

MICHAEL W. MORRISSEY
NORFOLK DISTRICT ATTORNEY

The Commonwealth of Massachusetts

NORFOLK DISTRICT ATTORNEY'S OFFICE

45 SHAWMUT ROAD | CANTON, MA 02021 | 781.830.4800 | F: 781.830.4801 | www.norfolkda.com

Press Release

District Attorney Rules March Shooting Justified

Contact: D. Traub, 781-830-4917

Norfolk District Attorney Michael W. Morrissey has completed his investigation into the March 26, 2021 shooting death of Eric M. Leach in the city Quincy and found the use of deadly force by a State Police Officer to have been justified as a matter of law.

Leach, 37, had committed the armed robbery of a convenience store in Rockland shortly after 6 a.m. on March 26, 2021. He eluded responding officers and eventually gained control of a Rockland Police cruiser. His ensuing efforts to elude capture injured multiple officers and caused substantial property damage to police and civilian vehicles during a long pursuit that came to a stop at approximately 7:20 when the cruiser became disabled in Quincy.

While immobilized for roughly an hour, Leach was able to free the patrol rifle, loaded with 30 rounds, which had been secured within the stolen cruiser. Officers communicated and negotiated with Leach attempting to persuade him to surrender. Leach stated to officers that he intended to die rather than be taken into custody and that he would kill the officers present. At 8:16 a.m., Leach was able to re-start the cruiser. He again fled, this time traveling only a short distance before coming to a final stop near the B.J's gas station on Quincy Street. At this location, police contained the stolen cruiser between two Bearcat vehicles and resumed negotiation.

Officers observed Leach in control of the rifle, putting it in his mouth and to his head. After roughly an hour, Leach began to struggle with the passenger-side door in an attempt to exit the vehicle with the rifle. The door began to open, Leach raised the rifle to eye level, consistent with use against others, and one officer fired one round.

See attached report with exhibits available for download for the next 60 days at this link:

<https://madistrictattorney.sharefile.com/share/view/849bff4260674e1b>



The Commonwealth of Massachusetts

Office of the District Attorney
FOR THE NORFOLK DISTRICT

Michael W. Morrissey
District Attorney

45 Shawmut Road
Canton, MA 02021
781-830-4800
Fax: 781-830-4801

TO: CHRISTOPHER S. MASON
COLONEL/SUPERINTENDENT
MASSACHUSETTS STATE POLICE

FROM: MICHAEL W. MORRISSEY
DISTRICT ATTORNEY
NORFOLK COUNTY

RE: MASSACHUSETTS STATE POLICE OFFICER-INVOLVED
SHOOTING OF ERIC LEACH, QUINCY, MASSACHUSETTS,
MARCH 26, 2021

On March 26, 2021 at approximately 6:12 a.m., Eric Leach entered the 7-Eleven Store at 92 Market Street in Rockland armed with a handgun and robbed the convenience store (Exhibit 1 – Store video and still photographs). He exited the store with cash and stolen items. The store attendant called 911, reporting a white male, black sweatshirt, red bandana, had brandished a gun during the robbery. Witnesses called the police to report they saw the suspect running north on Highland Street in Rockland.

The suspect, Leach, ran to Prospect Street and a 911 call from a neighbor on Brookside Road in Rockland indicated a white male with tattoos had knocked on her door and then run into the woods. The suspect was next seen running behind 14 Davis Road in Rockland. The Rockland Police had their guns drawn as they

caught up to Leach. Officers report that while being held at gunpoint Leach began yelling: "shoot me, shoot me," (Exhibit 2 – Rockland Police Report). Leach resumed running and Rockland police continued to chase and deployed a Taser during their attempt to capture the suspect. Leach made his way back to Rockland Cruiser #267, gained control of the vehicle, and fled the scene.

Leach, now in the stolen Rockland Police cruiser, began to head northeast on West Water Street pursued by Rockland Police. The Rockland Police radio broadcast the active pursuit of an armed suspect fleeing in a stolen Rockland Police vehicle. The broadcast gained the attention of neighboring police and State Police jurisdictions who were informed the suspect had stolen a cruiser which had a patrol rifle in it. Shortly thereafter, an Abington Police cruiser responding to the chase rolled over, striking a utility pole while attempting to assist in the apprehension of Leach. The Abington Police officer was injured in the incident. Multiple local police agencies including Hanover, Norwell, and Hingham Police joined the pursuit as it continued on East Water Street and Route 123 in Hanover and finally north on Main Street in Hanover, turning onto High Street in Norwell with speeds exceeding 80 miles an hour in a 35-mile zone. The suspect continued onto Route 53 in the Hanover/Norwell area again with speeds in excess of 80 miles an hour. He passed into the Derby Street area in Hingham traveling on the wrong side of the road through a series of red lights. Officer Ross of the Hingham Police Department joined the chase. The stolen cruiser sideswiped a civilian vehicle, the first of a number of civilian collisions, and caused additional damage as he was fleeing the police.

At approximately 7:13 a.m. the Massachusetts State Police joined the pursuit in Hingham. The pursuit continued into Weymouth down Ralph Talbot Street,

Park Ave., and past the Weymouth High School. The Weymouth Police Department also joined in the pursuit as it turned north on Main Street (Route 18 Weymouth). The stolen cruiser again sideswiped a civilian vehicle near the Mobile station on Main Street in Weymouth and subsequently struck a Weymouth Police Department cruiser on Route 3, causing the cruiser to crash into the concrete median and injuring the officer. (Exhibit 3 – Hingham Police Department Officer Ross dash cam).

At approximately 7:19 a.m., Massachusetts State Police Troop D broadcasted that the pursuit was headed north on Route 3 in the direction of Union Street in Braintree. Video camera footage from the Hingham Police vehicle involved in the chase showed smoke coming from the stolen police cruiser as it was headed up Route 3 north (Exhibit 3). Finally, the stolen cruiser exited onto Exit 45 Burgin Parkway, Quincy.

The stolen Rockland cruiser finally came to a stop, with the engine off, at the merge of Route 3 and 93 on the exit ramp of the highway, headed towards the City of Quincy and Burgin Parkway. Multiple police reported seeing heavy smoke coming from the Rockland cruiser as multiple police departments arrived on the scene. At about 7:22 a.m., State Trooper Brian Murphy and Officer Ross of the Hingham Police Department opened dialogue and negotiations with the suspect. The suspect was heard to state, "I'm not coming out of this vehicle alive, and I'm going to kill every cop here and myself." He also said, "I want to die today." (Exhibit 4 - State Trooper Murphy Report). As the chase was continuing and coming to a stop on the ramp at Burgin Parkway, the Massachusetts State Police had put out a request for a STOP Team. Members of the STOP Team were asked to come and deploy at Burgin Parkway in the City of Quincy. The STOP Team is

described as a special tactics and operational group of State Police officers who have specialized training and skills to handle complicated situations, including entry, hostage, barricade, and arrest of armed suspects. STOP Team members were informed that there was an armed robber who had fled Rockland in a stolen cruiser. They were also informed the cruiser contained a semi-automatic patrol rifle and an individual had barricaded himself in the stolen, disabled cruiser on the Burgin Parkway off ramp (Exhibit 5 – Hingham Officer Ross dash cam photo). Numerous police cars, both state and local, were located behind the stolen Rockland cruiser on the ramp. The Massachusetts State Police Bearcat (armored vehicle) happened to be nearby in transit to a maintenance facility in southeastern Mass. The Bearcat was driven by a member of the STOP Team at the time and received instructions to redirect the Bearcat to Quincy. The Bearcat is often used as a safe and effective tool from which negotiators can communicate directly with an armed suspect while offering them maximum protection. Bearcats typically respond to an armed and/or barricaded individual and are used to support the operation at the scene as the Team tries to isolate, contain, and keep people safe.

Members of the STOP Team started to arrive, and Sergeant Gary Jones initially was in command as State Police arrived at the scene. The members of the team deployed, assessed the situation and, based on their evaluation, identified lethal and non-lethal alternatives that may be necessary to use in response to the challenge of facing a barricaded, armed assailant. Trooper Cedric Carvalho, who was driving the Bearcat, arrived at the scene. Sergeant Gary Jones, Trooper David Hannifin, and two State Police negotiators entered the Bearcat. At this time or sometime shortly after, Rockland Police again confirmed there was a patrol rifle in the stolen cruiser. All the units had been previously advised that the suspect driving the stolen cruiser may be armed with a handgun that may have been used in

the commission of the 7-Eleven robbery. The Bearcat approached the stolen Rockland Police cruiser and the suspect, Leach, to engage in dialogue and negotiation. In interviews, negotiators stated that they tried to deescalate the situation, build a rapport, and talk to Leach to have him surrender without causing any further harm (Exhibit 6 - Massachusetts State Police Negotiator's Report). The Bearcat had arrived on the scene at approximately 8:00 a.m. Units from Quincy and State Police, plus a Brewster ambulance, were also staged near Home Depot at the bottom of the off ramp to Burgin Parkway. Quincy Police also deployed a second Bearcat to the bottom of the Burgin Parkway ramp area. Shortly after the Mass State Police Bearcat got to the ramp area, negotiations broke down.

At approximately 8:16 a.m., the stolen cruiser, suddenly and without warning, started (Exhibit 7 – Officer Ross dash cam). The Bearcat had been positioned to make it difficult for the stolen cruiser to get around it. All the officers believed, given the extensive damage to the Rockland cruiser and the smoke coming from it, that the vehicle had been disabled and could not be moved. The suspect was able to get the engine started and traveled around the Bearcat and down the Burgin Parkway ramp towards the center of the City of Quincy. At the bottom of the ramp, State Police and Quincy units had been deployed to block the ramp. MSP Sgt. Scott Kearns responded to Centre Street and Burgin Parkway and positioned his car to block a lane of travel to keep anybody from coming down the ramp. He also removed the stop sticks from his vehicle in case they were needed. STOP sticks are a tire deflation device made up of sharp instruments that are rolled out across the roadway designed to flatten and puncture the tires of any vehicle traveling over them. (Exhibit 8 - Video of City of Quincy traffic cam).

As the stolen police cruiser broke containment and traveled down the Burgin Parkway ramp towards Quincy at approximately 40 miles per hour, it crossed over the stop sticks deployed by Sergeant Kearns and continued traveling in the direction of Quincy Center north on Burgin Parkway. A little over 3/4 of a mile away, the stolen Rockland cruiser turned left on to Quincy Street at a set of lights near the BJ's gas station. The car came to a stop near a traffic island right at the intersection of Quincy Street and Burgin Parkway (Exhibit 9 - cell phone photograph). The State Police called the MBTA and asked the MBTA to shut down commuter rail and Red Line subway trains, which were running adjacent to the area where the stolen cruiser had come to rest. Police were concerned, given the delicate nature of the situation involving an armed assailant who had access to a patrol weapon with 30 rounds of ammunition, that it was necessary to stop the trains to protect the public. As the stolen Rockland Police vehicle traveled on Burgin Parkway, multiple police vehicles who had been involved in the original chase had followed Leach down the hill, as did the State Police Bearcat. The State Police Bearcat was able to navigate through the traffic created by stopped civilian vehicles and state and local police cars to assume a position in the front of the Rockland cruiser to prevent the stolen Rockland cruiser from breaking containment again (Exhibit 10 - cell phone video). Instructions were given to the Quincy Bearcat to bring it into alignment with the rear of the stolen Rockland Police cruiser so they could pinch it between the two Bearcats to make sure Leach could not escape again (Exhibit 11 - MSP drone photo). MSP Sergeant Gary Jones had climbed to the top of the State Police Bearcat and had the best vantage point, able to view Leach through the front window in to the stolen Rockland Police car.

At approximately 8:59 a.m. a Quincy Police radio transmission announced that the patrol rifle was free from its mount in the Rockland vehicle (Exhibit 12 –

Quincy Police transmission). A number of other police officers saw the rifle was free in the hands of the suspect. Sergeant Jones confirmed over the STOP Team radio that he saw the rifle in the hands of the suspect, Leach (Exhibit 13 – Interview of Sgt. Jones Report). The members of the STOP Teams from different parts of the state had assembled and taken up various roles and positions, according to their training, in an effort to contain the suspect. STOP Team members indicated they hoped they could take Leach into custody, while all the time protecting civilians in the area (Exhibit 14 - Interview of Lt. Schumaker). The STOP Team had a variety of tools and assets available to them as they attempted to bring the situation to a non-violent conclusion. The available assets included both lethal and non-lethal equipment, including a special restricted radio channel, bean bag shotgun, K-9, a pepper-ball gun, in addition to trained marksmen, and paramedics specifically assigned to the STOP Team. A State Police command and communication center was set up near the standoff. A drone was deployed to provide up-to-the-moment intelligence and view. State Police officers interviewed also indicated and expressed their preference to use negotiation tactics and de-escalation methods, if feasible, before the use of nonlethal means such as a dog, Taser, beanbag, or smoke. (Exhibit 14 – Interview of Lt. Schumaker). However, if each of those alternatives failed or were unable to be used, they were also prepared to use lethal equipment as the need arose to keep the suspect from using the patrol rifle to injure or kill civilian or law enforcement personnel.

There were multiple law enforcement individuals, both State and Quincy Police who said they could see the suspect, Leach, in the vehicle and follow his movements. Sergeant Jones and other officers said Leach was seen manipulating the siren and lights of the vehicle. He was also seen opening up a medical box and throwing the AED and paddles out on to the street. As the police continued to

negotiate, Leach at times would put the patrol rifle in his mouth or point it towards his head. Leach also made statements and threats that he would shoot and use violence to escape (Exhibit 6 – Crisis Negotiation Team Report). Multiple police officers, including Sergeant Jones, confirmed the rifle had been removed from the rack and was now in the possession and control of the suspect, Leach. Negotiators continued to try to convince Leach to surrender and cooperate but without success.

At approximately 9:15 to 9:20 a.m. Sergeant Jones saw Leach climb over the center console to the passenger side of the stolen Rockland Police car. This information was conveyed over the STOP radio channel so team members could also become aware, and plan to react if necessary. A number of police officers at or near the scene, including officers from Quincy, particularly those in the Quincy Bearcat, also observed the suspect had moved from the driver's side to the passenger side of the stolen Rockland Police cruiser, and he was in possession of the semi-automatic patrol rifle. Quincy issued a radio broadcast at 9:21 a.m. indicating Leach had climbed over the center console and was now in the passenger seat so they could warn all the police in the area (Exhibit 15 – QPD Broadcast). STOP Team members discussed various alternatives, strategies, and scenarios by which they could try to take Leach into custody, but the police were concerned about Leach's access to the semi-automatic patrol rifle. Dialogue and negotiations continued with the negotiator still pushing for a peaceful resolution, but the police's apprehension grew as he moved to the passenger side with the semi-automatic patrol rifle and attempted to open the door. From witness testimony and video surveillance from the drone, Leach attempted to push open the door multiple times.

STOP Team Sergeant Anthony Pagliaroni was positioned roughly 80 feet from the driver's side of the stolen cruiser. He was partially shielded by a police vehicle, armed with his department-issued semi-automatic rifle. He had a clear sightline and had observed the subject's possession of the rifle and repeated attempts to open the door of the damaged Rockland cruiser. At or about 9:23 a.m., Sergeant Pagliaroni observes what he believes to be a change in the light within the disabled Rockland cruiser, indicative of the door being opened. He communicates by radio with Sergeant Jones, who is positioned atop the Bearcat and has a complete vantage of the scene to confirm his observations. (Exhibit 17 – Interview of Sergeant Pagliaroni). The report states:

I see the light change inside. Um, and then I ask again, is he getting out. He [Jones] said[,] “Well. The door cracked, but he’s not getting out.” And then he said again[,] “He’s trying to get out again. He’s opening the door.” When I hear that, I see the shadow. I see the suspect lean back, and I can see now the barrel of the rifle is at eye level. It is not in his mouth. I see the barrel and, at that point, I come off safe, and squeeze the trigger and I take one shot. Prior to that, again, I didn’t really think of it. But there were at least two other times where, I had come off safe to engage, but I wasn’t quite there yet. I didn’t see the rifle. He wasn’t making an action that was as immediate as that last one that I had seen. And that, for the first time, was the time I actually saw what I believed to be the barrel of the rifle. And it was, it was up at eye level.

(Exhibit 17 – Interview of Sgt. Pagliaroni).

The shot struck the suspect, Leach, in the head and also shattered the passenger side window of the stolen cruiser (Exhibit 18 – Drone video). The bullet was subsequently found and recovered in the stolen cruiser during a search by the State Police Crime Scene Services Section after the incident. A number of police

officers at, or near, and above the scene at the time heard Sergeant Pagliaroni broadcast he had fired a shot.

The Massachusetts State Police assembled a "Hasty Team," made up of specially trained individuals, including a STOP Team medic, who went forward to make sure there was nobody else in the vehicle and to be able to evaluate and render immediate medical help and assistance to the suspect. Trooper Zanni retrieved a ballistic shield from his cruiser and members of the Hasty Team lined up behind him so they could get the medic and others safely up to the door area of the vehicle (Exhibit 18- Drone video).

Within minutes of the suspect being shot, the Hasty Team approached the vehicle and took control of the weapon which was loaded with 30 rounds of ammunition, a round in the chamber, and which had the safety switch in the off position (Exhibit 18 – drone video). First aid was rendered by STOP Team medics and attendants of the Brewster Ambulance Service, who took Leach to Boston Medical Center, where he was pronounced dead at approximately 10:15 a.m. Dr. Richard M. Atkinson, who conducted the autopsy, indicated Leach suffered a through-and-through gunshot wound to the head. The State Police Crime Scene Services Section found a projectile and the State Police Firearms Identification Section confirmed that the projectile recovered from the stolen cruiser was fired by Sgt. Pagliaroni (Exhibit 19 – Report of Firearms Identification Section.)

Analysis

The United States Supreme Court decision, Graham v. Connor, 490 U.S. 386, 395 (1989) outlines how to evaluate use of force claims under the “objectively reasonable” standard in the context of the Fourth Amendment. Applying the “test

of reasonableness” under the Fourth Amendment “requires careful attention to the facts and circumstances of each particular case.” Id. at 396. This includes considering the following factors to determine whether the force used was excessive:

1. The severity of the crime or crimes at issue;
2. Whether the suspect poses an imminent threat to the safety of the officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Id.

The “reasonableness” inquiry is an objective one: “the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” Id. at 397. “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.” Id. at 396. “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.” Id. at 396-397.

Applying the standard outlined in Graham v. Connor, I find that the suspect had been involved in a number of serious crimes including armed robbery of the 7-Eleven in Rockland, theft of the police vehicle, and attempt to flee and avoid arrest. In stealing the police cruiser, Leach caused a series of cruisers including the stolen Rockland cruiser to become significantly damaged or totaled and led to

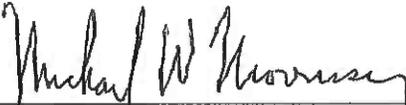
individuals being injured and property damaged. Leach's excessive speeds on the local roads and the highways of the Commonwealth put police and civilian motorists in danger and risk of harm. The police had all been advised and were aware Leach had been armed with a handgun and were expecting to find an armed assailant. Rockland Police broadcast, and other police departments were all made aware, that there was a 30 round semi-automatic patrol weapon in the stolen cruiser. The threat of an armed assailant, having a semi-automatic weapon/patrol rifle in his control, greatly increased the concern of a possible shoot out and injury to individuals and police. The suspect had also made numerous statements about not being taken alive and that he would kill anyone and himself if they attempted to take him into custody. Leach had refused to comply with any of the police requests during the two separate negotiation sessions seeking to have him peacefully surrender. A number of officers, including Sergeant Pagliaroni, who participated in the standoff, were aware that Leach was actively resisting arrest and was attempting to evade arrest by flight, including stealing the police car, injuring civilians, damaging police vehicles, and injuring police officers during the flight. Leach had successfully fled Rockland and then escaped from the initial stop on the ramp at Burgin Parkway. At the intersection of Quincy Street and Burgin Parkway, Leach ignored further negotiator requests and attempted to flee in the cruiser by trying to get out the passenger door while in possession of a semi-automatic patrol rifle.

The Graham decision also requires the determination of whether the suspect poses an imminent threat to the safety of the officers or others. The available evidence convincingly establishes that Leach displayed a firearm while robbing the convenience store in Rockland, injured several by using the stolen cruiser as a deadly weapon during his flight to evade capture, declared his intention to kill

himself or others rather than be taken into custody, and availed himself of the patrol rifle within the stolen cruiser. Further, I find that Sergeant Pagliaroni fired after observing and confirming that Leach had raised the rifle into a position consistent with use against others and was exiting the cruiser, which was situated in a densely populated area of the City of Quincy.

For all the forgoing reasons, I find that the use of force by Sergeant Pagliaroni was consistent with the "reasonably objective" standard articulated in Graham and was justified based upon the totality of the circumstances and the potential for injury, damage, or death to police or civilian bystanders.

Respectfully Submitted,



Michael W. Morrissey
District Attorney
Norfolk County