



The Commonwealth of Massachusetts

Office of the District Attorney for the Norfolk District

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TO: Chief Michael D'entremont

FROM: District Attorney Michael W. Morrissey

DATE: October 9, 2024

RE: The Death of Samuel Pattillo

Dear Chief D'entremont,

The Norfolk District Attorney's Office has the duty and authority to oversee all death investigations in Norfolk County pursuant to G.L. c. 38, §4. This letter addresses my review, findings, and conclusions regarding the events on December 6, 2023, culminating in the death of Mr. Samuel Pattillo in the area of his home at 2 Jackson Pond Road, in Dedham, in Norfolk County.

The responding Dedham and Westwood Police officers voluntarily participated in interviews with Massachusetts State Police investigators assigned to the Norfolk District Attorney's Office. The State Police investigators also interviewed firefighters, percipient witnesses, and family members of Mr. Pattillo. I have reviewed the Dedham Police Use of Force Policy and Axon Forensics reports regarding the Taser discharges. I have also reviewed the medical examiner's report of the autopsy of Mr. Pattillo and spoken with her about the findings. A list of documents and audio of the interviews I reviewed are listed in Appendix A.

I make the following findings of fact and determination:

I. Summary of Facts

On December 6, 2023, at about 6:02 p.m., the Dedham Police Department received a 911 call from Samuel Pattillo's sister ("Sister") regarding an incident at her home, at 2 Jackson Pond Road in Dedham. Sister stated that Mr. Pattillo had stabbed her and her mother ("Mother"). She further stated that Mr. Pattillo was now outside the home. Prior to the stabbing, the Pattillo family was at home and Mother was preparing dinner. Without warning, Mr. Pattillo suddenly grabbed a large kitchen knife from the butcher block and attacked Sister. He also attacked Mother, who sustained stab wounds to her back while she attempted to intervene. Mr. Pattillo's father ("Father") was upstairs reading a book when he heard the commotion coming from below. He went downstairs and saw "a melee."

While responding to the location, Dedham Police received additional 911 calls about a naked male walking on Country Club Road. As they approached the Pattillo home, heading westbound on Country Club Road, officers encountered an unclothed male, later identified as Mr. Pattillo, in the roadway about 200 yards before Jackson Pond Road. Officers attempted to speak with Mr. Pattillo, and he became assaultive towards them. Dedham police deployed multiple Tasers and used OC spray, and, with assistance from Westwood Police officers, eventually restrained Mr. Pattillo in handcuffs. Mr. Pattillo's breathing became labored, and officers began medical intervention, including CPR. Responding paramedics and firefighters took over the care of Mr. Pattillo, and transported him to Beth Israel Deaconess Hospital in Needham. At about 7:00 p.m., at the hospital, Mr. Pattillo was pronounced deceased.

Officers responded to 2 Jackson Pond Road, where they observed Sister, with serious stab wounds to her chest. Sister was transported to Beth Israel Deaconess Hospital in Boston, and in critical condition. Mother had a stab wound to her back. Mother was transported to Brigham and Women's Hospital in Boston, and hospitalized.

II. Investigation

1. Family Members

On December 6, 2023, Dedham Police officers interviewed Mr. Pattillo's family at the Boston hospitals. Mr. Pattillo's father ("Father") reported that his son had been experiencing a significant decline in mental health in the days leading up to the incident. Father described that he appeared to suffer from a "psychotic break," was "manic," and expressing paranoia. As a result, Sister had traveled from her home out of state to Massachusetts to assist with his treatment and care. Sister attended Mr. Pattillo's appointment with a psychiatrist early on December 6, 2023, and scheduled a visit for the following day. Mr. Pattillo thought someone was out to get him and that he was protecting the family. Mother said that he abruptly stopped taking his medications not long before the stabbing incident. On December 18, 2023, State Police investigators separately interviewed Sister and Father.

2. Neighbors

Also on December 6, 2023, State Police investigators interviewed a resident of [REDACTED] Country Club Road. The resident stated that while he was driving towards his residence, he observed police cruisers approaching him from behind. He pulled over to let them pass and then proceeded down the street. He saw officers at a location, attempting to pull someone off the side of the road. He thought he heard officers state several times, "Get him out." His home did not have an exterior camera.

On December 12 and 13, 2023, State Police investigators interviewed the homeowners of [REDACTED] Country Club Road, a husband and wife. The wife stated that on December 6, 2023, at about 6:00 p.m., while driving on Country Club Road, she observed a naked male in the middle of the roadway running towards her. Caught by surprise, she slowed down, and stated she could see the male waving his hands above his head "like a monkey," and that he was "just failing his arms." She said it did not appear that the male was looking for any

help, and believed him to be drunk. She was afraid he was going to jump onto her windshield, so drove by him. When she arrived home, she informed her husband, who called 911.

On December 12, 2023, State Police investigators interviewed a motorist, who called 911 to report a naked man on Country Club Road. On December 6, 2023, the motorist was on Country Club Road, and observed an "emotionally disturbed person." He slowed down and observed the shadow of a person in the road. As he entered a well-lit area of the road, the motorist saw a white male, in his mid-30s, with a beard, naked with no visible trauma or lacerations to his body. He observed the male's eyes to be unfocused. The male did not seem to know where he was, and was talking to himself. The motorist had experience in emergency medical services, and thought the male to be either "schizophrenic or manic and off of his medications." The motorist said, "It looked like he was having a mental break.

On December 15, 2023, State Police investigators interviewed a resident of [REDACTED] Schoolmaster Lane in Dedham. On December 6, 2023, at about 6:00 p.m., while driving home from work on Country Club Road, the resident observed a naked male walking along the yellow line in the middle of the roadway. She stated the male appeared to be "out of it," and walking with his eyes closed. The male did not attempt to move out of the way of approaching vehicles, nor did he react to them.

On December 15, 2023, State Police investigators interviewed a motorist who called 911. On December 6, 2023, shortly after 6:00 p.m., the motorist exited Route 128 and turned onto Country Club Road in Dedham. As he was driving down Country Club Road, the motorist came upon a naked male in the roadway, prompting him to slow down. The male appeared to be limping, and was yelling, "Stop! Stop! Stop!" The motorist was certain that the male was speaking directly to him. He was a little scared, kept driving, and bypassed the male in the roadway. The motorist said that the male did not appear as though he was "on anything," such as drugs or alcohol. The male was walking briskly. The motorist did not observe any blood, and that the male did not appear to be injured.

On December 13, 2023, State Police investigators interviewed the homeowners of [REDACTED] Country Club Road, a husband and wife. The husband indicated his wife had heard something happening on the street in front of their home, prompting her to go on their porch to look. Once outside, the wife saw a naked male in the middle of the street. She could hear police officers saying, "Get down, get down!" Upon hearing this, the wife returned inside the house and continued to watch from a window. She next heard screaming, and could see the male down on the ground in the street. A short time later, the male was loaded into an ambulance.

The husband said that it became immediately apparent that there was a very "tense situation" taking place in the road in front of their home. He could hear officers giving commands to the male, yelling, "Get on the ground," and, "Get the fuck on the ground!" At one point, he could hear the man "wailing" or "screeching," and said that it took approximately six officers to subdue him. An ambulance transported the male from the scene.

3. Dedham Police

On December 11, 2023, State Police investigators separately interviewed Dedham Police Officers Michael Pucci, Ryan McCarthy, and Brian Cullinane. The interviews are summarized below.

a. *Officer Michael Pucci*

On December 6, 2023, Officer Michael Pucci responded to a dispatch for a double stabbing on Jackson Pond Road in Dedham. As he was driving towards Jackson Pond Road, he heard a radio transmission that there was a naked male running down Country Club Road. As he drove down Country Club Road, approaching Jackson Pond Road, a naked male, Mr. Pattillo, appeared in front of his and Dedham Police Officer Ryan McCarthy's cruisers. He was running at both cruisers. At this time, Officer Pucci turned his cruiser into the oncoming traffic lane.

Officer McCarthy exited his cruiser, and Mr. Pattillo immediately attacked him. Officer Pucci said that Officer McCarthy is a "good-sized" officer, but despite his size, Mr. Pattillo overtook him. Officer Pucci saw Mr. Pattillo kick Officer McCarthy with his right leg into his left side. Officer McCarthy then kicked Mr. Pattillo with his right leg, forcing him back. Officer McCarthy yelled for a Taser. Officer Pucci attempted to get his Taser out, but was unable to do so. Dedham Police Officer Brian Cullinane arrived on scene, and readied his Taser. Officer McCarthy commanded Mr. Pattillo, "Get back, put your hands up." Mr. Pattillo yelled, "Shoot me, kill me, I want to die."

Officer Cullinane deployed the first Taser probe, Mr. Pattillo fell on his back and was incapacitated for a five-second cycle; but then immediately recovered. After jumping back up, Mr. Pattillo charged at Officers Cullinane and McCarthy. Officer McCarthy yelled, "Taser him again, Taser him again." A second Taser was deployed, and Mr. Pattillo fell face-first for another five-second cycle. After the cycle was complete, Mr. Pattillo immediately stood up and charged at the officers. Officer Pucci sprayed Mr. Pattillo with OC spray for three to four seconds in the face. The spray had no effect. A third Taser was deployed, Mr. Pattillo fell again face-first. Officer Pucci grabbed his arms and handcuffed his right wrist. Officer Cullinane grabbed his left arm and handcuffed him. However, they were unable to handcuff both wrists together. Mr. Pattillo was able to "buck" Officer McCarthy with his legs. The officers pulled his arms in front of him and, using another pair of handcuffs, locked the two sets of handcuffs together.

Mr. Pattillo continued to buck Officer McCarthy, so he made several body strikes. Officer McCarthy struck the suspect on the right side as a distracting technique, punching him in the right rib area. Westwood Police arrived. Mr. Pattillo continued to struggle and buck Officer McCarthy, and he gained advantage on the officers. He tried to bite Officer Pucci's arms, and resisted the officers' attempts to pull the handcuffs up. Mr. Pattillo began to bite the handcuffs on his right hand and chew on them. The officers held him down, and he began to slowly calm and stop resisting.

Officer McCarthy got off Mr. Pattillo, and Officer Pucci shined a flashlight on his face. The officers observed that Mr. Pattillo was breathing and spitting. Officer Pucci could see

Mr. Pattillo's breathe in the cold air. After about 30 seconds, he became very quiet. Officer Pucci illuminated Mr. Pattillo's face again and rolled him onto his side. While positioned behind his head, Officer Pucci struck him twice on the left cheek, attempting to get a response, without success. A Westwood Police officer checked Mr. Pattillo's carotid pulse on the left side of his neck and could not feel one. Officer Pucci put his hand on Mr. Pattillo's chest and found no pulse. Officers gave him a sternal rub, which produced no response. A Westwood Police officer immediately started compressions.

b. Officer Ryan McCarthy

Officer Ryan McCarthy responded to a radio transmission for an incident on Jackson Pond Road. While in transit, he heard two parties, believed to be family members, had been stabbed; and the 911 caller was losing consciousness on the phone. As he proceeded down Country Club Road, dispatch informed him that a motorist had called 911 and reported a nude party in the roadway. The officer came upon a nude male, Mr. Pattillo, walking just left of the center of the roadway. Officer McCarthy was the first officer to arrive on scene, and other officers had not yet arrived. He got out of his cruiser, drew his firearm, and ordered Mr. Pattillo to stop moving and put his hands up.

It was dark at this time, and Officer McCarthy could not see a knife, prompting him to re-holster his firearm. Officer McCarthy said Mr. Pattillo moved towards him, faster with each step, did not respond to his commands, and eventually lunged at him. Officer Pucci arrived on scene and gave Mr. Pattillo orders to not proceed any further, and put his arms up; but Mr. Pattillo did not comply. When Mr. Pattillo was within an arm's length, Officer McCarthy struck him with the butt of his firearm. He hit him with some force and pushed him off with his left hand, which created enough distance for him to re-holster.

Mr. Pattillo yelled at Officer McCarthy, "Shoot me, shoot me," and approached the officer. Officer McCarthy used a leg strike, which caused Mr. Pattillo to buckle. He got back to his feet and lunged towards Officer Cullinane, who had just arrived on scene. Officer Cullinane deployed his Taser two times. After the first probe, Mr. Pattillo fell to the ground for the entirety of the Taser cycle; but got up as soon as it had ended, and advanced towards the officers. After the second probe, Mr. Pattillo was rigid and fell; but rose to his feet again. Mr. Pattillo approached Officer Cullinane, who angled himself so he could get his Taser ready and said, "Taser, Taser." He deployed a third Taser probe. Mr. Pattillo went rigid and fell backwards, but rose to his feet again. Officer McCarthy described, "It's like he had, whatever will he had, he just wanted to fight." He added that, "The taser had an initial effect. His body reacted but it had no effect on his mindset. And whatever mission he was on, and I don't know what it was, to get away, to fight us more, to hurt one of us, I don't know but he was, it did not affect his will to fight."

Officer McCarthy was able to get his hands on Mr. Pattillo to control him, moved him in the dirt off the road, and tried to hold him down. The officer said, "We tried to maintain control of his legs, but he was kicking, and he was on his lower back. I believe with people on each arm just trying to hold him down, and without much success." Officer McCarthy punched Mr. Pattillo in the ribs to get him to stop fighting, as they tried to contain or distract him. Mr. Pattillo attempted to buck and fight the officers. Officer McCarthy tried to inflict some pain to keep Mr. Pattillo on the ground. As time went on, Officer McCarthy gained

more control over him, and Officer Pucci got a handcuff on one of Mr. Pattillo's hands. Officer McCarthy said that during this encounter, no officer used chokeholds nor went near Mr. Pattillo's neck.

At some point, Officer Pucci deployed OC spray when Mr. Pattillo was crouching on all fours. After officers were able to get control of him and secure his hands in front of him, he seemed to calm down. Officer McCarthy said, "[It] seemed like after that point ... his struggling, his up kicking or tryin' to lift people up started to cease and his breathing did start to get like kind of deeper like it, you couldn't say calming down but I don't know if his body was just startin' to slow down but it seemed like that's the process he started to have deeper breathes and then he wasn't fighting as much and it seemed like a slow breathing as it gradually became lower and lower." The officer radioed for EMS.

Westwood Police Officer Frank Baker and Sergeant Kevin McDonald arrived, and had leg restraints. The officers noticed that Mr. Pattillo appeared to be having a medical episode, prompting Officer Baker to start compressions before EMS took over. EMS said he was not breathing. They checked his pulse and started compressions; Officer Baker was part of the compression team.

c. Officer Brian Cullinane

Officer Brian Cullinane responded to a radio transmission that two people had been stabbed or a stabbing was in progress on Jackson Pond Road. As he was traveling there, Officer Cullinane heard a radio transmission that a naked person was walking in the roadway. As he drove down Country Club Road, he saw two cruisers parked in the middle of the street in front of him. Officer McCarthy was on the right side and Officer Pucci on the left side. As he had pulled up, he saw the officers encounter the person, Mr. Pattillo.

Mr. Pattillo attacked Officer McCarthy. Officer Cullinane immediately got his Taser out, and yelled for Mr. Pattillo to get on the ground. Officer Cullinane saw Officer McCarthy create some distance between Mr. Pattillo and himself, and told Mr. Pattillo to get on the ground. Mr. Pattillo took a step towards Officer McCarthy to reengage him, at which time Officer Cullinane yelled, "Taser! Taser! Taser!" and deployed a probe. Officer Cullinane had never deployed a Taser before, and said it took him a second to realize that it had the desired effect. The Taser deployment caused Mr. Pattillo to fall down to the ground. After the Taser cycle was complete, Mr. Pattillo jumped back up on his feet. Officer Cullinane said he was very surprised by this, and that he had never seen anything like it before. Mr. Pattillo continued to yell and scream, and attacked Officer McCarthy again. Officers yelled at Mr. Pattillo to, "Get back on the ground," at which point Officer Cullinane deployed a second Taser probe. The Taser seemed to have the desired effect; but after falling to the ground, Mr. Pattillo was back up on his feet after the Taser cycle was complete.

Describing the encounter, Officer Cullinane said, "He was naked, fighting, and he kept on coming after us." The officer did not know if Mr. Pattillo was going to attack Officer McCarthy again, or himself. He deployed his Taser shortly after yelling, "Taser! Taser! Taser!" - giving a warning. None of the Taser probes had the desired effect on Mr. Pattillo. Officer Cullinane further stated, "It's just nothing was working. I don't know why that didn't help at all, he still kind of just kept on fighting, kept on coming towards us, kept, wanting

to fight us, yelling and screaming. I don't know what he was saying, but he just kept on coming at us to try to attack us.... I've never been in an incident like this where the fear was out of control, I couldn't remember like, it just I, I was, I felt like helpless." Officer Cullinane was unsure if the suspect was under the influence of narcotics. He recalled Officer Pucci deployed his OC spray, but it only made Mr. Pattillo angrier.

At some point, Mr. Pattillo was on the side of the road in the dirt. Officers were able to get him on the ground and contain him. He was kicking and punching throughout the struggle. Eventually, officers got him handcuffed and Mr. Pattillo calmed down. They held his legs, and shackled them with equipment brought by Westwood Police. Officers noticed something was not right with Mr. Pattillo, who appeared not to be breathing. Officers began administering CPR. They found either a faint or no pulse, and immediately rolled him onto his back. Officer Baker started CPR and heard dispatch say an ambulance was on the way. EMS arrived, evaluated Mr. Pattillo, and took over his care. EMS put him on a CPR pump, attempting to revive him. EMS transported Mr. Pattillo to Beth Israel Deaconess Hospital in Needham, where he was pronounced dead.

4. Westwood Police

On December 6, 2023, Westwood Police Department rendered mutual aid to the Dedham Police in response to the Jackson Pond Road stabbing incident, which is on the Dedham side of their town's border. Officers initially heard a radio transmission for a stabbing on Jackson Pond Road, and heard a subsequent radio transmission that the suspect had left the house and was walking towards Westwood in the area of Country Club Road. On December 13, 2023, State Police investigators separately interviewed Westwood Police Officer Frank Baker, Officer Christopher Elcock, Sergeant Tyler Harnish, and Sergeant Kevin McDonald. The interviews are summarized below.

a. *Officer Christopher Elcock*

Officer Elcock responded to Country Club Road, and saw Dedham Police cruisers blocking the road, and Dedham officers trying to restrain an individual on the ground. This individual, Mr. Pattillo, was the suspect in the stabbing incident. Officers yelled to Officer Elcock to respond to the home where the stabbing took place check on the victims. Officer Elcock saw Mr. Pattillo on the ground, flailing around. Officers were attempting to gain control of his arms and legs. Mr. Pattillo was very assaultive, and "kicking his legs pretty good." While present, Officer Elcock did not physically engage Mr. Pattillo, and did not see any officer strike him. The officer also did not see any other officer restrict Mr. Pattillo's breathing, such as restraint of the neck or chokeholds. Officer Elcock and Westwood Police Sergeant Tyler Harnish responded to 2 Jackson Pond Road to check on the victims.

b. *Sergeant Tyler Harnish*

Sergeant Harnish heard a radio transmission for a double stabbing just over the town line in Dedham. He immediately responded, and upon arrival at Country Club Road, officers had already confronted the suspect, Mr. Pattillo. The scene was chaotic. He saw Dedham Police officers trying to secure a naked man who was actively resisting officers on the side of the road. Sergeant Harnish was about 30 feet away from the struggle, and observed

officers struggling to contain Mr. Pattillo and put him in handcuffs. A Dedham Police officer advised that police had not responded to the scene of the stabbing. He and Officer Elcock responded to 2 Jackson Pond Road.

Sergeant Harnish did not see officers use Tasers or OC spray while he was present. Further, he did not see any officers on Mr. Pattillo's neck nor use any chokeholds. He did not see EMS on the scene.

c. Officer Frank Baker

Officer Baker heard a radio transmission that a double stabbing had occurred close to the town line, at a residence on Jackson Pond Road in Dedham. He learned that the suspect fled on foot. Upon arrival, Officer Baker saw a sea of cruisers, and rendered assistance. Officer Baker saw that the suspect, Mr. Pattillo, and police were struggling on the ground. Officer Baker said Mr. Pattillo was actively resisting. He was attempting to kick and buck officers off, yelled, "Get the fuck off me." Dedham officers asked Officer Baker if he could secure Mr. Pattillo's feet, as he continued to kick and fight with them. Officer Baker helped restrain him and secure his feet. The three Dedham Police officers and Officer Baker contained Mr. Pattillo, handcuffed and face down. Officers held his shoulders and arms, instructing him to calm down. Officer Baker was unaware that an officer used a Taser, but knew that OC spray was used. He did not see any officer throw punches, nor employ any blows, knee strikes, or distraction techniques.

When Mr. Pattillo calmed down, Officer Baker saw the vapor from his breath in the cold, indicating that he was breathing. Mr. Pattillo appeared to lose consciousness, seemed out of it, but appeared to be breathing. When he looked again, Officer Baker did not see any vapor. Concerned Mr. Pattillo was not breathing, Officer Baker immediately checked his carotid artery and could not feel a pulse. Officers started chest compressions to try to revive Mr. Pattillo. They called for EMS, and Westwood paramedics arrived and started treating Mr. Pattillo. They began with an AED. While they set up their equipment, officers continued to perform chest compressions. Paramedics asked Officer Baker to step aside in order to put Mr. Pattillo on a backboard and get him into the ambulance. Paramedics took control of his care, evaluating and trying to resuscitate him. They transported him to Beth Israel Deaconess Hospital in Needham.

c. Sergeant Kevin McDonald

Sergeant McDonald heard radio transmissions that two people had been stabbed on the town line at Jackson Pond Road, and a naked male was running down Country Club Road. When he arrived on scene, Sergeant McDonald saw the road was filled with emergency vehicles. He exited his cruiser, retrieved leg shackles from the back of his cruiser, and approached the other officers to provide assistance. The suspect, Mr. Pattillo, was on his stomach, with his arms underneath him, and face down on the ground. Officer Baker held onto both of Mr. Pattillo's ankles. Mr. Pattillo was not moving much, and Sergeant McDonald put the shackles on his ankles. He did not observe the struggle between police and Mr. Pattillo.

Dedham Police officers rolled Mr. Pattillo onto his side. He was breathing, and could see his breath in the cold. After about 30 seconds, officers did not think Mr. Pattillo was breathing and laid him on his back. Officer Baker immediately began chest compressions, and continued for a few minutes until paramedics arrived and took over.

5. Westwood Fire

On January 9, 2024, State Police investigators separately interviewed Westwood Fire Captain Christopher Pierce, and firefighters Michael Brown, James Houhoulis, and Patrick Durant. The interviews are summarized below.

a. *Captain Christopher Pierce*

Captain Pierce heard a radio transmission for Westwood Police to assist with an incident on Jackson Pond Road. He responded and upon arrival in Dedham, he observed a nude male individual, Mr. Pattillo, supine on the ground with four to five people attending to him. Captain Pierce observed one officer doing compressions on Mr. Pattillo. Officers told Captain Pierce that they had deployed Tasers three times and used OC spray during the altercation. Mr. Pattillo appeared to be unresponsive. An ambulance arrived within the next 60 seconds.

Mr. Pattillo's condition was determined to be a code, or cardiac arrest situation. A LUCAS device, a monitor, and defibrillator were used. It took four to five minutes to get Mr. Pattillo on a stretcher and into the ambulance. EMS started working on him and transported him to Beth Israel Deaconess Hospital in Needham. Mr. Pattillo appeared cold, and was cold to the touch. His lips were blue; and pupils fixed and dilated. Captain Pierce did a carotid pulse check, and observed a pulse. He saw no bleeding nor limbs out of place.

b. *Firefighter Michael Brown*

Firefighter Brown responded to an incident he believed called for a psychiatric evaluation. He heard a radio transmission that there were two people stabbed. He later learned that the Dedham ambulance had transported both victims. Upon arrival in Dedham, Captain Pierce saw officers performing CPR on Mr. Pattillo, and yelled to tell Firefighter Brown to get their equipment. Mr. Pattillo appeared to be nonresponsive and unconscious upon his arrival.

Firefighter Brown grabbed a first aid bag, backboard, oxygen bag, and the mechanical CPR machine from the apparatus in order to preform manual compressions. Mr. Pattillo was hooked-up and transported to Beth Israel Deaconess Hospital in Needham. They continued CPR in the ambulance, but Mr. Pattillo never became responsive nor regained a pulse. Firefighters did not observe any physical trauma or external injuries.

c. *Firefighter James Houhoulis*

Firefighter Houhoulis responded on Westwood Fire Engine 5 to a double stabbing at Jackson Pond Road in Dedham. Upon arrival, he saw that Dedham Police were administering first aid to a male, Mr. Pattillo. Westwood EMS took over the CPR, and

applied the LUCAS CPR machine. They needed extra help loading Mr. Pattillo into the ambulance because of his size. They transported him first onto a backboard, then a stretcher, and into the ambulance. Mr. Pattillo was not responsive nor conscious at any time during this process, nor was a pulse ever discovered. There was no signs of trauma. He learned that police used multiple Taser probes and OC spray on Mr. Pattillo. Firefighter Houhoulis, along with others, transported him to the hospital.

d. Firefighter Patrick Durant

Firefighter Durant was also on Engine 5 that night and dispatched to the scene. He heard there was a completely naked man in the area of Country Club Road, where they responded. Upon arrival, firefighter Durant observed a naked male, Mr. Pattillo, with little evidence of blood. Mr. Pattillo had dark stains on his body, the firefighter believed were OC spray. The firefighters assessed Mr. Pattillo for injuries and did not find any. Mr. Pattillo was put in the ambulance as a “fairly routine code,” and taken to the ER at Beth Israel Deaconess Hospital in Needham, where he was pronounced dead. Firefighter Durant observed no obvious trauma or injuries to Mr. Pattillo’s body.

III. Taser Discharge Summary

The X26P energy weapon (Taser) belonging to Dedham Police Officer Ryan McCarthy with serial number XI 300EI VH was analyzed by Axon Forensics with the following results: (1) The X26P energy weapon's Event Log indicates the clock was running 1 minute and 8 seconds slow on December 6, 2023. (2) The X26P energy weapon's Event Log indicates it was trigger activated four times on December 6, 2023 for 5 seconds each. (3) The X26P energy weapon's Pulse Logs indicate the X26P energy weapon discharged into a very high impedance load, consistent with discharging through skin and fat, or arcing a long distance on each activation. (4) The X26P energy weapon's Engineering Log indicates there were no faults or errors reported on December 6, 2023 that would be expected to impede functionality. (5) The X26P energy weapon is operating within published specifications with its original APPM (battery power) at 54%. (6) The X26P energy weapon did not appear to have any damage that would impede functionality.

Officer McCarthy armed the X26P on December 6, 2023, at 6:08:58PM (Seq. 487). The initial activation (trigger activated) took place at 6:09:00PM (Seq. 488). Axon's analysis indicated the X26P energy weapon was active for 5 seconds on this deployment. The second activation (trigger activated) took place at 6:09:07PM (Seq. 489). Axon's analysis indicated the X26P energy weapon was active for 5 seconds on this deployment. The third activation (trigger activated) took place at 6:09:16PM (Seq. 490). Axon's analysis indicated the X26P energy weapon was active for 5 seconds on this deployment. The fourth activation (trigger activated) took place at 6:09:31PM (Seq. 491). Axon's analysis indicated the X26P energy weapon was active for 5 seconds on this deployment. On each of these deployments, the X26P energy weapon discharged into a very high impedance load consistent with discharging through skin and fat and/or arcing a long distance. Due to the high impedance load, the output charge was low the entire activation. Each activation would have had limited potential for NMI (neuromuscular incapacitation), even if all criteria for NMI were met.

Officer McCarthy placed the X26P on safe at 6:09:58PM (Seq. 492). All times reflect the corrected times, as the clock was running 1 minute and 8 seconds slow as previously mentioned.

The X26P energy weapon (Taser) belonging to Dedham Police Officer Brian Cullinane with serial number X1300EIWW was analyzed with the following results: (1) The X26P energy weapon's Event Log indicates the clock was running 5 minutes and 21 seconds slow on December 6, 2023. (2) The X26P energy weapon's Event Log indicates it was trigger activated two times on December 6, 2023 for 5 seconds each. (3) The X26P energy weapon's Pulse Logs indicate the X26P energy weapon discharged into a very high impedance load, consistent with discharging through skin and fat, or arcing a long distance on both activations. (4) The X26P energy weapon's Engineering Log indicates there were no faults or errors reported on December 6, 2023 that would be expected to impede functionality. (5) The X26P energy weapon is operating within published specifications with its APPM (battery power) at 78%. (6) The X26P energy weapon did not appear to have any damage that would impede functionality.

Officer Cullinane armed the X26P on December 6, 2023 at 6:08:33PM (Seq. 67). The initial activation (trigger activated) took place at 6:08:35PM (Seq. 68). Axon's analysis indicated the X26P energy weapon was active for 5 seconds. The second activation (trigger activated) took place at 6:08:43PM (Seq. 69). Axon's analysis indicated the X26P energy weapon was active for 5 seconds. On both of these deployments, the X26P energy weapon discharged into a very high impedance load consistent with discharging through skin and fat and/or arcing a long distance. Due to the high impedance load, the output charge was low the entire activation. Each activation would have had limited potential for NMI, even if all criteria for NMI were met.

Officer Cullinane placed the X26P on safe at 6:15:20PM (Seq. 70). All times reflect the corrected times, as the clock was running 5 minutes and 21 seconds slow as previously mentioned.

IV. Dedham Police Department Use of Force Policy

The Dedham Police Department maintains policies and procedures, including one titled "Use of Force (3-05), which states, "Police officers are confronted continuously with situations requiring or resulting in the use of various degrees of force to effect a lawful arrest, to ensure the public safety, or to protect themselves or others from harm." This policy includes a section on "Electronic Control Weapons (ECWs) [1.1.4], which features a table describing the conditions under which an electronic control weapon may be used and in what manner. According to the table, when a subject is "assaultive - bodily harm," the officer may respond with "probe deployment."

The policy defines an "Assaultive Individual (Bodily Harm)" as, "An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person."

It further defines "Probe Deployment" as, "In Probe Deployment mode, the ECW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from an ECW, whether or not the probes strike their intended target... Probe Deployment may be utilized in response to assaultive behavior."

The witness and law enforcement statements to State Police investigators clearly identified numerous instances of assaultive behavior by Mr. Pattillo towards his family and police, supporting the use of a Taser.

V. Autopsy

On December 8, 2023, Dr. Maria Del Mar Capo-Martinez performed the autopsy of Mr. Pattillo. A State Police investigator attended the autopsy at the Office of the Chief Medical Examiner in Boston. I also consulted with the medical examiner regarding her findings.

Dr. Capo-Martinez opined Mr. Pattillo's cause of death to be cardiopulmonary arrest in a person with atherosclerotic cardiovascular disease, following deployment of conducted energy device, physical restraints, and exposure to oleoresin capsicum spray. The doctor concluded the manner of death was homicide, as law enforcement restrained and subdued him following physical altercation, and apparent symptoms of psychosis. Before making a final determination regarding the cause and manner of Mr. Pattillo's death, Dr. Capo-Martinez requested additional testing of Mr. Pattillo's heart, lungs, and kidneys. With respect to his heart, she found evidence of atherosclerotic cardiovascular disease. Specifically, a 40% atherosclerotic luminal narrowing of the left main coronary artery, a 30% atherosclerotic luminal narrowing of the left anterior descending coronary artery, and a 30% atherosclerotic luminal narrowing of the right coronary artery.

Dr. Capo-Martinez observed that dirt and sand covered the exterior of Mr. Pattillo's body. There were scrapes and abrasions at various locations on his body, including on the top of both knees, toes, left hip, left arm, left shoulder, and small abrasions above his right wrist. There were handcuff marks on both wrists. There was no obvious signs of trauma to Mr. Pattillo's neck area. She noted the presence of intramuscular hemorrhaging to the tongue and the left temporalis muscle. Mr. Pattillo's skull was not fractured nor was there evidence of brain injury; and his head injuries were not significant enough to warrant a neuropathological examination. The medical examiner noted ecchymosis, hemorrhages and abrasions in the head, torso and lower extremities.

Dr. Capo-Martinez observed three Taser probe marks on Mr. Pattillo: a barbed probe attached in the center of his back, a likely probe mark on his left upper thigh, and a probe mark on the left upper calf. She also confirmed the presence and exposure to oleoresin capsicum spray.

The medical examiner's findings and observations of injuries to Mr. Pattillo are consistent with the police officer narratives regarding their physical altercation with him.

VI. Standard of Review

Graham v. O'Connor, 490 Mass. 386 (1989) established the “objective reasonableness” standard for officers’ use of force. The determination of such reasonableness is judged from the perspective of a reasonable officer at the scene, and in the moment in time, and not through a perspective of hindsight. As stated by the United States Supreme Court, “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgment 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. at 396-397. In Commonwealth v. Asher, 471 Mass. 580 (2015), the Massachusetts Supreme Court found a police officer has an obligation to protect his fellow officers and the public at large. It goes beyond that of an ordinary citizen, such that retreat or escape is not a viable option for an on-duty police officer faced with potential threat of violence. Commonwealth v. Asher, 471 Mass. at 589.

VII. Norfolk District Attorney’s Findings

As District Attorney of Norfolk County, I must decide whether certain deaths require criminal charges. The medical examiner, Dr. Capo-Martinez, found that the death of Mr. Pattillo was a homicide. The definition of homicide is the killing of one human being by another; but not all homicides are criminal or unlawful. My review is to determine whether the actions of the Dedham Police officers were legally justified based on the facts and circumstances, and applicable case law on use of force by law enforcement. I have reviewed all of the witness statements and narratives of responding police officers and firefighters regarding the events in Dedham on December 6, 2023. I find that the actions of the Dedham Police officers were reasonable and justified under the circumstances. I find that there was no criminal liability on their part in attempting to subdue and detain Mr. Pattillo, after he violently assaulted his mother and sister, attempted to flee the scene, and presented as a further threat to police and the community.

Where Mr. Pattillo stabbed his family members and violently assaulted responding Dedham Police officers, there was an imminent threat of danger and potentially death to the officers and the public, and the officers’ actions were reasonably necessary. Before they laid hands on Mr. Pattillo, the officers used a variety of de-escalation techniques, attempting to control and apprehend him. Attempts to reason with or prevent Mr. Pattillo from attacking officers were unsuccessful, resulting in Officer McCarthy physically engaging Mr. Pattillo. Additional Dedham Police officers assisted, but Mr. Pattillo fought them off. When these efforts failed, officers used a Taser. Officers deployed multiple Taser probes. Notably, after each deployed Taser probe, Mr. Pattillo was incapacitated; but he recovered immediately after the conclusion of the Taser cycle. One of the officers stated, “I’ve never been in an incident like this where like the fear was out of control ...” A good-sized police officer engaged with him but was unable to bring him under control nor handcuff him. Westwood Police officers responded and assisted. Dedham Police Officer Pucci deployed OC spray, but this appeared to cause Mr. Pattillo to fight harder.

Police took necessary and reasonable steps to prevent or minimize physical harm to Mr. Pattillo. After police detained and handcuffed him, they checked on his physical well-being. At that time, they observed he labored with his breath, and demonstrated signs of

medical distress. Officers immediately tended to him, called for an ambulance, and rendered aid and mutual assistance. When they felt no pulse and realized Mr. Pattillo was not breathing, officers promptly performed CPR. An ambulance immediately responded to the scene. An AED and other medical devices were used to try to continue his breathing, as well as medications to try to revive him. EMTs transported Mr. Pattillo to a nearby hospital, where he died. I find that the officers' actions showed they were not only concerned for themselves, each other, and the public, but also Mr. Pattillo; and their actions were reasonable under the circumstances.

As stated, I find that the actions of the Dedham Police officers were justified and reasonable under all of the facts and circumstances presented to me. The Norfolk District Attorney's Office will take no further action relative to the officers as to the performance and execution of their duties on December 6, 2023, in the town of Dedham.

Respectfully submitted,

Michael W. Morrissey
Norfolk District Attorney

Appendix A

1. Massachusetts State Police Case Master Report 2023-112-342
2. Interview of Sister on December 18, 2023
3. Interview of Father on December 18, 2023
4. Interview of Dedham Police Officer Ryan McCarthy on December 11, 2023
5. Interview of Dedham Police Officer Michael Pucci on December 11, 2023
6. Interview of Dedham Police Officer Brian Cullinane on December 11, 2023
7. Interview of Westwood Police Officer Frank Baker on December 13, 2023
8. Interview of Westwood Police Officer Christopher Elcock on December 13, 2023
9. Interview of Westwood Police Sergeant Kevin McDonald on December 13, 2023
10. Interview of Westwood Police Sergeant Tyler Harnish on December 13, 2023
11. Interview of Westwood Fire Captain Christopher Pierce on January 9, 2024
12. Interview of Westwood Fire firefighter Michael Brown on January 9, 2024
13. Interview of Westwood Fire firefighter James Houhoulis on January 9, 2024
14. Interview of Westwood Fire firefighter Patrick Durant on January 9, 2024
15. Dedham Police evidence receipt for Tasers
16. Account Preservation Request to Ring LLC for 2 Jackson Pond Road, dated December 11, 2023
17. Search warrant 2354SW0390 to Ring LLC, dated December 13, 2023
18. Response email from Ring LLC, dated December 27, 2023
19. Axon Forensics report for Taser X26P, with serial number X1300E1VH, dated January 24, 2024
20. Axon Forensics report for Taser X26P, with serial number X1300E1WW, dated January 24, 2024.
21. Axon Forensics report for Taser X26P deployed by Officer Cullinane on December 6, 2023
22. Axon Forensics report for Taser X26P deployed by Officer McCarthy on December 6, 2023
23. Axon Forensics report for Taser X26P deployed by Officer Pucci on December 6, 2023
24. Westwood Police radio transmission for December 6, 2023
25. 911 communication from 2 Jackson Pond Road on December 6, 2023
26. Westwood Call Summary Reports (2) for December 6, 2023
27. Narrative of Westwood Police Officer Frank Baker
28. Narrative of Westwood Police Sergeant Tyler Harnish
29. Narrative of Westwood Police Officer Christopher Elcock
30. Narrative of Westwood Police Sergeant Kevin McDonald
31. Dedham Police Department Use of Force Policy 3-05
32. Dedham Police Department Handling of Persons with Mental Health Issues Policy 3-22