



**Report of Suffolk County District Attorney Daniel F. Conley  
On Findings in the October 30, 2016, Shooting Death of Terrence Coleman**

The Suffolk County District Attorney's Office has concluded its investigation into the Sunday, October 30, 2016, shooting death of Terrence J. Coleman in the foyer of his home, an apartment building at 245 Shawmut Avenue in the South End. The investigation revealed that Boston Police Officer Garrett Boyle fired his service firearm twice. Both shots struck Mr. Coleman. The investigation further revealed that Officer Boyle acted in the lawful exercise of his duties, both in self-defense and the defense of others: Officer Boyle fired his service weapon only after Mr. Coleman had attacked two emergency medical technicians (EMTs) who had been called to the home by Mr. Coleman's mother, Hope Coleman. During the attack, Mr. Coleman knocked one of the EMTs to the ground and attempted to stab him with a ten-inch kitchen knife. When Officer Boyle and Officer Kevin Finn went to the EMTs' aid, Mr. Coleman attempted to stab the officers, too. After wrestling briefly with Mr. Coleman in an attempt to subdue and disarm him, the officers began to lose the ability to control him, and it was at that point that Officer Boyle shot Mr. Coleman. Under the extremely difficult circumstances facing him, Officer Boyle's actions in firing his service weapon twice at Mr. Coleman were reasonable and lawful. I conclude therefore that no criminal charges are warranted in connection with Mr. Coleman's death. In reaching these findings, I am keenly aware of the tremendous loss suffered by Mr. Coleman's family, particularly his mother, whose attempt to seek help for her son ended in his death during an armed confrontation with police.

The Suffolk County District Attorney has the statutory duty and authority to direct and control all death investigations in the City of Boston. The purpose of my office's investigation was to determine whether any person bears criminal responsibility in connection with Mr. Coleman's death. My conclusions reflect my analysis – in consultation with senior prosecutors in this office – of the facts uncovered in the investigation and the governing law. My Chief of Homicide, Edmond J. Zabin, responded to the scene of the shooting in the early morning hours of October 30, 2016. I subsequently assigned Assistant District Attorney David Deakin, Senior Counsel to the District Attorney, to direct the investigation in consultation with other senior prosecutors.

My office's investigation included a review of all evidence gathered by the Boston Police Department's Firearm Discharge Investigation Team (FDIT) led by Boston Police Sergeant Detective Thomas Pratt. This evidence includes: recordings of 911 calls; recordings of police and EMT dispatch calls; recorded statements of the EMTs and police officers involved; recorded statements of other civilian witnesses; photographs and video of the scene; medical records; the autopsy report; fingerprint evidence; other physical evidence; reports and conclusions of a firearm identification analyst; the Boston Police Department's policy on the use of deadly force; and Boston Police Academy training materials on police response to reports involving mental illness and emotional disturbances. The final report of the Boston Police FDIT was delivered to my office on August 14, 2017.

### **FACTS**

Shortly after 12:30 a.m. on Sunday, October 30, 2016, Hope Coleman called 911. She was seeking assistance for her thirty-one-year-old son Terrence. Ms. Coleman told the 911 operator that she was calling from an automobile "double-parked" outside her home. She explained that she was concerned about her son's well-being.

According to Ms. Coleman, her son had been outside their home at 245 Shawmut Avenue since approximately 3:00 a.m. on Saturday, October 29, 2016. Ms. Coleman told the 911 operator that her son suffered from "schizophrenic paranoia" and that he was "not in his right state of mind." Ms. Coleman appeared to be concerned that her son had not taken medication prescribed for his mental health condition. Ms. Coleman further explained that she had contacted her son's therapist and the Tufts Medical Center and that the hospital had advised her to call an ambulance to have her son brought there and evaluated. She told the dispatcher that her son would not react well to the presence of police, and she asked that only an ambulance be sent. The dispatcher explained to Ms. Coleman that, according to protocol, the police would have to accompany the ambulance for the safety of the EMTs and others, and Ms. Coleman indicated that she understood.

Eight minutes after Ms. Coleman's 911 call, Boston Police Officers Garrett Boyle and Kevin Finn arrived. They were in uniform and traveled in a marked Boston Police cruiser. They spoke with Ms. Coleman, who told them that her son suffered from paranoid schizophrenia and had been sitting outside for most of the day. She also told them that her son, who by then had gone inside the apartment, had not been acting like himself. Finally, Ms. Coleman told the officers that she thought that her son would not respond well to seeing police officers, and she did not want him to think that she had called the police.<sup>1</sup> Shortly after the police arrived, EMTs Terry Mentelle and Kyle MacKinnon pulled up in their ambulance. They, too, were in uniform. They spoke briefly with Ms. Coleman, who reiterated much of what she had said to the police.

The officers and the EMTs discussed their response to the situation. They decided that the EMTs would go into the apartment and speak with Mr. Coleman while the police waited outside in case they were needed. As they spoke, someone up the street called out "Boston Police," and the group became concerned that someone else needed help. The officers and

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<sup>1</sup> Neither the responding officers nor the EMTs were informed that, twice in the past, police had been called to the home to respond to incidents in which the defendant acted erratically and wielded a knife.

EMTs agreed that the officers would go up the street and investigate while the EMTs went inside the apartment to speak with Mr. Coleman. Police later determined that the call for help likely was in connection with an unrelated shooting in the area that occurred shortly after officers had responded to Ms. Coleman's 911 call.

On his way into the apartment, EMT MacKinnon propped open the front door with a piece of medical equipment to allow easy entry into, and egress from, the building. When the EMTs entered the apartment, they found Mr. Coleman in his bedroom, which was cluttered. A large man at 5' 10 ½" tall and 240 pounds, Mr. Coleman was seated on the floor at the foot of his bed with his head down. EMT Mentelle went into the bedroom to speak with Mr. Coleman, and EMT MacKinnon stayed outside the bedroom with Ms. Coleman. Initially, Mr. Coleman did not respond to EMT Mentelle's effort to engage him in conversation. After a short time, Mr. Coleman picked up an opaque, white plastic bag and stood up. He headed out of his room and then out of the apartment.

EMTs Mentelle and MacKinnon, along with Ms. Coleman, accompanied Mr. Coleman out of the apartment and into the foyer of the apartment building, a small, enclosed area measuring approximately four by nine feet. [See Photograph 1] There, Mr. Coleman, with his back to the front door of the apartment building, began speaking urgently but disjointedly. As he did so, he looked over his shoulder and apparently saw the police cruiser parked outside. At that point, Mr. Coleman became more agitated and made loud, vulgar statements about then-President Obama's daughters, followed by a similar statement about "a police officer's daughter." As Mr. Coleman's agitation increased, EMT MacKinnon saw him reach into the white plastic bag he was carrying. MacKinnon stepped past his partner, closer to Mr. Coleman, to see what was in the bag. Ms. Coleman later told police investigators that, in her view, one of the EMTs (presumably MacKinnon) "went to try to grab at [her] son." As EMT MacKinnon stepped closer to see what was in the bag, Mr. Coleman pulled the ten-inch kitchen knife out of it. [See Photograph 2] Ms. Coleman later told police that at no time during the encounter did she see her son with a knife. EMTs Mentelle and MacKinnon and Officers Finn and Boyle all reported that the defendant wielded a knife and stabbed and slashed at EMT MacKinnon and then at both police officers.

As Mr. Coleman removed the knife from his bag with his right hand, he shoved EMT MacKinnon to the ground and began to stab at him.<sup>2</sup> MacKinnon, who was on the ground with his back to the wall, kicked his legs to try to keep Mr. Coleman from stabbing him. Meanwhile, EMT Mentelle placed an urgent radio call, in which he screamed, "get us some help!"<sup>3</sup> As he did so, EMT Mentelle pulled on Mr. Coleman's back to try to get him off of his partner. MacKinnon was able to position his feet against Mr. Coleman's chest, and he extended his legs as hard as he could. The force of this effort sent Mr. Coleman – and EMT Mentelle, who was behind him – sprawling backwards. EMT Mentelle landed on his back on the stairs, with Mr. Coleman on top of him; Mr. Coleman's back was against EMT Mentelle's chest. Officers Boyle and Finn – who by then had returned from looking into the call for help up the street – heard the

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<sup>2</sup> In her subsequent account to police, Ms. Coleman did not report any assault by her son on EMT MacKinnon.

<sup>3</sup> Approximately 30 seconds later, EMT Mantelle followed up with a radio transmission in which he reported that, "police just fired shots; he tried to stab us." Boston EMS records reflect that EMT Mantelle's initial radio call for help came at approximately 12:58 p.m., or 22 minutes after Ms. Coleman's 911 call and fourteen minutes after Officers Boyle and Finn arrived at 245 Shawmut Avenue.

sound of a struggle and rushed into the foyer. Seeing what was happening, the officers tried to restrain Mr. Coleman.

The EMTs fled the building when the police officers came to their aid, and they reported that Ms. Coleman left with them. Ms. Coleman later told police that she had remained in the foyer throughout the encounter. In the records of her son's subsequent treatment at Tufts Medical Center (see below), however, there is a notation that Ms. Coleman told her son's treating physician that "she did not really see what exactly happened, but that there was some sort of scuffle and she heard a gunshot."

When officers Boyle and Finn came to the aid of the EMTs, they pulled Mr. Coleman to the floor onto his back. Officer Boyle, who had not yet seen that Mr. Coleman had a knife, told him repeatedly to "give me your hands." His purpose was to handcuff Mr. Coleman. Officer Finn, who saw the knife almost immediately, told Mr. Coleman to "drop it." Mr. Coleman did not. Instead, he stabbed and slashed at the officers with the knife. Officer Boyle got off of Mr. Coleman, leaving Officer Finn on top of him. Officer Finn attempted to control Mr. Coleman's right arm, in which he held the knife, as he continued to struggle with Officer Finn and tried to stab and slash him. Officer Finn began to sense that he was losing control of Mr. Coleman's right arm and feared that he would be stabbed.

At that point, Officer Boyle told Officer Finn to get clear of Mr. Coleman. Officer Finn pushed off of Mr. Coleman, using the opportunity to shove Mr. Coleman's right arm forcefully away from him. At that time, Officer Boyle fired two shots at Mr. Coleman, each of which struck him in the abdomen. Mr. Coleman immediately ceased struggling, and Officer Finn used his foot to push the knife a safe distance away from Mr. Coleman's hand.

Officer Finn then put on his medical gloves and began to administer aid to Mr. Coleman until EMTs Mentelle and MacKinnon returned to the foyer seconds later and took over efforts to treat his wounds. Within minutes, another ambulance arrived, and those EMTs took over responsibility for Mr. Coleman's care. Mr. Coleman was taken by ambulance to Tufts Medical Center, where he was pronounced dead at 1:25 a.m. An autopsy performed the next day determined that he died as a result of two gunshot wounds. Each bullet entered the right, lower quadrant of Mr. Coleman's abdomen and travelled front to back, upward, and right to left. Two bullets were recovered from Mr. Coleman's body at autopsy.

Officers Boyle and Finn handed over their firearms immediately to a superior officer who went to the scene after the report of shots having been fired. Officer Boyle's firearm was found to have one live round in the chamber and thirteen live cartridges in the magazine that accommodated fifteen cartridges, consistent with him having fired two shots. Officer Finn's firearm was found to have one live round in the chamber and fifteen live cartridges in the magazine that accommodated fifteen cartridges, consistent with him not having fired his gun. Two shell casings were recovered by police in the foyer. A firearms analysis confirmed that the two shell casings recovered in the foyer had been fired from Officer Boyle's Glock firearm.

EMTs Mentelle and MacKinnon and Officers Finn and Boyle were transported to the Boston Medical Center. EMT Mentelle was x-rayed and treated for back pain and blood in his urine. EMT MacKinnon was treated for a bruise on his head and injuries to his back, shoulders, left arm, and knee. Officer Finn was treated for an injury to his right knee.

A search warrant was executed later on October 30, 2016, at 245 Shawmut Avenue. Police recovered a number of items, including a knife with a black handle and a silver blade, which was found just inside the front door to the Colemans' apartment. The knife subsequently was analyzed by a criminalist, who identified a latent fingerprint at the base of the blade. A comparison of the latent fingerprint to Mr. Coleman's fingerprints revealed that the fingerprint on the knife matched Mr. Coleman's right index finger.

### ANALYSIS

Our legal analysis as to whether the actions of the involved officers could constitute a criminal act 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 situation." *Graham v. Connor*, 490 U.S. 386, 396 (1989).

"[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." *Commonwealth v. Asher*, 471 Mass. 580, 589 (2015). In this case, Officers Boyle and Finn were confronted not with "a potential threat of violence," but, instead, by an armed man who had knocked an EMT to the floor and was trying to stab him with a knife. Mr. Coleman did not respond to verbal commands to cease his attack, and he continued to resist and assault the officers when they took him to the floor. In light of the extraordinarily dangerous situation and the suddenness with which the defendant's assaultive actions escalated, the officers' decisions and actions were reasonable.

After a careful consideration of the facts – as established by the evidence – and the applicable law, I conclude therefore that Officers Garrett Boyle and Kevin Finn acted lawfully. Knowing that Mr. Coleman had attacked the EMTs and fearing that Mr. Coleman would stab one of the police officers, one of the EMTs, or others in or around the apartment building, Officer Boyle shot him. Officer Boyle's decision to fire his gun twice at Mr. Coleman under these circumstances constitutes a lawful and reasonable exercise of self-defense and the defense of others. Accordingly, I have determined that criminal charges are not warranted.

PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

