



**Report of Suffolk County District Attorney Daniel F. Conley
On Findings in the March 27, 2015, Shooting Death of Angelo West**

The Suffolk County District Attorney's Office has concluded its investigation into the March 27, 2015, shooting death of Angelo West at the intersection of Humboldt Avenue and Ruthven Street in Roxbury. Mr. West was shot and killed by members of the Boston Police Youth Violence Strike Force during an exchange of gunfire following Mr. West's near-fatal shooting of Boston Police Officer John Moynihan. The investigation concludes that Boston Police Officers Brian Ball and Brian Johnson and Massachusetts State Police Trooper William Cameron fired their weapons in a lawful and proper exercise of self-defense and defense of others.

Specifically, the investigation revealed that, following a lawful motor vehicle stop, during which no police officer had drawn a weapon or used any force, Angelo West shot Officer Moynihan in the face from point-blank range. Officer Moynihan was gravely injured. After shooting Officer Moynihan, West fled on foot and continued to fire his gun at other police officers. Officers Ball and Johnson and Trooper Cameron responded to the immediate threat of death to themselves and others and returned fire, inflicting fatal injuries to Mr. West. Under these circumstances, the law enforcement officers' firing of their guns was a reasonable and lawful exercise of self-defense and defense of others. Therefore, after a comprehensive examination of all the evidence in this case, I have determined that criminal charges against the officers and trooper are not warranted.

Because I am acutely aware of the importance of this investigation to the West family, the officers involved, and all citizens concerned with fair and effective law enforcement, my office took the greatest care to conduct a fair and objective investigation. Pursuant to my statutory duty and authority to direct all death investigations within the City of Boston, I went to the scene on March 27, 2015, with two senior members of my staff, First Assistant District Attorney Patrick Haggan and Chief of Homicide Edmond Zabin. Subsequently, I designated First Assistant

District Attorney Patrick Haggan to lead the investigation in consultation with me and with input from the most senior attorneys on my staff, who have collectively participated in hundreds of death-related cases. Every detail of the investigation has been memorialized and documented for examination by the West family, the media, and other interested parties.

The Scope of the Investigation. The majority of this incident was recorded by a private surveillance camera outside Chamas Market at 198 Humboldt Avenue. Although the video appeared to show unmistakably that Angelo West shot Officer Moynihan in the face without provocation, and then turned his gun towards other officers, my office nevertheless approached this case like all police-involved fatality investigations. We conducted an exhaustive and meticulous investigation to determine every relevant fact. Our investigation included a review of the extensive report and investigative materials compiled by the Boston Police Department's Firearm Discharge Investigation Team led by Sergeant Detective Thomas Pratt. The evidence we considered included: (1) recorded interviews with the officers involved; (2) recorded interviews of civilian witnesses present at the scene; (3) 911 calls; (4) police radio transmissions; (5) ballistics analysis of the officers' weapons and ammunition, and of Angelo West's weapon and ammunition; (6) physical evidence from the scene and from the body of Angelo West; (7) photographs and video from the scene; (8) several sources of digital evidence, including surveillance video from nearby businesses, cell phone video and video from MBTA buses; (9) recordings from ShotSpotter receivers capturing audio from the incident; (10) laser analysis of bullet trajectory and crime scene imaging technology; (11) criminalistics testing and analysis; and (9) the autopsy report and supporting documentation.

Prelude to the Police Encounter. On Wednesday, March 25, 2015, at 2:32 p.m., Boston Police Officers responded to 28 Seaver Street in Roxbury for a 911 call reporting shots fired. Police recovered ballistics evidence at the scene. Two days later, on Friday, March 27, at 4:28 p.m., Boston Police responded to 45 Brookledge Street in Roxbury for another 911 call reporting shots fired. Again, police recovered ballistics evidence from that scene. Members of the Youth Violence Strike Force ("YVSF") beginning their shift late in the afternoon of March 27 were briefed on these incidents. The Youth Violence Strike Force is a specialized unit consisting of Boston Police officers, federal law enforcement agents, State Police troopers and representatives of other agencies. The primary goal of the Youth Violence Strike Force is to reduce violence committed by youthful offenders and street gangs through directed and community-based policing strategies. The Youth Violence Strike Force focuses on preventing violence by gang-involved individuals.

Based upon their significant experience, officers recognized that the scene of the second shooting incident, 45 Brookledge Street, was close to the home of a known gang member, hereinafter referred to as John Doe (a pseudonym). John Doe was affiliated with a gang called "H-Block" and had a history of involvement with firearms that was known to the officers. At the time, "H-Block" was involved in a violent feud with the "Heath Street" gang and other gangs. There had been many documented acts of violence committed by or against members of "H-Block." YVSF officers were also aware that John Doe was wearing a court-ordered GPS electronic monitoring device that was capable of showing his location, both historically and presently. Officers contacted the probation department personnel who maintained the court-ordered GPS monitoring. They were informed that John Doe had been in the area of both the 28 Seaver Street

and 45 Brookledge Street firearms discharges.¹ Officers were later advised that, as of the early evening of March 27, John Doe's GPS placed him near his home on Brookledge Street.

At approximately 6:10 p.m., in an effort to prevent further acts of violence directed at or by John Doe and his associates, YVSF Officer Dennis Medina set up surveillance in an unmarked car near John Doe's address on Brookledge Street. Nearby, at the intersection of Humboldt Avenue and Seaver Street, there were two other unmarked surveillance cars—one, a grey Crown Victoria, occupied by Officers John Moynihan, Janet Lewis and Brian Johnson and the other, a black Caprice, occupied by Officers Brian Ball, James Conley and Trooper William Cameron. Within minutes of initiating his surveillance, Officer Medina saw John Doe and two other then-unidentified men leave Doe's home on Brookledge Street and get in a silver Nissan Murano. As the men walked toward the Nissan, Officer Medina saw two of the three men grab their waistband areas and look up and down the street. Based on his training and experience, Officer Medina concluded that these observations indicated that the men might be carrying firearms. Officer Medina broadcast all of this information, including the license plate of the Nissan Murano and the direction the car was traveling, to the other surveillance officers. The Nissan took a right turn onto Humboldt Avenue without stopping at the posted stop sign. The surveillance car driven by Officer Moynihan with officers Lewis and Johnson as passengers followed the Nissan onto Humboldt Avenue. Officer Moynihan activated both lights and siren to conduct a motor vehicle stop. The Nissan failed to stop immediately, instead decelerating then accelerating over a distance of two to four blocks. The Nissan eventually pulled over and stopped at the intersection of Humboldt Avenue and Ruthven Street. The unmarked Crown Victoria driven by Officer Moynihan pulled behind the Nissan and the unmarked Caprice driven by Officer Conley pulled alongside, to prevent the Nissan from pulling away.

The Encounter with Police. The video from two nearby businesses captured the entire encounter. Officers Moynihan, Lewis and Johnson approached the stopped Nissan first. The second group, consisting of Officers Ball and Conley and Trooper Cameron, got out of their car and also began to approach the silver Nissan. All of the officers and trooper were in plain clothes with badges displayed. None of the officers had drawn their weapons. Angelo West was driving the silver Nissan, with John Doe in the front passenger seat and a third man in the rear passenger seat. The Nissan's windows were significantly tinted, preventing officers from seeing clearly inside. Officers Johnson and Lewis approached the rear passenger door, and Johnson immediately opened it to ensure that they could see inside. Officer Moynihan approached the driver's side door and asked West to step out of the car. Moynihan heard West state, "Sure, Officer." As Officer Moynihan opened the driver's door to allow West to step out of the car, West immediately raised his right arm, pointed a .357 caliber revolver within inches of Officer Moynihan's face, and shot him. Officer Moynihan was struck by a bullet in the right side of his face and immediately dropped to the ground. West moved away from the car and began to run

¹ In a subsequent recorded interview with detectives following the Angelo West fatal shooting, John Doe admitted that he had been shot at earlier that day and at other times. Although claiming not to know West's name, he stated that he asked West for a ride to a store because someone had just shot at him. He claimed that they were on the way to the store when police pulled the car over.

across the street. While doing so, he pointed his gun in the direction of the officers and fired several times.²

Hearing the initial gunshot fired by Mr. West, seeing Officer Moynihan fall to the ground, and then seeing Mr. West pointing the gun in their direction, officers Ball and Johnson and Trooper Cameron all fired their weapons and exchanged gunfire with Mr. West. Officer Ball fired a total of 16 rounds. Officer Johnson fired two rounds. Trooper Cameron fired six rounds. In the midst of the gunfire, Officer Lewis drew her weapon and successfully removed the two passengers from the Nissan and ordered them to the ground. Neither Officer Lewis nor Officer Conley fired.

Angelo West was struck by four bullets during the exchange of gunfire, and collapsed on the sidewalk in front of 207 Humboldt Avenue. Police immediately removed the Rossi .357 Magnum revolver from West's hand and secured it. The revolver contained six empty shells in the cylinder. One of the wounds West suffered was a fatal gunshot to the head. Police at the scene immediately determined that West was deceased, a conclusion confirmed by emergency medical personnel.

Officer Moynihan suffered a life-threatening gunshot wound to his face and was rushed by ambulance to Boston Medical Center for emergency treatment and surgery. A bullet lodged behind his right ear was removed during surgery. Officer Moynihan is still not fully recovered and has not yet returned to duty.

A civilian passenger in a car travelling on Humboldt Avenue was struck in the arm by a bullet during the exchange of gunfire. She suffered a non-life-threatening wound to her right arm. She was transported to Boston Medical Center where she was treated and released that night. The bullet that struck her was recovered from her car.

Video Evidence. Specialized personnel from the Boston Police Department, including a detective detailed to the United States Secret Service, responded to the scene to collect all video surveillance in the area. At least three cameras in the area recorded a portion of the incident. In particular, video recovered from a surveillance camera located on the outside of Chamas Market at 198 Humboldt Avenue, recorded the traffic stop, the shooting of Officer Moynihan, and the initial exchange of gunfire between Mr. West and police.

² Based upon ballistics testing discussed further below, the six spent shell casings found in the cylinder of the gun Mr. West used suggests that he fired all six shots at police. However, as only four full projectiles linked to that firearm were recovered, it can be definitively stated that he fired at least four shots in the direction of police officers. It is possible that two fired bullets were not recovered or that the two spent shell casings remained from a prior discharge of the gun.

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Chamas Surveillance Video

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Chamas Surveillance Video

Ballistics Evidence. Pursuant to department policy, all of the involved officers' firearms were immediately secured at the scene and submitted for testing. West's .357 Magnum revolver with six spent casings was secured and processed.³ A total of 24 shell casings from police weapons were collected at the scene. Additionally, several projectiles and fragments were recovered in and around the scene, including from the door of the Nissan and from the car of the civilian struck by an errant gunshot. Other ballistic evidence of bullet strikes was also observed and documented through photographs and video. Five bullets were removed from the Mr. West's body during autopsy. Two of the bullets were .40 caliber, and one was a .45 caliber. The other two bullets removed during autopsy were determined to be from a prior, unrelated shooting or shootings. In addition, during surgery, one .38 caliber bullet was removed from Officer Moynihan's head.

The Boston Police Firearms Analysis Unit analyzed all of the submitted ballistic evidence and made the following conclusions based upon microscopic examination and testing. Four recovered projectiles were determined to have been fired from Mr. West's .357 Magnum revolver. Those four projectiles were recovered from: (1) Officer Moynihan's head, (2) the front driver side door of the Nissan, (3) the ceiling of 123 Ruthven Street, and (4) the middle of Humboldt Avenue. Of the three relevant bullets recovered during the autopsy of Mr. West, those that entered the head and upper back were determined to have been fired from Officer Ball's firearm, and the bullet that entered the left leg/hip region was determined to have been fired from Trooper Cameron's firearm. The projectile recovered from the car that struck the civilian in the upper right arm was determined to have been fired from Officer Ball's firearm. Of the 24 shell casings recovered from the scene: 16 shell casings were determined to have been from Officer Ball's firearm; six shell casings were determined to have been from Trooper Cameron's firearm; and two casings were determined to have been from Officer Johnson's firearm.

Crime Laboratory Testing and Results. The .357 Magnum revolver removed from the hand of Mr. West by Officer Johnson was fumed and tested for latent prints. That testing resulted in one unidentified latent print. The hands of Mr. West were swabbed, and the swabs were submitted to the Massachusetts State Police Crime Laboratory Trace/Arson and Explosives Unit. Testing revealed the presence of gunshot primer residue.

Autopsy of Angelo West. The autopsy determined that Mr. West suffered a total of four gunshot wounds on March 27, 2015.⁴ There was a penetrating gunshot wound to the head. The entrance was on the right side of the forehead. The bullet travelled front to back, right to left, and downward. That bullet was recovered. There was a penetrating gunshot wound to the back. The entrance was on the upper right back. The bullet travelled back to front, right to left, and upward and was recovered from the neck. There was a penetrating gunshot wound to the upper right arm. The bullet entered the inside of the right arm and exited on the outside of the right arm. The bullet travelled left to right, front to back, and slightly downward. That bullet was not

³ Mr. West's .357 Magnum revolver had been loaded with .38 caliber ammunition. According to firearms examiners, a .357 Magnum revolver can fire .38 caliber ammunition.

⁴ The bullet wounds are listed in the order of the autopsy report. This does not suggest which bullet struck Angelo West before any other. The order in which the wounds were sustained cannot definitively be determined.

recovered during autopsy.⁵ There was a penetrating gunshot wound to the upper left thigh. That bullet travelled left to right, front to back, and upward and was recovered from the right buttock.

Also recovered during the autopsy were two bullets determined to be old wounds and not related to this incident. Additionally, personnel from the Office of the Chief Medical Examiner found 14 “rocks” of what was tested and found to be crack cocaine secreted in the groin area of Mr. West.

Additional Relevant Evidence. In addition to the painstaking efforts of investigators and prosecutors to determine all of the relevant facts possible and the full sequence of events prior to and during the shooting incident, investigators also endeavored to discern the intent or mindset of the persons involved. Investigators reviewed every relevant police broadcast and report prior to the shooting in an effort to understand fully what the involved officers knew when they interacted with Mr. West and the other occupants of the car. The evidence establishes that the officers involved acted reasonably and were doing exactly what they were supposed to be doing—monitoring and potentially stopping violence by investigating potential targets of rival gangs and/or those seeking to retaliate for recent events. The radio transmissions clearly demonstrate that police had reasonable suspicion to conduct an investigative stop of the car, even had the driver not failed to come to a stop at a stop sign and then failed to stop for police. The video evidence establishes that the officers approached the stopped car without weapons drawn and without using, or suggesting an intention to use, any physical force against its occupants.

We also investigated the relevant background of Mr. West, only as it relates to the possible intentions or motives for his actions on March 27, 2015. This investigation included a review of his prior criminal history and interactions with police, interviews of the persons with him during the incident, and an interview of a family member. Additionally, investigators monitored social media immediately following the incident for potential witnesses to the incident or those with relevant information and background. This review uncovered two posts on Facebook from persons indicating that they had spoken to Mr. West about his intentions if ever confronted by police. Both individuals who posted the information were identified and interviewed by police. One witness stated that West had told him in the past that West “wasn’t going back to jail” and that he “was going to hold court in the streets.” The other witness reported that two weeks prior to March 27, 2015, West told the witness, “they are going to have to kill me before I go back.”

The Legal Standard and Conclusion. Our legal analysis as to whether the actions of the involved officers could constitute criminal acts was guided by applicable case law and legal precedent on the use of force by law enforcement. To be lawful, an officer’s use of deadly force must be objectively reasonable in light of all of the facts and circumstances confronting the officer. Whether such actions were reasonable is evaluated from the perspective of a reasonable officer at the scene rather than the 20/20 vision of hindsight. As the United States Supreme Court has explained, “[T]he 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

⁵ Based upon the location of a projectile recovered from the sidewalk on Humboldt Avenue, it is possible that this bullet caused this wound. That recovered projectile was determined to have been fired by Officer Johnson’s firearm.

situation,” *Graham v. Connor*, 490 U.S. 386,396-397 (1989), and that “if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2016 (2014). Our Supreme Judicial Court has also noted, “a police officer has an obligation to protect his fellow officers and the public at large that 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 a potential threat of violence.” *Com. v. Asher*, 471 Mass. 580, 589 (2015).

After a careful consideration of the facts and the law, I conclude that Officers Ball and Johnson and Trooper Cameron acted reasonably and lawfully. The facts establish that Angelo West used unprovoked deadly force upon Officer Moynihan, nearly killing him, and proceeded to continue to fire his weapon at officers, placing them in real and immediate danger of death or serious bodily injury. The involved officers had a right to protect themselves and each other, and a duty to neutralize the threat to innocent civilians in this densely populated neighborhood. Under the circumstances, the officers’ use of deadly force was a lawful and reasonable exercise of self-defense and defense of others. Accordingly, I have determined that criminal charges are not warranted.

Daniel F. Conley
DISTRICT ATTORNEY