

FINDINGS OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING ANON-FATAL POLICE INVOLVED SHOOTING ON MARCH 31, 2014, IN CARLISLE, MA

The Middlesex County District Attorney's Office and the Massachusetts State Police assigned to the Middlesex County District Attorney's Office have concluded the investigation into the non-fatal shooting of Donald Hall, 30, of Everett, MA. Hall was shot by two members of the Carlisle Police Department on Monday, March 31, 2014.

A thorough investigation into the circumstances surrounding the shooting of Mr. Hall revealed that Lieutenant Leo Crowe and Detective Richard Tornquist fired only after Mr. Hall assaulted each of those law enforcement officers with a firearm. The actions of uniformed Carlisle Police Lieutenant Leo Crowe and Carlisle Detective Richard Tornquist, in shooting and wounding Donald Hall were justified in the exercise of self-defense and/or defense of another. Under the circumstances, Lieutenant Crowe and Detective Tornquist acted reasonably and lawfully. Therefore, no criminal charges are warranted.

I. INTRODUCTION

The primary goal of the investigation was to determine if any person/persons bears criminal responsibility for the shooting of Donald Hall on March 31, 2014. I designated Senior Trial Counsel, Thomas F. O'Reilly, to direct the investigation.

II. INVESTIGATIVE FINDINGS

What follows is a summary of the findings in the investigation and is not exhaustive of all information reviewed:

a. Attempted Armed Carjacking and Subsequent Armed Carjacking in Haverhill, MA

On March 31, 2014 at approximately 2:25 a.m. Haverhill police responded to the Tedeschi Food Mart. Upon arrival police spoke with an individual who reported having just exited his vehicle when he was approached by two men, one of which was later identified as Donald Hall. The victim reported that one of the men held a firearm to his (the victim's) head and demanded his car keys. The victim gave the men a set of keys and then heard the gun click twice. The men entered the victim's vehicle but were unable to drive due to the victim having accidentally given the men the wrong keys. The men thereafter fled the scene on foot.

A few minutes later, at approximately 2:28 a.m. Haverhill police were notified of a second incident at 7 Arch Street. Upon arrival police spoke with another victim and witness who reported that they were sitting in their car when approached by Hall who brandished a firearm and forced them from the vehicle. Hall fled in the victim's vehicle, a 2011 Nissan Altima.

b. Criminal Conduct in Newton, MA

At approximately 5:14 a.m. Newton police were advised of a motor vehicle crash in the area of Craft Street and Ashmont Avenue. Police responded and observed the previously stolen Altima in the front yard of 99 Craft Street. That vehicle had damaged a chain-link fence on two different properties. At the time of police response, the vehicle was unoccupied. Witnesses reported having seen two men flee from the Altima.

At approximately 5:40 a.m. Hall approached another victim who had been sitting in his driveway. As Hall approached he brandished a firearm, threatened the victim and demanded his vehicle. That victim grabbed Hall's wrist at which time Hall fled.

At approximately 12:50 p.m. Hall approached a Newton home and spoke with the homeowner. Hall falsely told her that he had sideswiped her car. He then entered her home and took her car keys. While brandishing a firearm, Hall fled in the victim's 2002 Acura. Police investigation later revealed that Hall had also entered a residence on the second floor of that home. This second homeowner reported that his home had been rummaged through and that several items were missing.

Newton Police were notified and located Hall driving the Acura at approximately 1:00 p.m. Newton Captain Dennis Dowling exited his police cruiser and approached Hall in the Acura. When Captain Dowling was within feet of Hall, he accelerated the Acura and drove directly at Captain Dowling. Hall fled after striking and damaging three other vehicles. Newton police pursued Hall but eventually lost sight of the Acura.

c. Armed Carjacking in Billerica

At approximately 1:30 p.m. Hall parked the Acura at Rick's Automotive in Billerica. After a short exchange with the owner, Hall approached another victim who was exiting his Toyota Tundra. Hall pointed a gun in the victim's face and demanded his keys. The victim gave Hall the vehicle's keys and Hall fled in the Toyota.

d. Attempted Armed Carjacking and Armed Assault on Carlisle Police Lieutenant Leo Crowe

A short time later the Toyota was located in Carlisle and the chase resumed. Hall crashed into a Dodge van causing damage and then fled, extending the chase. Donald Hall forced a silver Toyota Prius off the road, approached the Prius, pointed a gun at the operator and repeatedly tried to open the vehicle's door. The operator of the Prius jumped out of the vehicle and Hall entered and attempted to drive away. During this time, Carlisle Lieutenant Leo Crowe, in full uniform, approached Hall as he accelerated the Prius. The Prius was stuck in mud and unable to move. Ignoring Lt. Crowe's repeated command to exit the car, Hall fired his gun through the vehicle's windshield directly at Lt. Crowe. Lt. Crowe returned fire, firing 5 rounds. During this exchange Hall was struck once in the leg. Still undeterred, Hall brandished, but did not fire, his firearm a second time at Lt. Crowe before fleeing back into the Tundra.

e. Second Attempted Armed Carjacking and Armed Assault on Carlisle Police Detective Richard Tornquist

A short time later Hall forced another vehicle, a black Audi SUV, off the road. Hall approached and pointed his firearm at the operator of the Audi SUV. During this exchange Hall turned and pointed his firearm directly at Carlisle Detective Richard Tornquist who had arrived on scene. Detective Tornquist fired on the suspect a total of ten times. Hall was not struck by any of those shots. Unable to gain entry into the Audi, Hall returned to the Toyota and once again fled.

f. Attempted Armed Carjacking in Concord

At approximately 1:41 p.m. the chase continued into Concord where Hall crashed the Toyota into a tree and ran into the nearby RiteAid parking lot. Hall ran towards a civilian who was entering his vehicle, pointed a firearm at him, grabbed him and threw him to the ground. Hall then jumped into the victim's vehicle, a Ford Flex, and drove out of the parking lot, with the police in pursuit.

g. Arrest of Hall in Bedford

The pursuit continued into Bedford at which time Hall sideswiped another vehicle, causing damage. Hall continued driving until he ultimately crashed his vehicle and was taken into custody.

h. Follow-up Investigation

The investigation established that Hall had been on an aggravated crime spree that day, committing multiple violent felonies, armed with a gun, in many jurisdictions in Essex County (Haverhill) and Middlesex County (Medford, Newton, Billerica, Carlisle, Concord). He had car-jacked a number of cars at gun point and had physically assaulted citizens, including several senior citizens. When Lt. Crowe approached the Prius, it was after Hall, at gunpoint, had forced the driver from the car. As Lt. Crowe approached, Hall attempted to drive towards the Lieutenant, but the car was stuck in the mud. Hall chose to fire a round through the front windshield at the lieutenant. Crowe returned fire and is believed to have struck Hall in the leg at that time. Hall fled in another vehicle and was later confronted by Det. Tornquist as Hall was attempting to force a driver at gun point from his vehicle. Hall pivoted and pointed his firearm at Detective Tornquist who returned fire at Hall. Hall again managed to escape in another hijacked vehicle. Massachusetts State Police were eventually able to stop Hall. He had a gunshot wound to his leg, corresponding with the blood loss in the Prius. Found in the vehicle with Hall was a 9mm Luger caliber Walther Model P-38 semi-automatic pistol, serial #6500Z with a round in the chamber, one discharged 9MM Luger caliber casing. Ballistics testing conducted by State Police Lt. David Cahill established that the discharged shell casing in the Prius was fired from the 9MM Luger recovered from Hall.

III. APPLICABLE LAW

My office's analysis of whether the actions of the involved police officers constitute a criminal act was guided by applicable case law and legal precedent on the use of force by law enforcement. In order for use of deadly force to be lawful, the actions of the officer must have been objectively reasonable in light of all circumstances confronting the officer at the time. A person may use deadly force to defend himself/herself or another if the person has reasonable grounds to believe, and actually believes, that he or she is in imminent danger of death or serious bodily injury, and that no other means would suffice to prevent such harm.

Applying this standard, our review of the facts reveals that, in the totality of the circumstances, Lieutenant Crowe and Detective Tornquist were each justified in their use of deadly force either in self-defense and/or defense of others, based on their reasonable belief that he and his fellow officers and citizens were in imminent danger of death or serious bodily injury. Each reasonably believed when they fired their weapon that Hall was about to shoot and, in the case of Lieutenant Crowe, Hall did, in fact, fire his weapon at close range.

IV. CONCLUSION

Based upon all of the foregoing, the two Carlisle police officers – Lieutenant Crowe and Detective Tornquist acted justifiably in defense of themselves personally and in defense of others, citizens and other law enforcement personnel. Many officers in many jurisdictions were attempting to stop and apprehend Hall for his serious, violent crime spree, while armed with a hand gun. Rather than submit to the authority of Newton Captain Dennis Dowling, he fled Newton resulting in a wide dragnet being cast in numerous suburban Middlesex towns. When confronted by two Carlisle officers, Hall again chose to disregard their authority and shoot at Lieutenant Crowe and then separately, at another location, point his weapon at Detective Tornquist. The fact that Hall was only shot once in the leg showed restraint on the part of the officers involved and was no more force than was reasonably necessary to defend themselves and others.

This matter is now referred back to the Carlisle Police Department for whatever further action, if any, may be deemed appropriate.