley*, 455 Mass. 752, 778 (2010) (the resolution of an affirmative defense raises a question for “a finder of fact in the context of trial”); *Commonwealth v. Cabral*, 443 Mass. 171, 178-79 (2005) (an affirmative defense is one that “involves a matter of...justification peculiarly within the knowledge of the defendant on which he can fairly be required to adduce supporting evidence,” that entitles him to a jury instruction at trial) (citation omitted); *Commonwealth v. Fernandes*, 483 Mass. 1, 9 (2019) (prosecutors are permitted to use the same indictment for charging the various degrees of homicide, the degree of murder is properly determined by the petit jury, not the grand jury, as the role of the grand jury is vastly different from that of the petit jury).

The above constitutes the court’s report. The report and a copy will be forwarded to the Clerk-Magistrate of the Woburn 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 Woburn District Court.

Dated: December 16, 2019



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Stacey J. Fortes, First Justice