



The Commonwealth of Massachusetts

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Press Release

District Attorney Rules March Shooting Justified

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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>

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

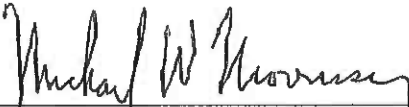
individuals being injured and property damaged. Leach's excessive speeds on the local roads and the highways of the Commonwealth put police and civilian motorists in danger and risk of harm. The police had all been advised and were aware Leach had been armed with a handgun and were expecting to find 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