



The Commonwealth of Massachusetts

OFFICE OF THE
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BRISTOL DISTRICT

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**DISTRICT ATTORNEY'S FINDINGS AND CONCLUSION REGARDING
THE FATAL OFFICER-INVOLVED SHOOTING OF STEPHEN MACLEAN
IN RAYNHAM ON APRIL 30, 2024
Issued: January 2, 2025**

BACKGROUND:

On April 30, 2024 at approximately 11:49 A.M., four officers of the Raynham Police Department were dispatched to 501 King Phillip Street, Apartment #22 in the Town of Raynham for an incident involving Stephen Maclean. Mr. Maclean had been arrested the day prior for harassing a neighbor and was released by the Court. Later that same day neighbors and friends called the police to report Mr. Maclean acting erratically. On April 30, 2024, the police determined that Mr. Maclean had again harassed the same neighbor and were looking for him to take him into custody. The police were not able to locate Mr. Maclean at the time. A short time later, the police learned that Mr. Maclean had returned to his apartment.

At approximately 11:56 A.M., the four Raynham officers arrived at 501 King Phillip Street. The King Phillip apartment complex is a large, multiunit condominium complex with numerous buildings each containing a number of apartments. Officers entered building 501 and approached the second-floor unit #22 where Mr. Maclean resided. Officers knocked on the door to unit #22 and waited outside in the hallway. Several of the officers were wearing body worn cameras which recorded the event.

Officers attempted to contact Mr. Maclean through his front door. One of the officers checked the door and found that it was unlocked. When the officer turned the doorknob, Mr. Maclean slammed the door closed and enabled the lock. A conversation ensued for several minutes as officers attempted to talk Mr. Maclean out of the apartment. Mr. Maclean refused to submit. The officers then spoke amongst themselves about possible next steps and decided they would apply for a warrant and station an officer by the apartment door until it was signed. One of the officers borrowed the cell phone of a fellow officer to contact the supervising Sergeant to discuss the next steps. Two officers were to the right of the apartment door on the staircase. One officer was to the left of the door and one officer was directly in front of the apartment door.

At the time, none of the Raynham police officers had their firearms removed from their holsters. The officer to the left of the door had a taser in his hand at the low and ready position. Without warning, Mr. Maclean opened the apartment door. The officer with the taser pointed it at Mr.

Maclean but did not immediately fire. Mr. Maclean produced a black, semi-automatic pistol in his right hand. Mr. Maclean pointed the firearm at the Raynham police officer standing in front of him. In response, the officer to the left of the door discharged his taser at Mr. Maclean. Mr. Maclean fell back into his apartment with the firearm. Two of the Raynham officers discharged their firearms at Mr. Maclean. As a result, Mr. Maclean sustained multiple gunshot wounds. Officers secured Mr. Maclean's firearm and immediately began to perform first aid. Mr. Maclean was transported to Morton Hospital by Raynham EMS where he was pronounced deceased at 1:24 P.M.

INVESTIGATION:

After the shooting, additional police officers arrived on scene. These included Massachusetts State Police troopers assigned to the Bristol County District Attorney's Office, the Crime Scene Services Section and the Firearms Identification Section. All evidence from the scene was photographed and secured. All body worn cameras were downloaded and reviewed. Interviews were also conducted with several witnesses. These included the four Raynham officers who were outside of the apartment when the shooting occurred. The police also interviewed Mr. Maclean's ex-girlfriend, several neighbors and co-workers. Additionally, investigators reviewed Mr. Maclean's recent interactions with the Raynham Police Department and the Massachusetts Trial Court as well as his prior board of probation history.

PRIOR INTERACTIONS WITH POLICE AND COURT APPEARANCES:

On April 29, 2024, Raynham Police officers were dispatched to 501 King Phillip Street for an allegation of witness intimidation. Officers met with the calling party who explained that he had an ongoing court case with a female neighbor in the Taunton District Court. The female neighbor was Mr. Maclean's ex-girlfriend. The calling party stated that earlier in the day, Mr. Maclean had been present in Court for a hearing on the case. Mr. Maclean was scheduled to testify for his ex-girlfriend, but he was intoxicated when he arrived at Court. After the case was continued, the caller stated that Mr. Maclean came to his apartment and started banging on the door. Mr. Maclean was shirtless and appeared angry and intoxicated. The caller did not open the door and called the police. As the police were speaking to the caller, Mr. Maclean ran back to the callers apartment. Officers also observed that Mr. Maclean was shirtless and appeared intoxicated.

Mr. Maclean was obviously angry with the caller and the presence of the police. The caller told the police that he no longer wanted anything to do with the criminal case due to Mr. Maclean's intimidation. As a result, the police attempted to take Mr. Maclean into custody for intimidation of a witness. When officers attempted to arrest Mr. Maclean, Mr. Maclean took a fighting stance at the officers and appeared ready to fight them. Only after officers brandished a taser was Mr. Maclean successfully taken into custody. Mr. Maclean was brought to the Taunton District Court for his arraignment and released that same day.



Figure 1: Raynham Police Body Worn Camera image of Mr. Maclean's April 29, 2024 arrest for intimidation of a witness.

Once Mr. Maclean was released from Court, he returned to his apartment. Throughout the night and following morning, neighbors reported that Mr. Maclean was banging on the walls and causing a disturbance in the apartment building. Officers responded back to the apartment where Mr. Maclean stated that he was just exercising with a fifty-pound punching bag. He was advised to be quiet for the rest of the night.

At 11:12 A.M. on April 30, 2024, the same witness/caller from the previous day called the Raynham police to report that Mr. Maclean was back at his apartment and banging on his door. The police arrived but could not locate Mr. Maclean. The police determined that probable cause existed to again arrest Mr. Maclean for intimidation of a witness. A short time later, the Raynham police were notified that Mr. Maclean had re-entered his apartment and was inside. The Raynham police dispatched the four officers to locate and arrest Mr. Maclean. It was during this second attempt to arrest Mr. Maclean that he was ultimately shot by the responding officers.

REVIEW OF BODY WORN CAMERA FOOTAGE:

Three of the four responding Raynham Police officers were wearing body worn cameras which captured the events. Review of the body worn camera footage from these officers shows the officers arrival at Mr. Maclean's apartment complex and them walking into the building. After the officers walked up the staircase, officers knocked on Mr. Maclean's apartment door and asked him to come outside and speak with them. Mr. Maclean can be heard refusing to speak with officers through the door. A brief check of the doorknob revealed that the door was unlocked. One of the officers again requested that Mr. Maclean come out of the apartment. However, Mr. Maclean immediately locked the door. Officers informed Mr. Maclean that if he did not open the door they would secure a warrant and forcibly enter the apartment. Mr. Maclean responded by telling officers that he would not open his door and told them if they came back "they better be prepared." Officers continued to try to speak with Mr. Maclean through the door and requested that he come out. At the time, one of the officers had a taser in a low and ready position. None of the officers had their firearms removed from their holsters. As the officers

prepared to contact a Sergeant via cell phone to report the situation, the officers muted their body worn cameras¹. The cameras continued to record.

Seconds after muting their body worn cameras, Mr. Maclean opened his apartment door using his left hand with his right arm tucked behind him. Mr. Maclean immediately took two steps out of his apartment and brought his right hand out from behind his back. A black, semiautomatic firearm is clearly visible in his right hand. Mr. Maclean pointed the firearm directly at the Raynham police officer standing in front of him. That officer immediately dove to the ground to avoid being shot. The officer with the taser fired and hit Mr. Maclean. Mr. Maclean fell back into his apartment while still holding the firearm close to his chest. Two of the four officers drew and discharged their firearms at Mr. Maclean. Mr. Maclean dropped his firearm and officers entered the apartment. The officers secured Mr. Maclean and his firearm before quickly rendering first aid and calling for an ambulance. EMT's brought Mr. Maclean to the Morton Hospital where he was pronounced deceased.

INTERVIEW WITH FIRST RESPONDING RAYNHAM POLICE OFFICER:

On May 9, 2024, the first responding Raynham police officer was interviewed at the Raynham police department. The first responding officer is a detective with the Raynham Police Department. On April 30, 2024, this detective stated that he heard a dispatch about the intimidation of a witness complaint from earlier in the day. The detective also heard that Mr. Maclean had been aggressive the day before when he was arrested for the previous intimidation of a witness. The detective traveled to the King Phillip apartment complex to assist other officers.

The detective met with several other officers. However, Mr. Maclean was not located. As the other officers left the apartment complex, the detective remained in his unmarked cruiser to see if Mr. Maclean returned. A short time later, the detective learned that Mr. Maclean was back in his apartment. The detective waited while several officers returned to the apartment complex. The detective walked up the staircase to 501 King Phillip Street towards Mr. Maclean's apartment with three uniformed officers. As they were outside of Mr. Maclean's apartment, Mr. Maclean refused to open the door. The detective and other officers were conferring about obtaining a warrant for Mr. Maclean and were about to consult with a Sergeant via cell phone when Mr. Maclean suddenly opened his door. The detective saw Mr. Maclean holding a firearm in his right hand. The detective heard the "pop" of a taser and then gunshots. The detective drew his firearm but did not fire any shots. After Mr. Maclean was shot, the detective assisted other officers in clearing Mr. Maclean's apartment and rendering first aid to Mr. Maclean.

¹ Raynham Police Department Policy OP 118 allows for officers to mute their body worn cameras with supervisory approval to discuss on-going police situations.

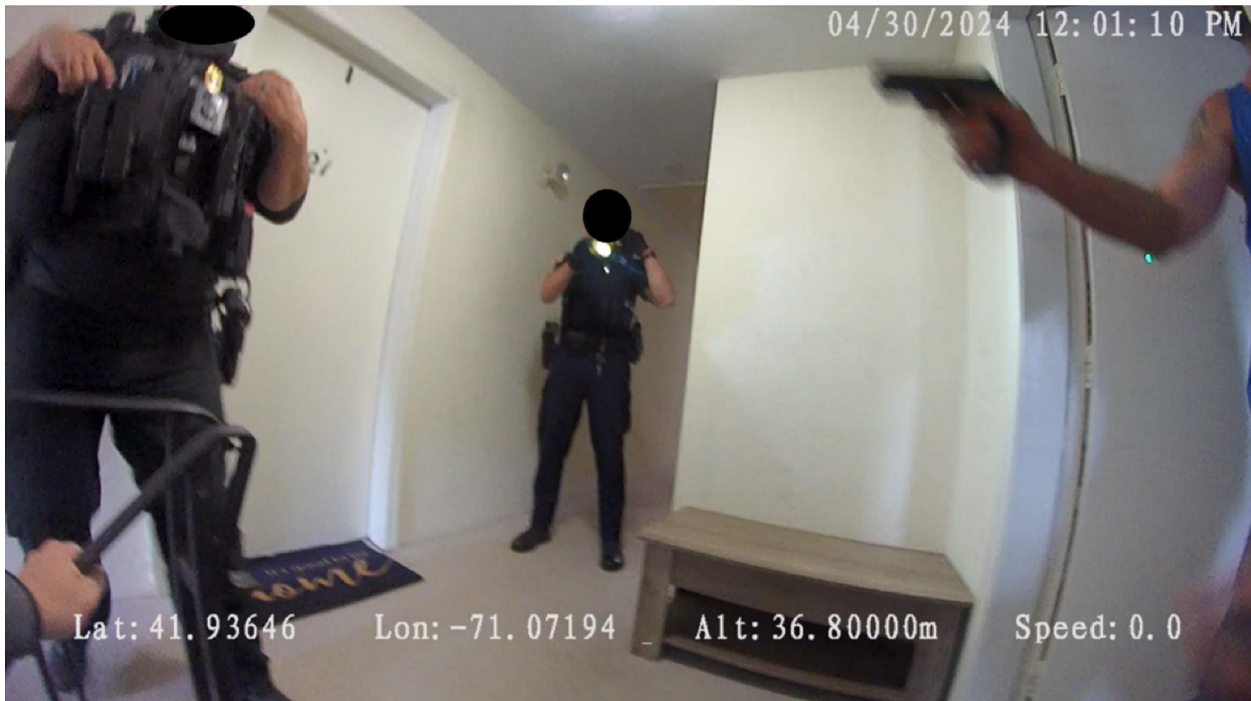


Figure 2: Image from body worn camera of first responding officer as Mr. Maclean exits his apartment with a firearm. The Raynham Officer is standing on a staircase leading down to the first floor at the time.

INTERVIEW WITH SECOND RESPONDING RAYNHAM POLICE OFFICER:

On May 9, 2024, the second responding Raynham police officer was interviewed at the Raynham police department. The second responding Raynham police officer is a uniformed patrol officer. The second responding officer stated that she arrived at 501 King Phillip Street pursuant to a radio call. When she arrived, several other officers were already present and entering the building. She entered the building with three other officers as an additional officer remained outside to cover the balcony of Mr. Maclean's apartment. The second responding officer stated that she and other officers were speaking to Mr. Maclean through his door and attempting to convince Mr. Maclean to come out. One of the other officers asked to borrow the second responding officer's cell phone to contact a Sergeant about the situation. As the second responding officer handed over her cell phone, the apartment door opened. The second responding officer stated that she saw Mr. Maclean point a firearm at one of the other Raynham police officers. The second responding officer heard a "pop" from a taser and a gunshot. The second responding officer drew her firearm and saw that Mr. Maclean still had the gun in his hand. The second responding officer fired at Mr. Maclean. The second responding officer entered the apartment and helped to secure Mr. Maclean after he was shot. Once he was handcuffed, the second responding officer rendered medical aid to Mr. Maclean.

INTERVIEW WITH THIRD RESPONDING RAYNHAM POLICE OFFICER:

On May 9, 2024, the third responding Raynham police officer was interviewed at the Raynham police department. The third responding Raynham police officer is a uniformed patrol officer. The third responding officer stated that he had responded to the King Phillip apartment complex earlier in the morning on April 30, 2024 to speak with Mr. Maclean's neighbor regarding the

intimidation of a witness allegations. At the time, the third responding officer believed probable cause existed to arrest Mr. Maclean for intimidation of a witness. Mr. Maclean was not located and the third responding officer returned to the police station. A short time later, the third responding officer learned that Mr. Maclean had returned to his apartment.

The third responding officer traveled to 501 King Phillip Street with other officers to arrest Mr. Maclean. The third responding officer walked up to the second floor to Mr. Maclean's apartment with three other officers. Mr. Maclean shut and locked his door when he learned that officers were outside of his apartment. Officers tried to speak with Mr. Maclean through his door, but Mr. Maclean was "agitated and frustrated". Mr. Maclean made statements that if any officer entered his apartment, "fists would be flying". The third responding officer knew that Mr. Maclean was a large man with boxing experience who had a history of prior violent incidents. The third responding officer drew his taser and had it at a low and ready position as the officers discussed their next steps and one of the officers attempted to call a Sergeant via a cell phone.

The third responding officer stated that Mr. Maclean's door began to open and he saw that Mr. Maclean had his right hand hidden behind his back. The third responding officer knew that something was wrong as he had expected Mr. Maclean to come out with his hands up in a fighting position. The third responding officer saw Mr. Maclean raise a firearm and point it towards another Raynham officer. The third responding officer fired his taser at Mr. Maclean. The taser hit Mr. Maclean and the third responding officer heard gunshots. The third responding officer only fired his taser and not his department issued firearm. After Mr. Maclean was shot, the third responding officer assisted in rendering medical aid to Mr. Maclean.



Figure 3: Image from body worn camera of third responding officer as Mr. Maclean exited his apartment with a firearm.

INTERVIEW WITH FOURTH RESPONDING RAYNHAM POLICE OFFICER:

On May 9, 2024, the fourth responding Raynham police officer was interviewed at the Raynham police department. The fourth responding Raynham police officer is a Sergeant in the Raynham police department. The fourth responding officer stated that he overheard a dispatch sending other officers to 501 King Phillip Street. The fourth responding officer responded to assist. The fourth responding officer met with other officers, but Mr. Maclean was not located. He left the scene and was later alerted that Mr. Maclean had returned to his apartment. The fourth responding officer returned with other officers to arrest Mr. Maclean.

The fourth responding officer walked up the staircase to Mr. Maclean's apartment with three other officers. Mr. Maclean shut and locked his door when he became aware that officers were in the hallway. The officers attempted to de-escalate the situation by speaking to Mr. Maclean, but these efforts failed. The officers discussed the situation and decided to obtain an arrest warrant for Mr. Maclean and post an officer by the door until the warrant arrived. As the officers attempted to call a Sergeant with a cell phone, Mr. Maclean opened his door. The fourth responding officer initially thought that Mr. Maclean was going to surrender but then saw Mr. Maclean's right hand behind his back. The fourth responding officer stated that Mr. Maclean pointed a firearm directly at his head and the fourth responding officer dove to the floor. The fourth responding officer heard the "pop" of a taser following by the "pop" of a gunshot. The fourth responding officer drew his firearm and could see that Mr. Maclean was on the ground but still had the firearm in his right hand. The fourth responding officer stated that he was in fear for his safety and for the safety of other officers. The fourth responding officer fired his weapon "a few times" before the weapon jammed in what is known as a "stove pipe". The fourth responding officer cleared his weapon and saw that Mr. Maclean had dropped the firearm. The fourth responding officer entered the apartment and secured Mr. Maclean's firearm. The fourth responding officer assisted in rendering medical aid to Mr. Maclean before Mr. Maclean was brought to the hospital.



Figure 4: Image from body worn camera of fourth responding officer as Mr. Maclean exited his apartment with a firearm.

FIREARM RECOVERED FROM MR. MACLEAN:

The firearm recovered from Mr. Maclean was sent to the Massachusetts State Police Firearms Identifications Section for analysis. Per the examination, the firearm recovered from Mr. Maclean was a 9 MM Sig Sauer model P320 semi-automatic handgun bearing serial number 58A126974. When Mr. Maclean's firearm was examined by the Firearms Identification Section, obvious ballistics damage was observed. A bullet fired by one of the Raynham officers was lodged in the firearm underneath the slide. The result of this bullet strike damaged the slide. Therefore, the Sig Sauer was no longer operational. A spent shell casing was recovered from inside of the chamber of the firearm. Ballistics testing determined that the spent shell casing inside of Mr. Maclean's firearm was fired from that firearm. A spent projectile was recovered from Mr. Maclean's clothing at the Morton Hospital. Ballistics testing determined that this projectile was fired from Mr. Maclean's firearm. The magazine in Mr. Maclean's firearm was empty. Due to the damage by the Raynham Police bullet, the capacity of that magazine could not be determined. Additionally, two live 9 MM bullets were located in the living room of Mr. Maclean's apartment.

Ballistics damage was identified on Mr. Maclean's floor at the threshold of his apartment. This is consistent with Mr. Maclean firing one round downward from his firearm during the incident. Mr. Maclean did not have a license to legally own or possess the Sig Sauer firearm and could not have had a valid firearms license due to several prior felony convictions.



Figure 5: 9 MM Sig Sauer recovered from Mr. Maclean. Police bullet lodged under the slide.



Figure 6: Ballistics damage to Mr. Maclean's floor consistent with being fired by Mr. Maclean.

BALLISTICS EVIDENCE FROM POLICE WEAPONS:

The firearms from the two Raynham police officers who discharged their weapons were examined by the Massachusetts State Police Ballistics Unit. Both were determined to be .40 caliber S&W Glock model 22 Gen4 semi-automatic pistols. Both firearms were loaded with SPEER 40 S&W ammunition. The ballistics unit recovered eleven (11) SPEER 40 S&W spent shell casings from area where the shooting occurred.

AUTOPSY

An autopsy on Mr. Maclean was completed by Dr. Nikki Moutzinos from the office of the Chief Medical Examiner for Massachusetts. Mr. Maclean was found to have eleven gunshot wounds to his person. Of the eleven gunshot wounds, one wound was a graze to his left forearm. Mr. Maclean also had gunshot impact wounds to his right arm, left arm, right hand, abdomen and right upper chest. A blood toxicology screen revealed that Mr. Maclean had a .307% blood alcohol content. Mr. Maclean also tested positive for 1.3 ng/ml Delta-9 THC and 32 ng/ml of Nordiazepam. Dr. Mourtzinos determined that Mr. Maclean died of multiple gunshot wounds and that the manner of death was homicide-shot by police.

INTERVIEW WITH MR. MACLEAN'S EX-GIRLFRIEND

On April 30, 2024, Mr. Maclean's ex-girlfriend was interviewed at the Raynham Police Department. The ex-girlfriend stated that she moved into an apartment at 501 King Phillip Street next door to Mr. Maclean approximately two years prior. Mr. Maclean was already living in apartment #22. Soon after she moved into her apartment, she started a dating relationship with Mr. Maclean. At the time, Mr. Maclean was sober and the relationship was positive. Soon after, Mr. Maclean started experiencing issues with drugs and alcohol as well as a declining mental health situation. Mr. Maclean began to abuse steroids and other narcotics and the ex-girlfriend believed that Mr. Maclean's psychiatrist prescribed medications which harmed Mr. Maclean rather than helped him.

The ex-girlfriend described that on September 8, 2023, she was arraigned in the Taunton District Court on the charges of Assault with a Dangerous weapon. The alleged victim also lived in the King Phillip apartment complex. On April 29, 2024, the case was called in the Taunton District Court. Mr. Maclean was supposed to testify on her behalf but he appeared at Court too intoxicated to testify. The case was continued and Mr. Maclean was sent home. The ex-girlfriend told the police that later in the day, Mr. Maclean was still intoxicated and mentally not well. She described that Mr. Maclean went to the neighbor/witness apartment and was arrested for intimidation of a witness.

The ex-girlfriend told the police that later the next morning (April 30, 2024), Mr. Maclean knocked on her door at approximately 5:00 A.M. Mr. Maclean told her that he wanted to die and that he wanted to kill himself. Mr. Maclean had made similar statements in the past. The ex-girlfriend also told the police that she believed Mr. Maclean purchased a firearm from another resident in the King Phillip apartment complex.

INTERVIEW WITH MR. MACLEAN'S EMPLOYER:

On April 30, 2024, Mr. Maclean's employer was interviewed at his home by detectives from the state police. According to the employer, Mr. Maclean was employed by the Belmont Irrigation Company for about four to five years. Mr. Maclean was a good employee but started drinking heavily in the summer of 2023. On or about March 25, 2024, Mr. Maclean's employer brought Mr. Maclean to rehab at Hi-Point. However, Mr. Maclean continued to drink after he was

released. On the morning of April 30, 2024, Mr. Maclean reported to work at a jobsite in Marshfield around 7:30 A.M. The employer noted that Mr. Maclean's behavior was erratic. Specifically, Mr. Maclean was walking in circles and talking about his arrest the previous day. When the employer walked over to check on Mr. Maclean's work, he found empty nip bottles of alcohol in the irrigation ditch that Mr. Maclean was working on. Mr. Maclean was fired as a result. Mr. Maclean ordered an UBER from the job site back to his apartment in Raynham. After Mr. Maclean was fired and left the job site, another employee told Mr. Maclean's employer that Mr. Maclean claimed to have a firearm that morning.

INTERVIEW WITH MR. MACLEAN'S CO-WORKER:

On May 2, 2024, the police interviewed a former co-worker of Mr. Maclean. This co-worker also worked at the Belmont Irrigation Company and was responsible for driving Mr. Maclean to various job sites. The co-worker described that he drove Mr. Maclean to a job site in Marshfield in the early morning hours of April 30, 2024. At the time, Mr. Maclean was intoxicated. The co-worker described Mr. Maclean as a "mess" and that he had difficulty performing even the most basic work tasks. Mr. Maclean told the co-worker that he had a firearm but the co-worker did not take him seriously. After Mr. Maclean was fired for drinking on the job, the co-worker told his boss about Mr. Maclean claiming to have a firearm.

INTERVIEW WITH MR. MACLEAN'S CHILDHOOD FRIEND:

On April 30, 2024, detectives with the state police interviewed a childhood friend of Mr. Maclean. The friend had known Mr. Maclean since they were seven or eight years old. The friend would stay with Mr. Maclean occasionally for a few days or a week at a time. The friend had his own apartment and would give Mr. Maclean money as he used Mr. Maclean's apartment to sleep and store items. There was no formal rental agreement. The friend was not with Mr. Maclean in the days leading up to April 30, 2024. However, no one else was residing with Mr. Maclean at that time. When asked about Mr. Maclean's recent behavior, the friend described Mr. Maclean as "off the walls." The friend reported that Mr. Maclean had recently gone to rehab for about 5 days but started using again. The friend described that Mr. Maclean primarily abused steroids, alcohol and his prescription medication. The friend detailed that Mr. Maclean was an "angry drunk" and stated that holes in his apartment walls were from Mr. Maclean punching them. Recently, Mr. Maclean's drinking had become so bad that he was putting vodka in water bottles that he brought to work. The friend indicated that he did not believe Mr. Maclean was suicidal but acknowledged that he was disruptive in the building. The friend believed that he would find Mr. Maclean deceased from an overdose of either drugs, alcohol or both. The friend reported that there have been multiple intervention attempts with Mr. Maclean to request that he get help for suspected bi-polar and substance abuse disorder. The friend denied ever seeing Mr. Maclean with a firearm and did not know who gave the firearm to him.

PRIOR SUICIDE ATTEMPTS OF MR. MACLEAN:

In 2017, Mr. Maclean robbed a bank in New Bedford. As he was being pursued by officers, he reached into his waistband. Mr. Maclean produced a black object and pointed it at officers as if it were a firearm. Mr. Maclean was tased by the officers and arrested. It was later determined

that the item Mr. Maclean pulled from his waistband was a cell phone. Mr. Maclean asked the officers “why didn’t you guys shoot me”, “I want to die”.

There is also a documented incident in January of 2017 where Mr. Maclean attempted to hang himself inside of the Bristol County House of Correction.

SELF DEFENSE/ DEFENSE OF OTHERS:

The laws of the Commonwealth allow a person to act in self-defense or defense of another.² Self-defense and defense of another, if warranted by the circumstances and carried out properly, constitute a complete defense.³ The level of force used by a person acting in self-defense or defense of another must be commensurate to the level of the threat. Deadly force may be used to combat deadly force. However, deadly force may not be used to combat non-deadly force. Our laws define deadly force as force intended or likely to cause death or great bodily harm and define non-deadly force as any force less than deadly force.⁴

RAYNHAM POLICE DEPARTMENT USE OF FORCE POLICY:

The Raynham Police Department has a use of force policy OP 102. This policy was most recently issued on January 12, 2024. According to the use of force policy:

The Raynham Police Department places the highest value on the life and safety of the public and its officers. Because of their law enforcement and peacekeeping role, police officers will be required at times to resort to the use of force to enable them to fully carry out their responsibilities. Only a reasonable and necessary amount of force may be used. The objective of force is to maintain and/or reestablish control over a situation.

This policy will establish uniform guidelines for the lawful use of reasonable force by Raynham Police Department members when necessary. This policy defines levels of force available and provides members with a continuum of force describing possible responses for different situations. It includes procedures for providing medical

² Society wishes to encourage all of us to come to the aid of each other when that is necessary. Therefore, a person may use reasonable force when that is necessary to help another person, if it reasonably appears that the person being aided is in a situation where the law would allow that person to act in self-defense. The elements of defense of another are: “An actor is justified in using force against another to protect a third person when (a) a reasonable person in the actor's position would believe his intervention to be necessary for the protection of the third person, and (b) in the circumstances as that reasonable person would believe them to be, the third person would be justified in using such force to protect himself.” Commonwealth v. Young, 461 Mass. 198, 208 (2012), quoting Commonwealth v. Martin, 369 Mass. 640, 649 (1976). “The reasonableness of the belief may depend in part on the relationships among the persons involved.” Martin, 369 Mass. at 649. “(T)he circumstances must be viewed from the perspective of the intervening [person], not of the third party.” Young, 461 Mass. at 209.

³ See Commonwealth v. Mejia, 407 Mass. 493, 496 (1990) (self-defense). See also Commonwealth v. Johnson, 412 Mass. at 370-373 (1992) (defense of another).

⁴ “The proper standard for determining whether particular actions were justifiably undertaken in self-defense depends on the level of force he used on his victim and the circumstances that prompted those actions.” Commonwealth v. Pike, 428 Mass. 393, (1998). If deadly force were used then the deadly force standard should be applied. See Commonwealth v. Houston, 332 Mass. 687, 690 (1955).

assistance when necessary following a use of force situation. This policy will also establish a departmental reporting system and follow up investigative procedures.

Members of the Raynham Police Department are confronted regularly with situations requiring the use of various degrees of force to affect a lawful arrest, to ensure public safety, or to protect themselves or others from physical harm. The degree of force to be used is dependent upon the facts surrounding each individual incident. The officer's decision must be in line with what a reasonable Officer would consider sensible under the circumstances based on the amount of resistance offered or the level of threat the subject presents to the Officer or others. The object of the use of force is to maintain or re-establish control over a situation.

Control is reached when a person complies with the Officer's directions and/or the suspect is restrained or apprehended and no longer presents a threat to the Officer or others. Since Officers encounter a wide range of behaviors, they must be prepared to utilize a range of force options.

While Officers should rely on the guidelines presented here, no written directive can cover all possible situations. Officers are expected to respond to all emergencies decisively, using the highest level of good judgement, restraint, and professional competence, whatever the level of force is necessary.

The amount and degree of force that may be employed will be determined by the facts and circumstances of each individual situation. These include but are not limited to:

- Nature of the Offense Behavior of the Subjects;
- Actions of Third Parties who are present;
- Drugs or Alcohol effecting the subject;
- Relative age, size, physical condition, skill level of member vs the subject
- Number of potential assailants vs the number of police on scene
- Availability or Feasibility of alternative actions

A member acting alone may be required to resort to a much greater degree of force that would be necessary if another Officer had been present.

Relevant provisions of the Raynham Police Department Use of Force Policy include⁵:

DEADLY FORCE is defined as: Physical force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer shall not use deadly force upon

⁵ For a full copy of the Raynham Police Department Use of Force Policy, please refer to OP 102 (42 pages).

a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

LETHAL FORCE is defined as: That degree of force, which a reasonable and prudent officer would consider likely to cause death or serious physical injury. This may include red zones strikes with batons. The use of a firearm is ALWAYS the use of lethal force. Lethal Force, also defined as Deadly Force above, is that degree of force that can reasonably be expected to cause death or serious physical injury. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such forced is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

- 1) Officers are Authorized to use Lethal Force to:
 - A. Defend him/herself or another from unlawful attack which he/she reasonably believes is an imminent threat of death or serious bodily harm, **OR**
 - B. Effect an arrest, **ONLY WHEN:**
 - C. The arrest is for a felony; **AND**
 - D. The member reasonably believes that the force employed creates no substantial risk of injury to innocent persons, **AND**
 - E. The member has probable cause to believe that:
 - F. The crime for which the arrest is being made involved the use, attempted use, or threatened use of lethal force; **AND**
 - G. There is substantial risk that the person to be arrested will cause death or serious physical injury if his apprehension is delayed; **AND**
 - H. There is no reasonable alternative.
 - I. Where feasible, member shall identify themselves and give some warning before using lethal force.
 - J. Qualified with that weapon under the direction of a certified instructor.

MEDICAL AID: Raynham Police Department Members will ensure the provision of appropriate medical aid to any individual injured as a result of a member's use of physical force, lethal weapon, or less lethal weapon.

After any level of force is used, the member should evaluate the need for medical treatment and arrange for that treatment when the non-compliant subject has a visible injury or complains of injury or discomfort and requests medical attention. Members shall render immediate medical aid, within their level of training, and call for further

assistance when necessary.

CONCLUSION:

Based on the facts and circumstances described above, the following determinations can be made:

The Raynham Police officers who fired their taser and/or firearms at Stephen Maclean on April 30, 2024 had a reasonable fear for their own safety and the safety of their fellow officers. The officers had probable cause to arrest Mr. Maclean for intimidation of a witness. Taking Mr. Maclean into custody was not only lawful, but necessary for the safety of the neighbor/witness who Mr. Maclean had intimidated on consecutive days and for the general public based on Mr. Maclean's volatility and extreme intoxication.

The Raynham police officers first attempted to talk Mr. Maclean out of his apartment. Mr. Maclean did not comply. As demonstrated by the body worn camera videos, the officers were not aggressive or hostile. The officers devised a plan to contain Mr. Maclean in his apartment while they awaited a warrant. No officer was banging on the door or attempting to forcibly enter the apartment. At the time that Mr. Maclean opened his door with a loaded firearm behind his back, none of the Raynham officers had their firearms displayed and the officer with the taser was holding it at a low and ready position.

When Mr. Maclean pointed his firearm at the officer standing in front of him, the space separating Mr. Maclean's outstretched arm to that officer was less than five feet. The hallway was clear and open with no obvious places to take cover or retreat from Mr. Maclean's threat of deadly force. The threat of deadly force presented by Mr. Maclean was immediately apparent and imminent. As a result, mitigation or de-escalation tactics were not possible. The officers properly responded to Mr. Maclean's use of deadly force in a manner consistent with the Raynham Police Department's Use of Force Policy and the laws regarding self-defense and the defense of others.

Further, the officers used only the amount of force necessary to neutralize the threat that Mr. Maclean presented. Once it was clear that Mr. Maclean had dropped his firearm, the police ceased firing their weapons, secured Mr. Maclean's firearm and immediately began rendering first aid while calling for an ambulance.

While audio on the officer's body worn cameras was properly muted just prior to the shooting for a legitimate police reason, the video from those cameras recorded the entire event from arrival to post shooting. The video confirms the officer's statements that it was Mr. Maclean's unprovoked and violent actions that required the Raynham officers to respond with deadly force.

Based on a review of all of the facts and circumstances related to this incident, there is no basis to conclude that the responding police officers committed a crime. The fatal shooting of Stephen Maclean was justified.