

To: Deputy Superintendent Jeffery I. Walcott
Assistant Chief, Bureau of Professional Standards

From: Sergeant Detective Pamela Besold
Internal Investigations Unit

Subject: **IAD Case #2013-0432**

Officers: **Officer Frederick Marzano, ID# 10286**

Rule 102, § 35 (Conformance to Laws)
Rule 102, § 3 (Conduct unbecoming)
Rule 102, § 9 (Respectful Treatment)
Rule 102, § 9 (Respectful Treatment)
Rule 303, § 5 (Pointing Firearm)
Rule 303, § 5 (Pointing Firearm)

Date: April 25, 2014

Complainant: Captain Kelley McCormick
Commander Area A-7

Sir:

I respectfully submit the following report in reference to the above complaint, IAD2013-0432.

Summary of Complaint

Taken verbatim from the complaint filed by Captain McCormick:

On or about the second week of August, Officer [REDACTED] states Officer Frederick Marzano pointed a firearm at him while in the guardroom of District 7. Approximately

one week later, [REDACTED] states Officer Marzano took out his firearm and placed it against Officer [REDACTED] chest, making contact with the muzzle of the firearm to Officer [REDACTED] chest. These incidents were not reported to any supervisor at the time. On Monday, October 7, 2013, Sgt. James Martin responded to 87 Horace St upon request of a service unit [REDACTED] a). [REDACTED] stated to Sgt. Martin that an incident occurred between him and Officer Marzano (who was on detail there at the time). [REDACTED] stated that Officer Marzano grabbed him by the neck and choked him. [REDACTED] was transported to MGH for treatment. Sgt. Martin interviewed the construction foreman and was assigned to investigate the incident in full and prepare reports for my attention. On 10/15/2013, I met with [REDACTED] in the presence of Lt. R. Gannon and Sgt. Det. C. Daly. [REDACTED] a requested these individuals to be present and requested the meeting with me. It was at this time that [REDACTED] revealed the prior events between him and Officer Marzano. As a result of the interview of [REDACTED], I had Lt. Gannon bring Officer Marzano into my office (only myself, Lt. Gannon, and Sgt. Det. Daly were present). I made the decision to relieve Officer Marzano of duty at this point. I took custody of his firearm and radio. I advised Deputy Supt. Holmes of the situation and was instructed to file the 1920 on these incidents.

Summary of Interview with Captain Kelley McCormick

On Tuesday, March 11, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Courtney Powell conducted a recorded interview with Captain Kelly McCormick within the Captain's office of the District station of Area A-7 located at 69 Paris Street, East Boston. Captain McCormick acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Captain McCormick declined to have union representation for this interview.

Interview and recording initiated at 2:40PM.

Captain McCormick stated that both [REDACTED] and Freddy Marzano are under his command at district A-7. Captain McCormick stated that on October 7, 2013 he was made aware of an incident on Byron Street in which the two officers came into conflict and may have resulted in something physical between them. Captain McCormick stated he found out later on that a third officer from outside the district was at the same detail. Captain McCormick stated that [REDACTED] was in his cruiser and was up there for some reason and Officer Marzano somehow grabbed him or choked him in his cruiser.

Captain McCormick stated he immediately ordered the Patrol Supervisor to respond and Sergeant Jimmy Martin responded. Captain McCormick stated that it has been his experience in the past, although unfortunate that sometimes officers get into a physical conflict, but he wanted a full report and he wanted to know what happened and he will deal with it at this level right now.

Captain McCormick stated that Form 26 reports were ordered for the three officers, union reps were notified, and the basic conversation was that an officer from outside the district was doing a detail and had signed out and left and the other officer was Freddy Marzano

who was doing a detail further up the street. The other officer's crew approached Marzano and told him their officer had left and asked if Marzano could help them. Captain McCormick stated that the third officer was Martin Velez and when he returned there was a conflict between him and Marzano about leaving or about leaving one person's work for another person which isn't uncommon-we've all seen that in our careers. Captain McCormick stated that the report to him was that [REDACTED] just happened to come around the corner and that Marzano was very agitated and "Freddy is known to all of us as being the practical joker and he has been like that his whole career." [REDACTED] didn't know what Freddy was doing and didn't know there was a conflict over the detail and went to drive away and Freddy slammed the mirror of the cruiser. When [REDACTED] stopped, Freddy either reached through the window or the door, and began to assault [REDACTED]. Captain McCormick stated that [REDACTED] didn't understand what was happening. Captain McCormick stated they were able to stop it, [REDACTED] let the Supervisor know and that's when the Captain started the investigation immediately.

Captain McCormick stated subsequent to that Jimmy Martin gave him a basic report and told him he wanted reports from everybody including the Sergeant. Captain McCormick stated he was contemplating the event and thinking about issuing a one or two day suspension as he is aware of the IAD policy that when there is a physical confrontation the aggressor has gotten between one and three days. Captain McCormick stated he was aware of that from Special Operations and situations in other places.

Captain McCormick stated that he talked to [REDACTED] all week and he could see that he was not the aggressor in it right away. Captain McCormick stated he has known Freddy to be-he does have some issues and he can be very animated. Captain McCormick stated that when he talked to [REDACTED] he got the feeling or the instinct that something else was going on because [REDACTED]'s reaction was far and beyond 'I just had an altercation' or 'an officer hit me' or 'I had a conflict'. Captain McCormick stated especially since we teach guys how to be aggressive how to deal with conflict it seemed like there was something else going on underneath and he just couldn't get a sense of what it was. Captain McCormick stated there was something the way [REDACTED] was carrying himself that said there was something else going on. Captain McCormick stated he went home and spoke to his wife about it because [REDACTED]

Captain McCormick stated that on Monday (October 15, 2013) he arranged a meeting with [REDACTED], Lt. Gannon and Charlie Daly and himself to discuss what is going on. Captain McCormick stated that the first thing [REDACTED] did was explain his background to him; [REDACTED] that he was in the military and the Captain stated he knew him to be a quiet and disciplined person. And then Paulo told him what happened.

Captain McCormick stated that [REDACTED] told him at one point during the summer Freddy Marzano had pulled a gun out and pointed it at him, a second time Freddy had pulled a gun out and actually put it to his chest, and a third time [REDACTED] was sitting there writing a report and Freddy came up from behind on the side of him and made a slapping noise off

Captain McCormick stated the first time he ever heard any of the firearm incidents was when [REDACTED] told him during the meeting that Monday. Captain McCormick stated that he heard it happened in the guard room right behind him really upset him. Captain McCormick stated the other thing that really upset him, and he talked to the guys about this, if anyone else in the world saw this-an officer take out a gun and point it at another officer-you better damn well find out; you better do something. That's not a joke and if any superior saw it or if I saw it that would be immediate grounds I would suspend them on the spot. That is #1, danger to the person he did it to and #2, that bullet goes roaring through the station knowing my luck it would hit me. So #2, for my own self-defense but an officer doing that is so far out of bounds that if anyone knew about that type of behavior it would be interceded immediately.

Captain McCormick stated that when [REDACTED] came and told him (October 15, 2013) that is why he had changed his shift. Captain McCormick stated he is always willing to accommodate people whenever he can because in a team atmosphere if it works well for them it works well for the team. Captain McCormick stated that when [REDACTED] requested a shift change he never mentioned he had a conflict with another officer and never mentioned any of this stuff was going on and the thing is that [REDACTED] is so quiet he just didn't come forward with it. Captain McCormick stated that he was not blaming [REDACTED] but that he was just embarrassed that he was in it, he never asked for this and victims don't ask for trouble. Captain McCormick stated that [REDACTED] did what he thought was the best way to be safe and try to remove himself from Freddy so he wouldn't have to have contact with him and avoid situations where they would be crossing paths like that.

Captain McCormick stated that neither he nor any of the supervisors had an inkling that anything like this was going on. Captain McCormick stated that Joe Canny, his Executive Officer was acting in his place while he was out injured. Captain McCormick stated that if Joe found out any of this was going on he would have called him at home and it would have been dealt with right away and Captain McCormick would have come in. Captain McCormick stated that when Timmy Connolly was made acting Captain he is sure the same thing would have happened.

When asked directly if [REDACTED] made up any of the incidents as a way to get transferred Captain McCormick stated, "No, absolutely not."

Recording and interview concluded 2:56PM.

Summary interview with Officer [REDACTED]

On Wednesday, February 26, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Jose' Lozano conducted a recorded interview with Officer [REDACTED] within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer [REDACTED] acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Officer [REDACTED] declined to have union representation for this interview.

On October 7, 2013 Officer ██████ stated he was assigned to the day shift in District A-7. Officer ██████ stated he has worked at District A-7 for almost his entire career as a police officer, almost nine years.

Officer ██████ stated that on October 7, 2013 he was working a tour of duty and he was heading towards Constitution Beach to have lunch. Officer ██████ stated as he turned (his cruiser) onto Byron Street he observed Officer Marzano performing a paid detail there. He observed Officer Marzano with a small excavator machine approaching Horace which is about 20 yards away. Officer ██████ stated he waited for the machine to make the right turn and then began proceeding toward the beach. Officer ██████ stated Officer Marzano approached his cruiser and requested he roll his window down so he could speak to him. Officer ██████ stated he stopped his cruiser and knowing Officer Marzano to be pulling pranks Officer ██████ stated he thought Marzano would be pulling one of those pranks on him. Officer ██████ stated that because of this he only lowered his window down about two or three inches. Officer ██████ stated Officer Marzano got upset. Officer ██████ stated he thought he was going to pull one of his pranks and so Officer Marzano got upset and he hit the mirror, the driver's side mirror. Officer ██████ stated the mirror folded all the way to the front and at the time he didn't believe there was any damage to the mirror because you can fold it back into the same position. Officer ██████ stated that Officer Marzano kicked the car as well and then walked away towards Horace.

Officer ██████ stated he drove a little ways to the end of the street, got out of the cruiser and attempted to adjust the mirror to its original position and he noticed the mirror part-the glass had shattered. Officer ██████ stated he wondered how he was going to justify this to the DS. Officer ██████ stated he drove his cruiser back onto Horace and stopped a short distance down where Officer Marzano was standing. Officer ██████ stated he got out and pointed out the damage to Officer Marzano and asked him how was he going to justify this to the supervisor. Officer ██████ stated at the time he thought everything was still a joke.

Officer ██████ stated that his driver's door was open and he was standing in the opening of the door between the door and the car and Officer Marzano lunged at him. Officer ██████ stated Marzano grabbed him by the throat, shoved him inside the cruiser, and Officer ██████ stated he just put his hands out to the side because he thought this was one of the jokes or pranks that Marzano does. Officer ██████ stated he realized it wasn't a joke because of the pressure on his throat. Officer ██████ stated that Marzano's thumbs were on his windpipe and his hands circling his neck and Marzano kept on choking him. Officer ██████ stated he realized it wasn't a joke because Marzano was progressively choking him. Officer ██████ stated his back was on the center console arm rest area and he was lying down with his head in the passenger seat area and Marzano kept choking him.

Officer ██████ stated "I know he had a weapon, I know I had a weapon and the first thing that popped into my mind was that if I react a couple of things could happen here." Officer ██████ stated that a weapon could be discharged and life could be lost. Officer

Officer ██████ stated that during the ten days waiting for the transfer "it happened again". ██████ stated that there was joking around and he went up to Marzano and asked him when he was going to grow up. He asked him "when are you going to grow up and stop with those jokes?" ██████ stated he was standing in front of Marzano and he was sitting down in a chair and Marzano "pulled up the gun and put it right to my chest, touching my chest". Officer ██████ stated he stepped away and went into the computer room and shook his head and said "Knock it off. It's not funny." ██████ stated he walked away.

Officer ██████ stated he didn't want to report Marzano. He stated "Is that an incident that should be reported? YES indeed. Was that alarming? Extremely alarming." ██████ stated that he thought the best way to resolve the situation was to get out of the shift ASAP. ██████ stated that is when he started requesting swaps so he could work days and avoid working first halves. ██████ stated he requested a few so he could stay away from first halves until the time came when he could be permanently assigned to days. As soon as he was assigned to days ██████ stated "I'm golden. I'm away from him. I'm away from this whole issue. I'm back to normal life." (he laughs) ██████ stated that other coworkers kept asking him why did you go back to days and he told them he just wanted a normal life. ██████ stated that he didn't have to tell them; perhaps they didn't see it, but normal life.

Officer ██████ stated that the next incident occurred when he was already on days. ██████ stated he was writing a report and it was close to four o'clock and Officer Marzano was there with other officers waiting for roll call. Officer ██████ stated that Marzano came into the computer room and grabbed his gun in front of ██████ but did not pull it out of the holster. ██████ stated that Marzano was to the left of him and pulled out his hand in a gesture of a gun from his holster area. Marzano stepped out and made his hand into a gesture of a gun and pointed at him and said "boom". ██████ stated he knew Marzano did not have a gun (in his hand) but the whole gesture and what he did-it was alarming. ██████ stated then when "that thing happened at 87 Horace...this has to stop ya know. Someone is going to get hurt." (██████ silently crying asked if he needed a break he declines)

When asked directly if anyone who gets "pranked" by Marzano finds it funny ██████ stated it was his perception that it is not funny and that they do not find it funny but they don't want to report it. The reason why "I have no idea". ██████ stated he can assume that they do not want to be called-and the term he has heard before in that particular district-is rat. Or snitch.

██████ stated he had never heard the term "rat out" until he was in that environment. ██████ stated he used the term loosely when he was joking around but he couldn't understand you couldn't report an incident to your superiors because they might think you're a rat or a snitch knowing that your life or your safety is in jeopardy. ██████ stated if that is what you want to do that is fine but he won't jeopardize his safety just because he may be called a rat or a snitch.

Officer ██████ stated that he wished a police officer did not have those terms in their vocabulary because we are all here to uphold the law. It is very disappointing. Knowing that we are out there to find the truth and bring the truth back to the case and if we are trying to hide certain things in our culture so called.

Officer ██████ stated that some of the pranks Marzano would do to him is throw trash into his cruiser or take some of his personal items. Marzano would also try to open the door if it was unlocked (the cruiser). Officer ██████ stated that on the date of the Horace Street incident the first thing he did when he saw Marzano is "click click I locked the door" and then he rolled the window down to speak to him.

Officer ██████ asked directly how he would regain his personal items if Marzano took them and he replied, "Find it. Find it." ██████ stated that he would not know that Marzano took his items but other officers would know. The way he knew it was Marzano would be because Marzano would laugh and tell him where to find his items. Other officers would tell ██████ not to leave his stuff lying around Officer Marzano. Officer ██████ stated he would find his stuff in the refrigerator or hidden in the women's bathroom or the Captain's office.

Upon direct questioning Officer ██████ was asked if while being choked by Marzano did Marzano say anything to him and ██████ stated, "Oh yes, I'm sorry. He called me a quote dickhead unquote. He said you're a dickhead." Based on that alone ██████ stated he knew it wasn't a joke anymore. He told him to get the fuck outta here. If it was a joke if I thought it was a joke those words put it into a different perspective. It's definitely not a joke no more.

Officer ██████ stated he never saw Marzano pull a gun out on other officers. (██████ crying openly)

When asked if Marzano was the only reason he switched from first halves to days ██████ answered, "No doubt about it. No doubt about it." ██████ stated "I want a normal life". ██████ stated that as everyone knows the first half shift is one of the favorite shifts, you don't have to wake up early in the morning and if you choose to do a detail you can do a detail because there is plenty of details in the morning. ██████ stated he loved first halves but if you told him "██████ Officer Marzano is not on first halves no more will you come to first halves I would say no. The reason why is that I'm not saying Officer Marzano is a bad guy. I used to adore him. I looked up to him. He made great pinches and arrests and I used to say I want to make those kinds of arrests just like he did, those good arrests. But when that happened I don't even want to resemble him no more. And I don't want to be around people that admire him like I did."

Officer ██████ stated that when he walks into first halves "they don't talk to me no more. (crying) It's fine. It's fine."

Officer ██████ stated that he has not heard any derogatory comments directed at him. ██████ stated there was a moment at the end of a shift he was passing by some officers

and he overheard them say "Oh he's a rat too". [REDACTED] stated he did not think it was directed at him because they said he's a rat too so it must be referring to someone else.

Officer [REDACTED] stated he chose to ignore the remarks. He stated that there is a certain mentality and he can't change people's minds, the character of a person, he is not able to do that. [REDACTED] stated that if a person who is now 40 years old has that character there is no way you're able to change it. If the person was still a young child you might still be able to influence them. [REDACTED] stated there is a saying he read somewhere and it says, 'God gave us the serenity to accept the things that we cannot change.' [REDACTED] stated all he has to do is step away from that mentality.

When asked directly if he wanted to continue to work at A-7 [REDACTED] stated he does not want to work at A-7. [REDACTED] stated Captain McCormick spoke with him about putting him in a "more healthy" area or environment. [REDACTED] stated that the Captain had mentioned getting him into a specialized unit-the Fugitive Squad. [REDACTED] stated that the supervisors at A-7 are great and are very supportive and that it is just certain colleagues are that way.

Officer [REDACTED] stated he answered everything truthfully and to the best of his ability.

Interview and recording terminated at 11:08AM.

Summary Interview with Lieutenant Gannon

On Tuesday, March 11, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Courtney Powell conducted a recorded interview with Lieutenant Rich Gannon within the offices of the Captain at District A-7 located at 69 Paris Street in East Boston. Lieutenant Gannon acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Lieutenant Gannon declined to have union representation for this interview.

Interview and recording initiated at 3:13PM

Lieutenant Gannon stated he was unsure of the actual date but that he, Captain McCormick and Sergeant Detective Daly were present in the Captain's office along with Officer [REDACTED]. Lieutenant Gannon stated it was at that time he first became aware of the incidents alleged and what had occurred prior.

Lieutenant Gannon stated that during the meeting Officer [REDACTED] gave the Captain a form 26 which detailed events that had been occurring as well as how he felt about the situation.

When asked directly if he thought Officer [REDACTED] was making up or lying about the events Lieutenant Gannon stated that there would be no reason to doubt Officer [REDACTED] and that he is one of the best officers at A-7. Lieutenant Gannon stated he always viewed Officer [REDACTED] as having great character, a great policeman, and a very genuine person.

Lieutenant Gannon stated that he had never directly supervised either Officer [REDACTED] or Officer Marzano although all of them had worked at A-7 for a long time. Lieutenant Gannon stated that he had no knowledge of any of the alleged events occurring but had he become aware of them he would have intervened immediately. Lieutenant Gannon stated he wished he was aware of the situation because he felt he could have possibly resolved it prior to getting to this point.

Lieutenant Gannon stated he felt that both officers were good officers with good hearts and he feels that they both have been an asset to the department.

Interview and recording concluded 3:20PM.

Summary Interview Sergeant Detective Charles Daly

On Tuesday, March 11, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Courtney Powell conducted a recorded interview with Sergeant Detective Charles Daly within the offices of the Captain at District A-7 located at 69 Paris Street in East Boston. Sergeant Detective Daly acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Sergeant Detective Daly declined to have union representation for this interview.

Interview and recording initiated at 3:36PM.

Sergeant Detective Daly stated he was off on October 7, 2013 but when he returned to work either one or two days after he became aware that an incident had occurred involving Officer Marzano, Officer Velez, and [REDACTED] at a construction site off Byron by Bennington Streets. Sergeant Detective Daly stated he did not have any direct knowledge of anything that had occurred. Sergeant Detective Daly stated he was called by Captain McCormick to attend a meeting in the Captains office but he could not recall the date of the meeting nor how soon after the incident the meeting was called. Sergeant Detective Daly stated that the meeting did occur within a week or two of the incident on Byron Street but he did not recall specifically.

Sergeant Detective Daly stated he had been attending computer training in Jamaica Plain and when he was called by the Captain by the time he arrived at A-7 the Captain and Lieutenant Gannon were already in a meeting with Officer [REDACTED]. Sergeant Detective Daly stated he joined the meeting in progress. Sergeant Detective Daly stated that when he went in the office he sat down and Officer [REDACTED] was standing in front of the Captain's desk making statements to Captain McCormick. Sergeant Detective Daly stated he did not say or do anything but was there as a witness. Sergeant Detective Daly stated Officer [REDACTED] was making statements about concerns for his safety and he expressed concern that Officer Marzano was a threat to him. Sergeant Detective Daly stated Officer [REDACTED] was telling them that while Acting Captain Connolly was covering the station he had approached him about switching shifts from first halves to days. Sergeant Detective Daly stated that Acting Captain Connolly was able to accommodate

Officer ██████ and that ██████ had stated it was to get off the shift with Officer Marzano.

Sergeant Detective Daly stated that Officer ██████ was making statements referencing that Officer Marzano was posing a threat to his personal safety during the meeting.

Sergeant Detective Daly stated that he had no reason to believe that Officer ██████ was making up anything or lying.

Sergeant Detective Daly stated that Officer ██████ stated that Officer Marzano was a threat. In reference to him pointing a firearm Officer ██████ handed the Captain a Form 26 which outlined the incidents regarding Marzano pointing a firearm. Sergeant Detective Daly stated that Officer ██████ never verbalized any of those allegations regarding Marzano pointing a firearm at him while he was present at the meeting. Sergeant Detective Daly stated that Officer ██████ handed a Form 26 to the Captain who read it and then handed it to Lieutenant Gannon who read it and who then handed it to him and he read it and in that Form 26 were the incidents of Officer Marzano pointing a firearm at Officer ██████

Sergeant Detective Daly stated he had not heard of or was not aware of any of these incidents prior to reading about them in the Form 26. Had he been aware of any officer in that situation Sergeant Detective Daly stated, "obviously that's a crime, obviously that's a rules violation, and obviously at least in the short term, it calls into questions someone's fitness for duty" and he would remove their firearm and he would bring it to the attention of the Captain and either the Captain or he would relieve him of duty. When asked directly if he would have taken those actions immediately Sergeant Detective Daly responded, "Without hesitation."

Sergeant Detective Daly stated that from his personal experience with Officer ██████ he has always found him to be credible.

Sergeant Detective Daly stated that he was called by the Captain to be a witness which had been requested by Officer ██████ however he thought it was supposed to be a Lieutenant but Sergeant Detective Daly became a witness by default due to confusion over the availability of another Lieutenant. Sergeant Detective Daly stated that once the information was revealed by Officer ██████ it was decided that no communication would be had with Officer Marzano who was present in the station. Sergeant Detective Daly stated he did not have any conversation or communication with Officer Marzano.

Interview and recording concluded at 3:50PM

Summary Interview with Sergeant James Martin

On Thursday, February 6, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Jose' Lozano conducted a recorded interview with Sergeant James Martin within the offices of the Internal Investigations Unit at Boston Police Headquarters

located at 1 Schroeder Plaza in Boston. Sergeant Martin acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Sergeant Martin declined to have union representation for this interview.

Interview and recording initiated at 5:05PM.

Sergeant Martin stated that on October 7, 2013 he was doing an overtime shift in Area A-7 on a day tour. Sergeant Martin stated that at about 2:32PM he received a radio call from a detail officer that he needed assistance at a construction detail at 87 Horace Street. Sergeant Martin stated he left the station and was met by Officer Daniel Simmons who stated he would accompany him and they both went to the location.

Sergeant Martin stated that on arrival he observed the construction crew in the middle of Horace Street and that he was approached by Officer [REDACTED]. Sergeant Martin stated that [REDACTED] was actually doing a tour of duty as the G415D unit. Sergeant Martin stated that Officer [REDACTED] approached on the passenger side so he rolled the window down and asked him what was up. Sergeant Martin stated that Officer [REDACTED] just stood there and didn't say a word. Sergeant Martin stated that maybe he did not want to speak in front of Officer Simmons so Officer Simmons exited the cruiser and [REDACTED] went into the passenger seat.

Sergeant Martin stated that [REDACTED] stated that he had had it and that this was the last straw and that enough was enough. Sergeant Martin stated that Officer [REDACTED] told him he was just driving by because he was on his way to eat his sandwich when Officer Marzano told him to stop that he needed to talk to him. Sergeant Martin stated that [REDACTED] told him that oftentimes Marzano plays jokes on him and if he rolls the window down Freddy might throw something in like a piece of paper or something so he only rolled the window down a couple of inches and he kept on going. He told Sergeant Martin that at that point Marzano smacked the side view mirror and he kept going but when he returned to talk to Marzano about the mirror Marzano attacked him and choked him inside the cruiser. He said he didn't attempt to fight back. Sergeant Martin stated that [REDACTED] told him that Marzano was yelling at him and cursing at him and telling him he wasn't kidding. Sergeant Martin stated that [REDACTED] told him that Marzano stopped and that the two of them got out but Sergeant Martin stated he was not too clear about what exactly happened at that point.

Sergeant Martin stated he told [REDACTED] to go back to the station but before he entered his cruiser he asked him if he was okay and he said he was. Sergeant Martin stated he told him to meet him back at the station and he would try to sort this out and he would work it out with him at the station. Sergeant Martin stated [REDACTED] left. Sergeant Martin stated that he never looked at the mirror on the cruiser so he does not know anything about the damage if there was any.

Sergeant Martin stated that he observed Officer Velez doing a detail right next store to Marzano's detail. Sergeant Martin stated he walked over to Officer Marzano who was standing on the corner of Horace Street and Byron Street and asked him what happened.

Sergeant Martin stated Marzano told him he didn't have a problem with [REDACTED] he had a problem with Martin Velez. Marzano told him Velez left the detail and he called him and Velez came back and they argued. Sergeant Martin stated that Marzano said he was frustrated with Martin Velez and that [REDACTED] just happened to be coming by at that time and he wanted to talk to him Sergeant Martin assumed about what had just transpired. Marzano told him that [REDACTED] thought he was joking so he rolled the window down a couple of inches and kept on going. Marzano told Sergeant Martin he did whack the side view mirror.

Sergeant Martin stated that Marzano told him that when [REDACTED] returned he thought he was mad about the mirror and about to attack him so he pushed him into the cruiser and they started scuffling inside the cruiser. Sergeant Martin stated that it was still unclear how it stopped and how they exited the cruiser or how Marzano exited the cruiser.

Sergeant Martin stated that Marzano did tell him that he and Velez were in a heated argument because Velez had left the detail early. Marzano pointed out the construction foreman who would verify that Velez left early. Sergeant Martin stated he spoke with the foreman who confirmed that Velez had asked to be signed out. Officer Simmons at that point took Officer Marzano back to District 7.

Sergeant Martin stated he went to speak with Officer Velez who was seated in his vehicle at that point. Sergeant Martin stated that Velez and Freddy got into an argument because Freddy thought he left the detail. He said they argued and then they came back and argued some more. Sergeant Martin stated that Velez told him he did see Freddy in the cruiser fighting with Officer [REDACTED] but 'you know with Freddy you never know if he is kidding or if he's serious'. Sergeant Martin stated that was basically it as far as Velez was concerned.

Sergeant Martin stated that prior to leaving the scene he spoke with Lieutenant Canney who informed him that Officer [REDACTED] had requested an ambulance and had gone to Mass General by ambulance for treatment to his throat.

Sergeant Martin stated he left Officer Velez there and returned to District 7 and spoke with Marzano. Sergeant Martin stated that Marzano told him that he likes [REDACTED] and all those other things he did he was just joking around. Marzano continued by saying [REDACTED] just happened to come by at the wrong time because he was really frustrated with Velez over what he did. Marzano stated "I like him and I only kid around with him like that because I like him. I don't do that with people I don't like."

Upon direct questioning Sergeant Martin stated that Marzano told him that he had pushed [REDACTED] back into the cruiser and that maybe his hands went up around his throat but that he did not intentionally choke him.

Sergeant Martin stated that Lieutenant Canney relieved Marzano of duty and Sergeant Martin spoke with him. Sergeant Martin stated that Marzano told him he attempted to apologize to [REDACTED] but that he wouldn't have anything to do with it. Sergeant Martin

felt that Marzano showed remorse for what he had done and that he does not have a problem with [REDACTED] but he does have a problem with Velez and [REDACTED] a just happened to come by wrong time wrong place.

Sergeant Martin stated that he never specifically interviewed Officer Velez regarding the allegation that he got signed out of the detail early. Sergeant Martin stated that Officer Velez told him he didn't ask to get signed out early but left because he had to go to the bathroom or go do something. Sergeant Martin stated that he was not sure exactly what Velez said but that he did leave.

Sergeant Martin was assigned by the Captain to conduct the initial investigation which he did but then he was aware of a conference between Captain McCormick, Sergeant Detective Daly and he didn't know who else attended but as a result of the meetings Captain McCormick turned the investigation over to Internal Affairs. Sergeant Martin stated that his investigation concluded on October 7, 2013 the day of the incident at the construction site and he has no further information to share. Sergeant Martin stated that he was not asked to complete a blue form or a 1920.

Sergeant Martin stated he answered everything truthfully and to the best of his ability.

Interview and recording concluded at 5:20PM.

Summary Interview with Officer Martin Velez

On Wednesday April 2, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Courtney Powell conducted a recorded interview with Officer Martin Velez within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer Velez acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010. Attorney Alan Shapiro present is representing the legal interests of Officer Velez through the BPPA.

Interview and recording initiated at 5:07PM.

On October 7, 2013 Officer Velez stated he was assigned at B-3 but that he received a detail out of paid details in East Boston on that day. Officer Velez stated that he had worked in Area A-7 in the past and knows Officer Marzano and Officer [REDACTED]. Officer Velez stated he could not recall if he ever had been assigned to be partners with either officer because they worked different shifts. Officer Velez stated he didn't think so but over the years there may have been an overtime situation he could not recall.

Officer Velez stated that he submitted a Form 26 per order of Sergeant Martin and verified the Form 26 was the one he submitted. (Attachment # 4) Officer Velez stated that he was assigned a detail in close proximity to Officer Marzano on October 7, 2013.

Officer Velez stated that he was friends with Officer Marzano on the job but they have never hung out together off duty but he considers him a friend from work. Officer Velez

stated that he is friends with Officer [REDACTED] also as a work related friend and that their friendship does not extend beyond that.

Officer Velez stated that he first met Freddy when he got on the job. He stated if you know Freddy he is "absolutely crazy and I mean crazy as a good person." Officer Velez stated that Freddy was talking to him like he knew him for years from the first time he met him. Officer Velez stated that ever since then they became friends. Officer Velez stated that they both are kind of loud but I never...to my eyes Freddy is a great guy and a good officer too.

Officer Velez stated that he was aware of "pranks" by Marzano and said "that's Freddy he fools around with people like hugging, hitting, hugging, how ya doin, pushing each other, yelling at you, grabbing your mike and saying stupid things, stupid stuff like that." Officer Velez stated that Marzano would do this type of behavior to everybody. When asked directly if he witnessed any of these types of behaviors directed at Officer [REDACTED] a Officer Velez stated he had heard stories but once he witnessed directly "monkey play" like little kids between Marzano and [REDACTED]. When asked if he meant 'horse play' Officer Velez stated "yes, like little kids". Officer Velez stated that when he witnessed the 'monkey play' he did not see [REDACTED] get upset. Officer Velez stated that he knows [REDACTED] is a serious guy.

Officer Velez stated he never saw Marzano throw trash into Officer [REDACTED]'s cruiser. Officer Velez stated he was not aware of Officer Marzano taking other officer's property like their cover, their ticket books or anything. Officer Velez stated he was not aware of it and stated Marzano never did it to him.

When asked directly if Officer Marzano had ever pranked him in any way Officer Velez sated, "No."

When asked directly if Marzano ever did any horse play or monkey play with him Officer Velez responded, "No, no he knows how I am. I don't like handy andy touching, touchy stuff."

When asked directly if he had ever witnessed Officer Marzano fooling around with monkey play with any other officers other than [REDACTED] Velez stated, "Yes ma'am he fools around with everyone." When asked directly that he won't let Marzano fool around with him Velez responded, "Well I've said it to him that I don't like horse play and he respects that but I have seen him with other officers". Officer Velez asked if the other officers went along with it and Velez stated "Yeah yeah we're all friends".

When asked directly if there were other officers like him that didn't like to fool around like him officer Velez stated "Probably, yeah I'm sure". Officer Velez stated that he is not aware of any other officers that have told Marzano they don't like horse play.

When asked directly if he had ever witnessed Officer Marzano point his firearm at any other officer, Officer Velez responded, "No Ma'am". When asked if he had ever

witnessed Officer Marzano gesture with his hand in the shape of a gun and point it at any other officer Velez responded, "No Ma'am".

When asked if Officer [REDACTED] ever told him that he didn't like how officer Marzano dealt with him physically Officer Velez stated "No Ma'am."

When asked directly if Officer [REDACTED] ever told him that he wanted Officer Marzano to stop treating him the way that he did Officer Velez replied, "No Ma'am".

On October 7, 2013, at the detail Officer Velez stated that he and Marzano were having an argument and [REDACTED] showed up and parked maybe 15-20 feet away right by Marzano. Officer Velez stated that the door was open on the cruiser and [REDACTED] was sitting in it and Marzano leaned in, goes inside, leans inside, and both bodies lean towards the arm rest, then both straighten up and Freddy leaves, [REDACTED] closes the door, drives past him and stops may 10-20 feet away and then leaves. Officer Velez stated that he went over and talked to Freddy for a few more minutes, then he went back to his construction crew, then he sees [REDACTED] get out of his cruiser. Officer Velez stated he didn't know anything was going on until he saw [REDACTED] and he was "a little upset". Officer Velez stated that is when he could see-you know when someone has that pissed off face and "I think oh boy." Officer Velez stated that is when he heard [REDACTED] call for a PS to 84 Horace Street.

Officer Velez stated he could not see any other part of Officer Marzano except his back and he said "Freddy's a big guy". When asked directly if Marzano's feet were off the ground Velez stated he did not pay attention but they probably were since he was leaning in but he didn't want to say since he didn't pay attention.

When asked directly to describe how there could be two people in the front seat of the cruiser Officer Velez stated "Tight quarters, tight quarters".

When asked directly how long both Marzano and [REDACTED] were leaned over towards the center console Officer Velez said seconds and he would guess less than 5 seconds.

Officer Velez stated he was standing in front of the cruiser looking through the front windshield and he could not see Officer [REDACTED]'s face, shoulders, and could not see Marzano's hands or arms. Officer Velez could not describe how Marzano got out of the cruiser. Officer Velez stated he "somehow got out" maybe by pushing off of the steering wheel he wasn't sure. Once he got out he stepped to the rear of the cruiser.

When asked directly what Officer Marzano's demeanor was at this time Officer Velez stated he was probably pissed off at him because they were having a discussion.

When asked directly if Officer Marzano was flushed or red or in any way appeared to be pissed off Officer Velez stated he did not recall anything like that.

When asked if Officer Marzano say anything to him at that time Officer Velez stated he probably said something "I don't even know. I'm trying to think".

When asked directly if he approached Officer Marzano at that time Officer Velez stated that after [REDACTED] had driven off that's when he went to talk to him about the argument they were having. Officer Velez stated he said his piece to him and walked away from him.

When asked directly if at any time during the time he was having the argument with Officer Marzano did Officer [REDACTED] come up to him and Officer Velez stated, "Probably, probably".

When asked if it would refresh his memory by telling him it had already been reported that both he and Officer Marzano were having a very heated discussion while they were nose to nose Officer Velez stated "yes it was about the detail work." When asked during that time did Officer [REDACTED] come up to him and Marzano and try to separate them Officer Velez stated he did not recall that.

Officer Velez stated that once he ended his argument with Marzano and [REDACTED] had driven a little ways past him and got out of his cruiser he was flushed and looked very upset and he had never seen him looking that upset. Officer Velez stated that he has probably known [REDACTED] for eight or nine years. Officer Velez stated that he has seen [REDACTED] upset on the street when they have had to yell at people to calm down or to get out on the street but he has never seen him upset like that. It was like a personal hurt.

When asked directly if he ever made statements similar to "you just assaulted a police officer" Officer Velez stated if he did he didn't remember that. Did he ever make any statement that you've lost all respect for Marzano and Velez replied that he might have but he does not recall but he might have said it to him because he was very embarrassed and beyond "bs" with Marzano.

When asked why he was embarrassed Velez replied it was because of what Marzano had done to him in front of civilians-yelling at him and cursing him out, belittling him. When asked if Marzano had called him a dickhead Velez stated that he used everything all kinds of swear words he did not want to repeat.

When asked if he heard Marzano calling Officer [REDACTED] any names or swearing at him Officer Velez stated that he read things about this stuff but he was so focused and he had tunnel vision so he does not recall. Officer Velez stated he had tunnel vision on Freddy. He stated that everything happened in front of him and he is still ticked off, the crew was looking at him, even the crew was "like you shitting me you're putting up with this". Officer Velez stated he was beyond embarrassed by the situation.

When asked directly if at any time did Officer Marzano de-escalate Officer Velez stated when he escalated it-like in the academy you approach people nicely and then they're yelling at you and you escalate yourself-that's how he felt. (Velez starts crying openly) Officer Velez stated he has never lost his cool like that which is what pissed him off most because he was beyond-he has never been so embarrassed as he was that day and that is why he is torn up. (Velez still crying)

Officer Velez stated that he did not think that Officer Marzano apologized to anybody on scene but that if anyone apologized it would have been [REDACTED] because that's how he is. "He is a hell of a kid. And he probably apologized for Freddy." Officer Velez stated he did not recall Marzano apologizing to him or to [REDACTED]

Officer Velez stated that when Sergeant Martin showed up he separated everyone and as he walked by Freddy said something to him but he can't recall what it was. When that happened Velez stated he told Sergeant Martin he would tell him everything but he would wait for him at his car and he went to his car, took off his uniform gear, and waited for the Sergeant.

Officer Velez stated that he has never been that embarrassed in his life before and he will never let it get to that point again ever.

When asked directly if between the time the PS was requested over the radio and his arrival on scene if [REDACTED] had told him what happened Officer Velez stated he was trained that the less he knows the better unless it is something major. Officer Velez stated that he did not recall [REDACTED] talking to him after that.

Officer Velez stated that it has really bothered him that it has gotten to this point where Freddy is in trouble and [REDACTED] was physically assaulted and he does not want to see anyone get hurt. Officer Velez stated that if something happened in front of him "I mean God Almighty I break up fights...shit I'm not going to let nobody-and if two officers are going at it I'm sure as hell not gonna let that happen. Never." Velez stated that it makes him feel bad that he didn't see it.

When asked directly if he would ever lie to protect another officer Velez responded, "Look I make sure and tell all the rookies I gotta feed my kids, my wife, and I love my job too much. If you do something wrong you better own up to it."

Interview and recording concluded at 5:35PM.

Summary interview with Officer Frederick Marzano

On Wednesday, February 26, 2014, Sergeant Detective Pamela Besold and Sergeant Detective Jose' Lozano conducted a recorded interview with Officer Frederick Marzano within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer Mike Leary from the Boston Police Patrolman's Association acting as Union Representative and Attorney Tom Drechsler representing the legal interests of Officer Marzano present.

Officer Marzano asserted his Fifth Amendment rights against self-incrimination but has waived his right to self-incrimination under Article 12 of the Massachusetts Declaration of Rights and will answer questions under that exception. Officer Marzano completed a

Carney Form in the presence of all named above and as witnessed in writing by Sergeant Detective Lozano.

Officer Marzano acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010.

Interview and recording initiated at 3:14PM. Recording and interview paused at 3:18PM to allow for attorney consultation. Recording and interview resumed at 3:27PM.

Officer Marzano stated he is assigned to District A-7 and has been assigned there for approximately 25 years. He currently works the first half shift.

Officer Marzano stated he was assigned a construction detail (Shawmut Design) from 7:00AM until 3:00PM and he arrived for his detail at about 7:05AM. Officer Marzano stated there was an additional detail in the middle of Horace Street (Welch Construction) which at the time was unfilled. Officer Marzano stated he assisted by covering both details until 10:15AM until Officer Velez showed up for the detail (Welch Construction) and told Officer Marzano that he was assigned the detail out of Area F at 9:00AM.

Officer Marzano stated that later in the day at approximately 2:00 to 2:10PM the Union Steward asked him if he would walk a backhoe towards Byron Street to pick up cold patch for Officer Velez's detail. Officer Marzano stated he jokingly remarked to him why don't you have your detail who is assigned your detail at 10AM do it. Officer Marzano stated he wanted to speak with him while they walked the backhoe so he walked the backhoe with him (the Steward). Officer Marzano stated that upon getting the cold patch and preparing to return he noticed the absence of Officer Velez. Officer Marzano stated he inquired of the Welch Construction personnel where Officer Velez was and they told him Officer Velez told them he had to be at work by 3:00PM and he left the detail.

Officer Marzano stated he got upset because number one he knows he works midnights and this is not the first time he (Officer Velez) pulled something like this on a detail with him. Officer Marzano stated he called Officer Velez on his cell phone and left a nasty voice mail because he would not answer the phone. Officer Marzano stated he told Velez that basically next time give him a heads up, this is why you get transferred; you're a screw up and so on.

Officer Marzano stated the Union Steward grabbed him again and they walked the backhoe back to Byron Street. Officer Marzano stated he observed a marked cruiser approaching and he flagged it down and requested they roll the window down and it was at that time he recognized the officer to be Officer [REDACTED]. Officer Marzano stated that Officer [REDACTED] cracked the window approximately an inch and just kept driving by him. Officer Marzano stated that he reached out with his hand and slapped the driver's side mirror just to fold it inward. Officer Marzano stated he was not aware at that time the mirror got damaged.

Officer Marzano stated that he accompanied the backhoe back again from Officer Velez's detail since he was absent and at that time Officer Velez returned and exited his motor vehicle and "me and him started to have words". Officer Marzano stated that unknown to him Officer ██████ drove back around and started to say to him 'look what you did to my mirror' while he was engaged with Officer Velez. Officer Marzano stated that Officer ██████ pulled his cruiser in front of him and Velez and ██████ exited his cruiser in a manner he thought was aggressive.

Officer Marzano stated that he held both his hands out (in this fashion) and we both fell back into the car with me on top of him and he "pushed off of him while my hands were around his upper body". Officer Marzano stated that there was no intention to hurt Officer ██████. He had nothing to do with this argument at all but with "his rapid movement with his chest puffed out" he just wanted him away from him so he could continue his argument with Officer Velez. Officer Marzano stated that his interaction with him was approximately three seconds of pushing and two seconds on top of him. Officer Marzano stated that he immediately pushed off of him to continue his argument with Velez.

When asked directly what if anything did Officer ██████ do while you were on top of him inside the cruiser Marzano stated, "Nuthin'." Officer Marzano stated "he just fell backwards with me on top of him. He was probably as shocked as I was that we both fell into the cruiser".

When asked directly if Officer ██████ would have been able to talk or yell at him or swear at him Officer Marzano stated he could not answer that. Officer Marzano stated he did not know if he said anything he didn't recall him saying anything to him.

When asked directly if he had his thumbs on his throat or his hands around his neck at any time Marzano stated, "My hands were up his upper body pushin' off of him. It wasn't a chokin' motion it was just me pushin' off of him." Officer Marzano stated that when he pushed off of him it was just his hands out because of the height differential. (Officer Marzano requested to demonstrate with Attorney Drechsler.)

Officer Marzano stated that Attorney Drechsler is probably the same size as Officer ██████ and when he approached me coming out of the car he wanted to stop him from advancing. He didn't know what his intentions were. Officer Marzano stated "I pushed him back like this and that is when we both fell into the cruiser with me on top of him."

(For the record Attorney Drechsler stated he was pushed with Marzano's hands right where his neck meets his collarbone, upper chest lower neck area)

Officer Marzano stated the only motion he had was pushin' off of him while on top of him. So if he is claiming I choked him that's probably the pressure of me pushing off of him because my weight was on top of him. At the time I weighed 210 pounds so that's the pressure of me lifting off of him.

Officer Marzano stated that he immediately exited the cruiser and continued his argument with Officer Velez who was now screaming and trying to goad me into striking him because he witnessed me assault an officer.

When asked directly if he made any statements to Officer [REDACTED] while he was on top of him Officer Marzano stated that the best of his recollection was he said he just wanted to talk to him and this doesn't concern him. Officer Marzano stated he wanted to talk to him about what had happened and that he might have needed his assistance with the traffic. Officer Marzano stated "I can't recall what I specifically said but something to the effect of I just wanted to talk to you. It had nothing to do with you. Don't mess with me and that basically was it."

When asked if he swore at [REDACTED] Marzano stated he might have said "Don't fuck with me."

Did you call him any derogatory names Marzano answered, "No. Not at that time or any time during the altercation."

When asked directly the length of time he was engaged with Officer [REDACTED] Officer Marzano stated "It was probably 3 seconds of me pushing him and then us falling into the cruiser and another 2 to 3 seconds of me pushing off of him so 5 to 7 seconds." Officer Marzano stated he disengaged completely with [REDACTED] and returned to Velez.

When asked what statements Velez was making towards or about him Marzano stated that at that time Velez stated he witnessed me assault an officer and that the officer should call a Patrol Supervisor. And he got closer to him and said go ahead and hit me I'll have your house and badge and Marzano stated he just kept trying to tell him to give him a heads up when he is going to try and leave the detail and that was basically it. Marzano stated that once he knew the spectacle that they were causing he backed off and went back to the detail and awaited the arrival of the PS.

When asked if he called Velez any derogatory names Marzano stated "we were just arguing back and forth and I was telling him this is why he got transferred because he's a piece of shit and next time give me a heads up. If he gave me the heads up Sergeant Detective Besold, I would have covered the detail without question, but he didn't give me the heads up and that's what made me angry."

Asked directly was your anger directed at Officer Velez Marzano said, "Yes."

Were you also angry at Officer [REDACTED]? "For not stopping to talk to me and for just driving off? Yes. But not to the effect where I wanted to harm him in anyway. That was never my intention. I just wanted him to roll the window down and I wanted to explain to him what transpired between me and Velez on the detail and that I might have used his assistance for the traffic."

Officer Marzano stated that once the Patrol Supervisor arrived he asked what happened, grabbed Officer [REDACTED] and got his statement. Officer Marzano stated he stood by his detail until they were finished and waited for the Patrol Supervisor to give him his next set of instructions. Officer Marzano stated he believed the Supervisor asked him what happened and he told him what transpired same as he just told and that is when the Supervisor told him to go to the station. Officer Marzano stated that the Supervisor told him to go to the station to cool down but he was already cool at that time.

Officer Marzano stated he returned to the station to get ready for his regular shift and he was informed that Officer [REDACTED] had gone to the hospital and Captain McCormick informed the Lieutenant to relieve him of duty. Officer Marzano stated he was relieved of duty for the tour by Lieutenant Canny and it was Marzano's belief that he was to go home for the night to cool down.

Officer Marzano stated that there was a meeting for resolution in house set up for the 15th (October 2013) and he was to report to the station after his detail on that day. Officer Marzano stated he was told that Officer [REDACTED] pushed for the resolution because he wanted to get this over with and it was bothering him. Officer Marzano stated it was bothering him also. Officer Marzano stated he had been at the station that morning and Captain McCormick told him that he should come back at about 3-4 o'clock and that "we were going to try to resolve the issues". Officer Marzano stated that there were no other issues except the incident at the detail at that time.

Officer Marzano stated that it bothered him that the incident with Officer [REDACTED] happened because it was never his intention to try to get into an argument with him. It was just something that shouldn't have happened and he was very remorseful and he wanted to relay his apologies to him but he was told not to talk to him because of the allegation he made against him. Officer Marzano stated that he basically asked the Captain to broker a sit down where he could relay his apologies to him but that never happened because he ended up pushing for the resolution and that is when the apology was going to come out.

Officer Marzano stated that other officers told him to stay away from Officer [REDACTED]. Officer Marzano stated that since Officer [REDACTED] went to the hospital and then went out injured he didn't have the opportunity to talk with him. Officer Marzano stated he didn't want to call him on a cell phone because he wanted it to be face to face but it never happened.

When asked directly if he wanted to set up a meeting to possibly come to some resolution with Officer [REDACTED] before other officers told him not to speak to him Officer Marzano stated not a resolution; he wanted to apologize. He wanted a heartfelt apology to him because he was a friend of his-a friendly co-worker. Officer Marzano stated they never had any animosity towards each other and they always joked around with each other and it was a two way street. Officer Marzano stated "he would joke around with me and I would joke around with him. Sometimes I would initiate it and sometimes he would initiate it."

When asked directly what kinds of jokes did he do to Officer [REDACTED] Marzano replied, "I would call him Chia Pet when he grew his afro. I'd slap him on the shoulder. Flash the light in his eyes. Wave a gun around I mean it was just horse play from day one with him."

When asked directly what he meant by "wave a gun around" Officer Marzano stated, "Just take the gun out and make believe he was a character in the Goodfellas movie and tell him "spider dance".

Asked if his firearm was loaded at the time Marzano replied, "Yes."

When asked what sort of joking around would Officer [REDACTED] do to him Officer Marzano replied, "He would make fun of the Italians and he would make the impression of being an Italian guy. He would imitate an Italian guy in other words he would grab his groin and go "hey what's a madder what's a madder for you? And stuff like that. It was just friendly bantering back and forth it was nothing that anyone took offense to."

When asked directly if Officer [REDACTED] ever waved his gun around jokingly at Marzano he stated "No he might have drew it to his side but he never pointed a gun at me." When asked to be more specific Officer Marzano stated that on occasion he might have pulled a gun and left it at his side but he could not recall what date it was. Officer Marzano stated, "We were fooling around with each other and he would pull a gun to his side and I would pull my gun out and say 'draw'.

When asked directly if there were times when they both had their firearms out at the same time Officer Marzano stated, "No. I can remember one time him just drawing a gun out and holding it at his side and then putting it back in his holster but he never pointed."

When asked directly if Officer [REDACTED] ever said anything during these instances Officer Marzano stated, "No."

When asked if all he saw was Officer [REDACTED] pull his gun out and hold it at the low ready and not say anything and Officer Marzano stated, "While we were foolin' around yes."

When asked to clarify Officer Marzano stated, "I'd be breakin' his chops about something stupid and he did that and put it back into his holster and that would be it."

When asked directly if Officer [REDACTED] ever told him to stop playing around in this manner Officer Marzano stated, "No. That's why this is all a shock to me."

When asked about the allegation that he pointed his firearm at Pereira Officer Marzano stated "I may have pointed it in his direction but I don't recall pointing it at him directly."

When asked if he ever pointed it at his face Marzano replied, "No." Or his head? Marzano replied, "Not to the best of my recollection no."

When asked what Officer ██████ did when he pointed his firearm at him Officer Marzano stated, "He would just say 'what's wrong with you' and that's it and start laughing."

Asked if Officer ██████ ever walked away from him during one of the incidents Officer Marzano stated, "he might have yeah he might have."

When asked directly if he ever made contact with Officer ██████'s body with his firearm Officer Marzano stated he did not recall touching him with his firearm.

When asked directly if he was ever within a foot of Officer ██████ when he was pointing his firearm at him Officer Marzano stated, "I don't think so."

When asked if Officer ██████ ever told him to stop playing with him like that or anything similar Officer Marzano stated ██████ told him "grow up. What's wrong with you? Grow up. Act your age". Officer Marzano stated that it was all done in fun. Officer Marzano stated that if he told him it was bothering him or if he told me just stop he don't like it he would have stopped.

When asked directly if the statements ██████ did make to him like 'act your age' was a statement to stop his behavior Officer Marzano stated, "like I said it went both ways. Sometimes he would start with me and sometimes I would start with him. It was done not with the intention to harm, humiliate, or harass him. He could say the same about what was done to me because we were friendly co-workers."

Officer Marzano stated that District Seven has one of the loosest guard rooms in the city. He stated there is always joking with each other prior to roll call. Officer Marzano stated "it could be batons, it could be flashlights, it could be pepper spray, I mean it is just something that happened in the guard room. We have always had that playful atmosphere there. That's part of my personality."

Asked directly if he ever played around with any other officer at District 7 in the same manner he did with Officer ██████ Officer Marzano stated, "Not that I know of no."

Officer Marzano was asked directly if the only officer he ever pointed his firearm in the direction of or at was Officer ██████ and Officer Marzano stated, "just in that first incident where you're relat' to yes. The incident in the guardroom." Officer Marzano stated, "I pointed the gun at myself, I pointed the gun my finger at myself. When people ask me how was your day going I go 'Pfst'(hissing sound)terrible (indicating with his hand in the shape of a gun to his head). Officer Marzano stated he did it matter of factly and that his actions were not meant to threaten anyone. Officer Marzano stated he knows what he did was wrong and he knows it is reckless and it shouldn't have been done and he is taking responsibility for it but there is no way it was done to intentionally harm someone or threaten someone.

When asked directly if he ever was seated in a chair and pointed his firearm at Officer [REDACTED] Officer Marzano stated, "I might have. I don't recall the specific time or place. It might have happened yes."

When asked directly if there were more than two incidents that he pointed his firearm at or in the direction of Officer [REDACTED] Officer Marzano stated, "Correct."

When asked to give a time frame for these incidents Officer Marzano stated it has been since he met him maybe eight years ago.

Officer Marzano stated he is "like the ambassador to the station" and the people that get transferred over there with baggage or the laterals which nobody would talk to he would always be forthcoming with them and he always gave people the benefit of the doubt and that is just his personality. Officer Marzano stated he likes to joke around.

When told that Officer [REDACTED] was not baggage and he was not a lateral Officer Marzano stated, "No no I actually liked the kid. I would show him all the drugs I made arrests on and I would show him how all the hidden compartments operated on the car because he was fascinated with that type of work. Officer Marzano stated he actually looked out for him. Officer Marzano stated when he wouldn't answer his radio he would call him on his cell phone and tell him to answer his radio. Officer Marzano stated he never had any animosity or bad blood between the both of them. Officer Marzano stated that is why he is shocked about all of the allegations that he threatened him because it is just not in his repertoire.

When asked directly what would be Officer [REDACTED]'s motivation for making these allegations Officer Marzano stated, "Like I said the resolution was on the table for in house resolution up until the day before that was going to happen-the resolution. He must have talked to somebody or got coached by somebody...I was told that he was told to bring these to the forefront to get the best outcome out of this. To use this to his advantage. Whoever gave him advice told him 'use this to your advantage to get what you want'".

Officer Marzano stated that anything that happened in the guard room was never an issue for three months. Even after the resolution was set up it still wasn't an issue and that just hit him the wrong way. Officer Marzano stated the frustrating thing about this is that there was never any animosity or bad blood between them until that day at the detail. Officer Marzano stated he feels terrible about it and stated that it shouldn't have happened. Officer Marzano stated that if [REDACTED] had stopped and rolled his window down we wouldn't be here right now. Or if he didn't come back to the scene when he was dealing with Officer Velez we still wouldn't be here right now. Officer Marzano stated that he is a firm believer that that is the case.

Officer Marzano asked directly if on other occasions when Officer [REDACTED] drove by in his cruiser did he throw items through the window and Marzano stated, "Not on that day but I've played with him before. We joked around. He'd drive by and we would joke. I

don't know if he knew I was joking that day or if I was serious but I was serious. I wanted him to stop. I needed his assistance. I wanted to talk to him."

Officer Marzano was asked what sort of things would he throw at Officer [REDACTED] and he stated, "If I had a water bottle I'd throw a water bottle in there. It was just friendly banter. If he stopped I'd open the door and throw it in but he rolled the window down I'd throw the bottle in."

When asked directly if at any time did Officer [REDACTED] tell him to stop doing those things Officer Marzano stated, "No we used to laugh about it-it was all joking."

When asked directly if he thought that Officer [REDACTED] did not roll his window down on that occasion at the detail (on October 7) because he didn't want to engage in that type of activity with him at the time Officer Marzano replied, "I can't answer what he thought I was gonna do but I can only say that I legitimately needed to talk to him. If he thought I was gonna fool around with him that might explain why he drove away." (Objection raised by Attorney Drechsler)

When asked directly if Officer [REDACTED] ever told him he enjoyed the banter Officer Marzano stated, "Why would he? It was a two way street and he joked around with me more than I did with him."

When asked directly if Officer [REDACTED] ever threw items in his cruiser Officer Marzano stated, "I don't recall if he did or not." Officer Marzano stated he was usually a walking beat so he would not be in a cruiser.

When asked directly if Officer [REDACTED] ever did any pranks or jokes to him Officer Marzano stated that there would be times when he would hide his flash light or his ticket books in the guard room and he would do the same to him. Officer Marzano stated that after roll call would be over he would give them to him. It was just a joke. (Objection by Attorney Drechsler) Officer Marzano stated he did that with just about everyone on the shift.

When asked if Officer Marzano took other officers flash lights and ticket books and hid them Officer Marzano answered, "With him his flash light was on his belt so I'd turn it on and point to the ceiling later. It was just a joke."

When asked directly if at some point while Officer [REDACTED] was typing a report did he form his hand into the shape of a gun and point at Officer [REDACTED]'s head and say 'boom' and Officer Marzano stated he did not recall if he did or not.

Asked if at that time did he recall if Officer [REDACTED] asked him to disengage in that type of behavior Officer Marzano stated, "No."

(Attorney Drechsler inquires and makes testimonial statements with Officer Marzano.)

Officer ██████ stated that Captain McCormick had also approached him and he felt they did so in order to accommodate him since they saw him as a victim. Officer ██████ stated that he felt he was a victim in this situation. Officer ██████ stated that while it would be good for him to transfer if he went to some districts it would seem like punishment. But if he went to a specialized unit or some other districts it would be like an accommodation.

Officer ██████ stated that he never approached the Captain or the Superintendent with the specific intent to get transferred to a specialized unit. Officer ██████ stated they approached him.

Officer ██████ stated that Captain McCormick "showed care" for him in the week following the Horace Street incident. ██████ stated the Captain was a "gentleman". ██████ stated the Captain came to the hospital when he was there; he spoke with him and showed that he cared and ██████ stated he was glad that the Captain cared about him. ██████ stated that after the Horace Street incident he wanted to share what had happened to him with the Captain but ██████ stated he did not want to put Marzano in that situation where he could be disciplined. ██████ stated he chose his technique which was to avoid working first halves until he could go to days and hopefully avoid Marzano.

Officer ██████ stated that he felt he needed to show that the Horace Street event was a progressive incident and that is why he chose to tell the Captain.

Asked directly who the officers were that were present when Marzano pointed his firearm at him in the guardroom ██████ stated he could not recall who they were. He stated he presumed they would be first half officers in squad three. ██████ stated he did not pay attention to the names of the officers but he guaranteed that squad three was present because that is the squad that he worked in.

██████ stated that some officers were by the TV, some were by the door where they have lunch and some were circling around. ██████ stated he could name the officers. When reminded he stated in his first interview there were five officers present how could he not know who they were ██████ stated he could visualize some officers to the left of him and some to the right of him so he just figured there were five.

When pressed for the names of the officers present ██████ began stuttering a lot and then stated, "Obviously Marzano was there, Officer ██████ may have been there, Officer ██████ may have been there and Officer ██████ could have been there-he was there probably." Officer ██████ stated that the officers were present for at least one of the two incidents.

Asked directly if there was any other incident in which Marzano pointed a firearm at him that he has not reported and ██████ stated there was not. When asked if Marzano had ever 'waved his gun' at him and told him to 'dance Spider' ██████ stated he did not remember the 'dance Spider'. When asked directly if it was just two incidents involving a firearm ██████ stated that he only recalled those two.

Asked directly if he had ever joked or used an Italian accent and [REDACTED] stated he had. Officer [REDACTED] stated he did not recall making any statement similar to 'hey whats a madder you' using an Italian accent. Officer [REDACTED] stated that the only time he would grab his groin around Officer Marzano would be to protect his groin. [REDACTED] denied grabbing his groin area in order to imitate Italians in any way. [REDACTED] stated that if he was going to imitate Italians he would use his hands and say "la familia" which means the family or imitate whatever they usually say like 'going against the family'. Officer [REDACTED] stated that he was imitating what and how Marzano would say 'going against the family'.

When asked if he ever had his firearm out of the holster and at the low ready position during any of his encounters with Marzano Officer [REDACTED] stated, "Oh no. That's unethical and it's unsafe. No." Upon further questioning [REDACTED] was adamant about not having his firearm out at any time during the incidents with Marzano.

Officer [REDACTED] stated he did not request any assistance from anyone in relation to writing his administrative report. (Attachment #11. There was some confusion as to which report was being questioned and Officer [REDACTED] stated prior to writing the report he did get a comment from the Lieutenant at E-5 but did not know his name. When asked if it was Lieutenant Cruz [REDACTED] stated yes.)

When asked to estimate the length of time Marzano was choking him on Horace Street [REDACTED] stated, "20 seconds".

Asked directly if Officer Marzano had offered him an apology [REDACTED] stated, "No". [REDACTED] stated that at one point in time he was walking past Marzano and it felt like Marzano wanted to talk to him but [REDACTED] stated he felt afraid. [REDACTED] stated he has not had any contact with Marzano since the Horace Street incident.

When asked if he wanted to add any statements [REDACTED] stated that there was one other time he spoke with "Captain Mancini" about going into the drug unit and Mancini advised [REDACTED] to speak with Sergeant Detective Cologne who works at A-7 DCU. Officer [REDACTED] stated that this conversation took place at least six months prior to the Horace Street incident but he was not sure of the date.

The interview and recording concluded at 5:35PM

Summary interview with Officer Michael Doherty

On Thursday, May 22, 2014, Lieutenant Detective Christopher Hamilton and Lieutenant Detective Timothy Connolly conducted a recorded interview with Officer Michael Doherty within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer Mike Leary from the Boston Police Patrolman's Association acting as Union Representative and Attorney Allan Shapiro representing the legal interests of Officer Doherty present.

Interview and recording initiated at 5:11PM.

Officer Doherty acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010.

Officer Doherty stated he has worked at District A-7 his entire career as a police officer (about 9 years). Officer Doherty stated he is not personal friends with either Officer Marzano or Officer ██████a.

Officer Doherty stated that he had been briefed by the union attorney as to the allegations of what had occurred between Officer Marzano and Officer ██████a. He understood the allegations to be that sometime in August Officer Marzano had withdrew his firearm and placed it against Officer ██████a's chest. Officer Doherty stated that there had also been another incident between the same two officers sometime in October.

Officer Doherty stated that he knew Officer Marzano to be a practical joker. He stated he would have a "lot of playful banter verbally"; he would put things in the freezer, and do a lot of "childish or sophomoric stuff." Officer Doherty stated that everything was "absolute jokes". Officer Doherty stated he thought Officer Marzano is "an equal opportunity prankster. Anyone from the Captain down to the janitor was free game."

Officer Doherty stated that over nine years he was sure he was "privy to one of his games" but he did not have any examples.

Officer Doherty stated that it is a small station and everyone gets along really well and that there is a lot of banter that happens prior to roll call. Officer Doherty stated that "everyone is jabbing each other almost like a locker room atmosphere if you were playing sports."

Officer Doherty stated that when he observed others victimized by Officer Marzano's jokes he observed them to shrug it off or laugh. Officer Doherty stated he personally thought Officer Marzano's jokes are funny. Officer Doherty stated he felt that Officer Marzano and Officer ██████a "engaged with each other in a playful banter". Officer Doherty stated he thought Officer Marzano and Officer ██████a "were giving back and forth with each other" playing jokes.

Officer Doherty stated he has heard Officer ██████a imitate Italians while speaking to Officer Marzano in a joking manner. Officer Doherty stated it would be "basic sexual connotations". Officer Doherty stated he had not observed Officer ██████a make any statements while grabbing his groin 'hey what's a madder you or mi familia' or anything like that.

Officer Doherty stated he never heard Officer Marzano call Officer ██████a a "Chia Pet".

When asked directly if he ever observed Officer Marzano take his firearm out and wave it around Officer Doherty stated, "No, because if he did I would probably hit the deck".

When asked directly if he ever observed Officer Marzano point his firearm at or in the direction of Officer [REDACTED] Officer Doherty stated, "I never have." When asked directly if Officer Marzano ever pointed his firearm at him Officer Doherty stated, "No."

Officer Doherty stated he did not see Officer Marzano point his firearm at Officer [REDACTED] sometime around August 2013. When told directly that it has been reported that he was present for the incident Officer Doherty stated he was surprised that he had been "subpoenaed in for it."

When asked directly if he observed Officer Marzano seated in a chair in the guard room point his firearm at Officer [REDACTED]'s chest Officer Doherty stated, "No." Officer Doherty stated that he has no memory of the incident and he usually comes to roll call at about four o'clock after coming from the gym.

When asked to clarify what types of "sexual connotations" Officer [REDACTED] stated Officer Doherty stated he would say, "I like to fuck Italian women" and would make a type of sexual movement-humping, I don't know what the language would be-hip thrust." Officer Doherty stated he saw this "a few times and we have a strong Italian influence at our station and again I think it is playful. I don't think it is harmful. Again whatever the jokes were...maybe some people found it offensive but I don't think other people did because it happened a few times." Officer Doherty stated that was the only sexual connotation he recalled.

Officer Doherty stated that Officer Marzano would sit in his chair and Officer [REDACTED] would come over and engage with him and they would interact. Officer Doherty stated that Officer Marzano did not seem offended by these actions and he would smile.

Officer Doherty stated that after eight or eight and a half years of roll calls he did not think [REDACTED] was offended. Officer Doherty stated his "observations weren't 100% but if you re-engage with someone I don't think you're upset."

Asked to describe the relationship between the two officers Officer Doherty stated, "Professional. If [REDACTED] was in trouble Marzano would be right there for him and if Marzano was in trouble [REDACTED] would be there. I would say professionally they would look out for each other."

When asked directly if they were friendly Officer Doherty stated "Professional. He thought his definition of friendly might be different than someone else."

Officer Doherty stated he answered all questions to the best of his ability and he did not wish to change any of his answers.

Interview and recording concluded at 5:23PM.

Summary interview with Officer John R. Pugsley

On Thursday, May 22, 2014, Lieutenant Detective Christopher Hamilton and Lieutenant Detective Timothy Connolly conducted a recorded interview with Officer John Pugsley within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer Mike Leary from the Boston Police Patrolman's Association acting as Union Representative and Attorney Allan Shapiro representing the legal interests of Officer Pugsley present.

Interview and recording initiated at 5:28PM.

Officer Pugsley acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010.

Officer Pugsley stated he has been an officer for about 17 years and he has worked at District A-7 for 17 years. Officer Pugsley stated he knows both [REDACTED] and Officer Marzano but he is not friends with either of them. ✓

Officer Pugsley stated he was aware of the allegations prior to coming to Internal Affairs. Officer Pugsley stated he knew the allegation was that Officer Marzano had "pointed a gun at him and touching him with a gun or something".

Officer Pugsley stated he would describe Officer Marzano as a practical joker. When asked to give examples of his jokes Officer Pugsley stated that if you left your gun belt down Officer Marzano would take it apart.

Officer Pugsley stated he did not think Officer Marzano directed his behavior at any one person or group of people. Officer Pugsley stated that "anybody and everybody" would be the target.

When asked if he had ever been the victim of one of Marzano's jokes Officer Pugsley stated, "a couple". When asked to describe them Officer Pugsley stated, "I had the misfortune of leaving my locker unlocked and he (Marzano) turned the combination upside down which is near impossible to get off".

When asked if other Officers joke around in the same manner as Officer Marzano Officer Pugsley stated, "Yes."

When asked how officers who were victims of Marzano's jokes would react Officer Pugsley stated most of them would laugh and try to respond with something "badder". Officer Pugsley stated he thought Marzano's jokes were appropriate.

When asked directly if he thought Officer Marzano picked on Officer [REDACTED] Officer Pugsley stated, "No."

When asked if Officer ██████ ever played any jokes on Marzano Officer Pugsley stated, "Yes." Officer Pugsley stated he recalled a time when ██████ taped Marzano's locker shut."

When asked if he ever hear Officer ██████ imitate Italians in a joking way when speaking to Officer Marzano Officer Pugsley stated, "Yes". Officer Pugsley stated that he (██████) would joke about being with Italian women saying he was better than Freddy and things along that line.

When asked if he ever observed Officer ██████ grab his groin and state in an Italian accent 'hey what's a madder you' and Officer Pugsley stated, "Yes". Officer Pugsley stated this was directed at Officer Marzano and it happened at District 7. Officer Pugsley stated he could not recall exactly what ██████ said at the time but it was something along the lines of he liked Italian women.

When asked if he ever heard Officer Marzano call ██████ a Chia Pet Officer Pugsley stated "I may have. Or something similar".

When asked directly if he ever observed Officer Marzano draw his department issued firearm and wave it around Officer Pugsley stated, "No". Asked directly if Marzano ever pointed his firearm at or in the direction of ██████ Officer Pugsley stated, "No". When asked directly if Officer Marzano ever wave or point his firearm when he was around Officer Pugsley stated, "Never". When asked if Officer Marzano ever pointed his firearm at him Officer Pugsley stated, "Never".

Informed that it has been reported that he was present at the incident where it is alleged Officer Marzano pointed his firearm at Officer ██████ a Officer Pugsley stated; "I didn't see it". Asked directly if he recalled seeing Officer Marzano seated in a chair and point his firearm at Officer ██████ coming into contact with his chest Officer Pugsley stated, "No". When informed that it has been reported that he was present for the incident Officer Pugsley stated, "I don't recall it". When asked if heard it Officer Pugsley stated, "No".

Officer Pugsley stated that he answered all questions truthfully.

Interview and recording concluded at 5:38PM.

Summary interview with Officer Joseph McSorley

On Thursday, May 22, 2014, Lieutenant Detective Christopher Hamilton and Lieutenant Detective Timothy Connolly conducted a recorded interview with Officer Joseph McSorley within the offices of the Internal Investigations Unit at Boston Police Headquarters located at 1 Schroeder Plaza in Boston. Officer Mike Leary from the Boston Police Patrolman's Association acting as Union Representative and Attorney Allan Shapiro representing the legal interests of Officer McSorley present.

Interview and recording initiated at 5:42PM.

Officer McSorley acknowledged receipt and understanding of the Commissioner's Memorandum 10-007 dated January 20, 2010.

Officer McSorley stated that he has been assigned to Area A-7 for about 11 years. Officer McSorley stated he knows both Officer Marzano and [REDACTED] and he considers them friends. He has attended Bruin's games with Officer Marzano.

Officer McSorley stated he would describe Officer Marzano as a practical joker. Officer McSorley stated that sometimes Marzano would pull out the white t-shirt if you were wearing a short sleeved uniform shirt. Officer McSorley stated Marzano would do anything you could think of; if you laid your hat down he would take your hat and hide it. Officer McSorley stated that everyone in the station was fair game regardless of rank.

Officer McSorley stated he had been a victim of Marzano's jokes. He stated they weren't really jokes like pulling on his shirt. Officer McSorley stated that there are no other officers that joked around like Marzano did- he was on his own.

When asked directly how other officers reacted to being victimized by Marzano Officer McSorley stated, "Same as me. They laugh it off and shake your head at Freddy".

When asked directly if he thought Marzano's jokes were appropriate Officer McSorley answered, "Yeah, yes. They were like high school or locker room type stuff. Like high school kids joking around on the playground, that kinda stuff."

When asked directly if he thought Marzano picked on Officer [REDACTED] McSorley responded, "The same as everyone else." When asked if he singled [REDACTED] out McSorley stated, "No".

When asked directly if Officer Pereira ever played jokes on Marzano McSorley answered, "Ah, yes." Officer McSorley stated he was not sure what was meant by jokes but that [REDACTED] had stated to Marzano that he 'wanted to bend over Italian girls, stick it in them and make them scream as he slapped their ass'.

When asked if [REDACTED] had ever made statements using an Italian accent and Officer McSorley stated, "Yes". When asked to describe what he said Officer McSorley stated it sounded like [REDACTED] was trying to speak Italian but he was not sure what he was trying to say.

When asked directly if he had ever heard [REDACTED] state in an Italian accent while grabbing his groin 'what's a madder you' or 'la familia' or something similar and McSorley stated, "Yes. Yes." When asked to describe this particularly Officer McSorley stated it would be like how you see Italians acting in movies.

When asked if he ever heard Officer Marzano call Officer ██████ a "Chia Pet" McSorley stated, "Yes." Asked if he heard it more than once and McSorley stated, "Yes". Officer McSorley stated that ██████ just laughed this off. Officer McSorley stated, "When ██████'s hair was short it looked fine but when it grew out it did look like a Chia Pet. It was kind of funny."

When asked directly if he had ever seen Marzano wave around his firearm McSorley stated, "No". When asked directly if he had ever observed Marzano point his firearm at or in the direction of ██████, McSorley stated, "No". When asked if Officer Marzano had ever pointed his firearm at McSorley he answered, "No".

When asked directly if had seen Marzano point his firearm at ██████ in the guardroom at District 7 before roll call and McSorley stated "No". When informed it was reported that he was present during this incident McSorley stated he would not be able to recall. When asked directly if he ever observed Marzano while seated in a chair in the guardroom point his firearm at ██████ coming into contact with his chest or his body and McSorley stated, "No". McSorley was informed it was reported he was present during this incident but he did not recall it.

Asked directly if he could have been present during those incidents but not seen or heard it Officer McSorley stated, "Yes". Officer McSorley stated that "a lot of times before roll call I'll be looking at my phone. Since day one at roll call when guys are clowning around I made it a point to leave the room because I don't want to see what is going on".

Officer McSorley stated he answered all questions truthfully.

Interview and recording concluded at 5:52PM.

Investigation

On October 16, 2013, a Blue Team entry was received from Captain Kelley McCormick outlining allegations that Officer Frederick Marzano choked Officer ██████ in the area of 87 Horace Street in East Boston on October 7, 2013. During an in house meeting on October 15, 2013, Officer ██████ made known to Captain McCormick, Lieutenant Gannon and Sergeant Detective Daly that Officer Marzano had assaulted him on more than one occasion with his firearm. (Attachment #1)

On October 15, 2013, Captain McCormick relieved Officer Marzano of duty. On October 16, 2013, an order was issued effective that date to relieve Officer Marzano of duty with pay pursuant to Rule 109 section 10 of the Boston Police Department Rules and Procedures. The order PO#2013-331 is dated November 14, 2013. (Attachment #2)

It was determined by the Boston Police Anti-corruption Unit working with the Suffolk County District Attorney that charges of Assault by Means of a Dangerous Weapon, Firearm could not be sustained against Officer Frederick Marzano due to the lack of cooperation and unwillingness of Officer ██████ to testify in court regarding these

charges. As a result the Anti-corruption Unit transferred the case back to the Internal Affairs Division.

Approximately six months after the incident occurring on October 7, 2013, the internal investigation was assigned to Sergeant Detective Besold. (Attachment #3)

Sergeant Detective Besold received copies of administrative reports written by Officers [REDACTED], Daniel S. Simons and Martin Velez and Sergeant James Martin. Officer Velez's report is unsigned but Officer Velez reported and confirmed that the unsigned report received was his. (Attachments #4, #5, #6, #7) These were administrative reports ordered by Captain McCormick as related to the October 7, 2013 detail incident at 87 Horace Street in East Boston. No report was written by Officer Marzano. It is not clear if Captain McCormick ever rescinded his directive to write an admin report to Marzano.

All of the administrative reports related to the October 7, 2013 detail incident were consistent in terms of what had occurred on that date in relation to Officer Velez and Officer Marzano getting into a loud and public verbal argument in view of the public by means of passersby and the construction crews. The statements given by Officer Velez and Officer Marzano also concur that a loud verbal argument occurred between them. Officer Marzano made a statement that a "spectacle" was created by the interaction. Officer [REDACTED] stated in his interview that he had to come between Officer Marzano and Officer Velez as they were "nose to nose" about ready to come to blows.

Officer [REDACTED] stated that as he was driving by the detail at 87 Horace Street he observed Officer Marzano signal him to stop and roll his window down. Officer [REDACTED] stated he stopped and only rolled his window down a few inches because Officer Marzano has a habit of throwing trash through his open window or removing items such as his hat or ticket books. Officer [REDACTED] stated when he had first observed Officer Marzano at the detail he automatically locked his doors. He stated "click click I locked the doors" and then rolled the window down. Officer [REDACTED] stated this made Officer Marzano mad so he began to drive away and that is when Officer Marzano got upset and hit the driver's side mirror folding it toward the front of the cruiser and then he kicked the cruiser and walked away.

Officer Marzano stated in his interview that he does "joke" with Officer [REDACTED] by throwing items into the cruiser. Officer Marzano stated that he throws whatever he has; if he has a water bottle he throws a water bottle. Officer Marzano stated that if Officer [REDACTED] stops in his cruiser he (Marzano) will open the door and throw items inside. On October 7, 2013, Officer [REDACTED] stated he did stop his cruiser and he only rolled the window down a few inches because he thought Officer Marzano was going to "pull one of his pranks". Officer Marzano stated he got upset because Officer [REDACTED] "cracked the window approximately an inch" and kept driving by him so he "slapped" the mirror.

Officer [REDACTED] stated that he drove to the end of the street and got out of his cruiser to adjust the mirror and that is when he observed the glass to be shattered. Officer [REDACTED] stated he drove back up to Officer Marzano to confront him about how he was to explain

the broken mirror to the supervisors. In the incident report dated October 7, 2013, CC#130639877 the cruiser operated by Officer ██████ is listed as vandalized. (Attachment #8) Officer Marzano stated he did not realize he had damaged the mirror and had only intended to fold it inward. Officer ██████ stated he still thought everything was a "joke".

Officer Marzano stated he was in the middle of an argument with Officer Velez when Officer ██████ approached him the second time. Officer Marzano stated that Officer ██████ started asking him to look at what he did to the mirror while he was arguing with Officer Velez. Officer Marzano stated that Officer ██████ pulled his cruiser in front of him and Officer Velez and Officer Marzano thought Officer ██████ got out of the cruiser aggressively. Officer Velez stated that Officer ██████ parked his cruiser by Officer Marzano but they were about 15-20 feet away from him. Officer Velez states that he did not see Officer ██████ get out of his cruiser. Officer ██████ stated his driver's door was open and he was standing in the opening.

Officer ██████ stated in his interview that Officer Marzano had choked him after forcefully pushing him into his cruiser. Officer Velez stated that he saw Officer Marzano "lean in" as Officer ██████ was sitting in the driver's seat and he sees both men lean towards the arm rest. Officer Marzano stated in his interview that he held up his hands defensively to stop Officer ██████'s forward momentum and that "they both fell back into the car with me (Marzano) on top of him (██████)".

Officer ██████ stated that Officer Marzano was on top of him choking him and he was shocked that Officer Marzano kept increasing the pressure on his throat. Officer Marzano stated that he only "pushed off" of Officer ██████ while his hands were "around his upper body". Officer Marzano stated he just wanted to get away from Officer ██████ so he could continue his argument with Officer Velez. Officer Marzano stated that Officer ██████'s "rapid movement with his chest puffed out" towards him caused him to put his hands up to stop him from advancing.

Officer Marzano's description of "pushing off" of Officer ██████ put his hands flat and on the collarbone region. Officer Marzano denied choking Officer ██████ and stated he did not have his thumbs on ██████'s throat or his hands encircled around his neck. Officer Marzano stated that "it wasn't a chokin' motion it was just me pushin' off of him". Officer Marzano stated that if Officer ██████ was claiming he choked him "that's probably the pressure of me pushing off of him because my weight was on top of him. At the time I weighed 210 pounds so that's the pressure of me lifting off of him".

Officer ██████ stated that while he was standing in the opening of the front driver's door area Officer Marzano lunged at him, grabbed him by the throat and shoved him into the cruiser. Officer ██████ stated he thought this was another joke or prank that Marzano does to him so he just put his hands out to the side in a surrender position. Officer ██████ stated he realized it wasn't a joke because Officer Marzano's thumbs were on his throat and his hands circled his neck and he kept on choking him. Officer ██████ stated Officer Marzano was "progressively choking him". Officer ██████ stated his back was

against the arm rest with his head in the passenger seat area and Marzano kept choking him. In his form 26 Officer ██████ estimated he was choked for 15-20 seconds. In his second interview ██████ stated it was 20 seconds. Officer Velez stated he estimated Officer Marzano and ██████ were engaged for "less than 5 seconds". Officer Marzano estimated "it was probably 3 seconds of me pushing him and then us falling into the cruiser and another 2 to 3 seconds of me pushing off him so 5 to 7 seconds". Officer ██████ stated that he thought about going for his gun but was afraid that "a life would be lost". Officer ██████ stated he "threw his hands up" and thought to himself that "hopefully you (Marzano) will decide to let me go".

Officer Marzano stated he immediately exited the cruiser and continued his argument with Officer Velez. Officer Marzano stated that Officer Velez was screaming at him and trying to "goad him" into striking him "because he witnessed me assault another officer." Officer ██████ stated that once Officer Marzano stopped choking him he (Marzano) got out of the cruiser and walked away. Officer ██████ stated he was shocked at what had just happened and he looked around and saw the workers looked shocked too, and that is when he saw Officer Velez coming towards Officer Marzano yelling at him (██████) to call a Patrol Supervisor and yelling at Officer Marzano the he just assaulted a police officer. Officer Velez did not recall making the statements because he said he had tunnel vision.

Officer ██████ stated his throat was injured and he requested to go to the hospital once he was back at A-7. Officer ██████ went to ██████ via ambulance. The discharge papers from ██████ state in part that there was no injury and images taken were normal for his neck. (Attachment #

Officer Velez stated that he has known Officer ██████ for eight or nine years and had never observed him to be that upset. He stated that "██████ looked flushed and looked very upset". Officer Velez stated he has never seen him look upset like that. "It was a personal hurt".

Officer Marzano denied calling Officer ██████ any derogatory names. Officer Marzano stated while he was on top of Officer ██████ "the best of his recollection was he said he just wanted to talk to him and this doesn't concern him". Officer Marzano did state that he may have stated "Don't fuck with me" to Officer ██████. Officer Velez stated he heard Officer Marzano call Officer ██████ a "dickhead". Officer ██████ stated that Officer Marzano called him "quote a dickhead unquote" while choking him.

Captain McCormick stated after the October 7 incident he could tell Officer ██████ was not himself. The Captain stated he spoke with Officer ██████ for a week after the incident and then set up a meeting between Officer ██████ and Officer Marzano and the Captain for Tuesday, October 15, 2013 in his office. Captain McCormick stated Officer ██████ requested two supervisors be present at the meeting and the Captain assigned Lieutenant Gannon and Sergeant Detective Daly to attend the meeting.

On October 15, 2013, Captain McCormick stated Officer ██████ requested to meet with just the Captain and the supervisors first. Captain McCormick stated it was at that time that Officer ██████ spoke about his safety concerns and then handed the Captain a pre-written administrative report (Attachment #11) dated October 14, 2013. Captain McCormick stated he read the report then handed it to Lieutenant Gannon who read it and handed it to Sergeant Detective Daly who read it. All three supervisors stated they were unaware of the incidents described within the report which were allegations of two assaults by means of a firearm by Officer Marzano against Officer ██████. Captain McCormick stated he canceled the in house meeting between the two officers and took the necessary steps to relieve Officer Marzano of duty by notifying the ██████, the unions, and Superintendent Mancini.

Officer ██████ stated in his administrative report that two weeks before he switched to day shift Officer Marzano pointed his department issued firearm at his him from "a short distance" while they and other officers were in the guard room awaiting roll call. Officer ██████ went to the day shift from first halves on August 31, 2013. Officer ██████ described this incident in more detail during his interview.

Officer ██████ stated in his administrative report and his interview that a week later Officer Marzano, while seated in a chair, pulled his department issued firearm and pointed it at Officer ██████'s chest. Officer ██████ stated the muzzle came into contact with his chest.

When asked directly what kinds of jokes he would do to Officer ██████, Officer Marzano stated he would call him a Chia Pet, he would slap him on the shoulder, shine his light in his eyes and "wave a gun around". Officer Marzano stated he would make believe he was a character in the Good Fellas movie and tell Officer ██████ "Spider dance". In the movie Spider is a character that is belittled, peppered with profanity, and who gets shot in the foot accidentally after an altercation in which he is told to dance while shots are fired at his feet. A later time in the movie Spider is shot and killed when he stands up to the character verbally that originally harassed him, called him names, and swore at him.

Asked directly if he ever pointed his firearm at Officer ██████, Officer Marzano stated "I may have pointed it in his direction but I don't recall pointing it at him directly." Asked directly if he ever pointed his firearm at Officer ██████'s face, Officer Marzano said, "No." When asked if he pointed his firearm at Officer ██████'s head Officer Marzano replied, "Not to the best of my recollection no." Officer Marzano stated that Officer ██████ had pulled his gun out and held it at the low ready when he was "breakin' his chops about something stupid and he did that and put it back in his holster."

Officer Marzano stated he is a joker and that is his personality and he was shocked to be in his current position because he thought it was a two way street between him and Officer ██████. Officer Marzano stated they were friendly co-workers. Officer Marzano stated his behavior was not done with intent to "harm, humiliate, or harass" Officer ██████. Officer ██████ stated he told Officer Marzano to "stop playing around like that"

“grow up” “act your age”. Officer [REDACTED] stated he used to really admire Officer Marzano but now he just wants “a normal life”.

Officer Marzano stated he did not recall touching Officer [REDACTED] with his firearm. Officer Marzano stated he “might have” been seated in a chair and pointed his firearm at Officer [REDACTED]. Officer Marzano was asked directly if he had pointed his firearm more than twice at Officer [REDACTED] and Officer Marzano said, “Correct”. When asked to give a time frame for these incidents Officer Marzano stated it has been since he met Officer [REDACTED] maybe eight years ago.

When asked if Officer Marzano had ever pointed his firearm at any other officers he stated he has only pointed his firearm at Officer [REDACTED]. Officer Marzano stated he has pointed his firearm at himself. Officer Marzano stated he knows what he did was wrong and reckless and it should not have been done. Officer Marzano stated he is taking responsibility for his actions but they were not done to intentionally harm someone or threaten someone.

Officer Marzano stated he considered himself the “Ambassador” of the station. Officer Marzano stated he would talk to the lateral transfers and the transfers that came to District 7 and “tell them how it is”. Officer Marzano stated he was always joking because that is who he is and it is his personality.

Officer Marzano stated that District 7 is the “loosest” guard room in the city. Officer [REDACTED] stated that other officers at the District observed some of the “jokes” that Officer Marzano did to him and did not report it.

Officer Marzano stated he thought that Officer [REDACTED] was “coached” into reporting the events that occurred between them. No one interviewed including Marzano ever stated that Officer [REDACTED] was lying about any of the events or motivated by anything like a transfer. Officer Marzano stated he thought Officer [REDACTED] had been told to use the events to get a beneficial assignment. Captain McCormick stated that Officer [REDACTED] was not reporting these incidents in order to obtain a transfer. Captain McCormick stated that he believed Officer [REDACTED] version of events due to [REDACTED]’s demeanor and body language after the October 7, 2013 choking incident and due to the behavior of Officer Marzano on October 15, 2013. Captain McCormick stated he has known Officer Marzano his whole life. Captain McCormick stated after Officer [REDACTED] revealed the totality of events on October 15 and he met with Officer Marzano and told him he would have to take his gun “Freddy didn’t say a word”. Captain McCormick stated that Officer Marzano did not deny anything, did not request for the Captain to hear his side of things or didn’t raise an objection of any kind. Sergeant Detective Daly and Lieutenant Gannon stated they both knew Officer [REDACTED] to be credible.

Officer Marzano stated he was remorseful about the events that occurred. Officer Marzano stated that if Officer [REDACTED] had only “relayed” to him to stop he would have stopped “forthwith”. Officer [REDACTED] stated he told Officer Marzano to stop playing around like that, grow up, act your age in an attempt to get Officer Marzano to stop

“joking” or “pranking” him. Officer Velez stated that Officer Marzano never treated him in that way because he made it clear to Marzano he did not like the “handy andy” touching. Officer ██████ stated that other officers observed at least some of the behaviors and didn’t say anything. Captain McCormick stated a victim does not ask to get hurt. All of these behaviors can be directly related to bullying. (Attachment #13)

Officer ██████ stated he requested a shift change in order to get away from Officer Marzano. Officer Marzano stated he had been “joking” around with Officer ██████ ever since he met him which was about eight years. Officer ██████ told Captain McCormick that the event on October 7, 2013, was the last straw for him. Officer ██████ stated he just wanted a “normal life” and requested a shift change. Officer ██████ stated that after Marzano pointed a firearm at him the first time he requested a shift change and it was posted the next day. Officer ██████ stated he did swaps so he could get off first halves while waiting the requisite ten day posting period. Officer ██████ did do swaps on August 23 through August 30 and then went to the day shift on August 31, 2013. (Attachment #8)

Officer ██████ alleged that Officer Marzano continued to harass and threaten him even after he was on the day shift. Officer ██████ stated he was writing a report close to shift change when Officer Marzano pointed his fingers at his head in the shape of a gun and stated ‘boom’. Officer Marzano stated he did this gesture to himself (pointing at his head and saying “boom”). Officer ██████ stated this occurred in the third or fourth week in September 2013. Officer Marzano admitted to pointing his firearm at Officer ██████ on more than two occasions and stated the time frame for the incidents “has been since he met him maybe eight years ago”.

Officers Doherty, Pugsley and McSorley were all interviewed after being named by Pereira as being present during at least one of the firearm incidents with Marzano at the District. All three Officers stated that Officer Marzano is a jokester. All three officers also stated that they felt Marzano was “an equal opportunity” or “everyone is fair game” when pulling his jokes. Officer McSorley stated he didn’t really think of them as “jokes”.

None of these three officers thought Marzano picked solely on Officer ██████. All three officers had been victim to Marzano’s jokes although the jokes amounted to pulling on their t-shirt or hiding their hat or in Officer Pugsley’s case turning his padlock upside down and backwards making it difficult to open. Officer Doherty described the jokes as childish and sophomoric.

Officer Doherty stated he most likely had been subject to Marzano’s jokes but he did not share an incident. Officer McSorley stated he keeps his eyes on his phone or leaves the guardroom because he doesn’t “want to see what’s going on”.

Officers Pugsley and McSorley both stated they heard Marzano call Officer ██████ a “Chia Pet”. Officer McSorley stated he heard this more than once and re-iterated how he thought this was funny because when ██████ hair grew out he did look like a Chia Pet.

During this statement Officer Leary, the Union Representative at A-7 can be heard laughing and then coughing to cover his laugh during the interview.

Officers McSorley, Doherty and Pugsley all stated that Officer [REDACTED] made degrading comments of a sexual nature about Italian women. All three officers stated that Officer [REDACTED] made comments to Marzano with an Italian-like accent when making these comments.

Officers McSorley and Pugsley stated they did not see Marzano wave or point his firearm and did not see Marzano point his firearm coming into contact with [REDACTED]'s chest or body. Officer Doherty stated "I might have" when asked if he observed Marzano point a firearm at or in the direction of [REDACTED].

Officer [REDACTED] stated he did use an Italian accent at times with Officer Marzano but that he was imitating how Marzano talked and used the phrase 'Mi Familia' or 'don't go against the family'. [REDACTED] stated that he never grabbed his groin area while making these statements. [REDACTED] stated that the only time he grabbed his groin was to protect himself from Officer Marzano.

Officer [REDACTED] stated he was approached by the supervisors specifically Superintendent Mancini and Captain McCormick about going into a specialized unit. Officer [REDACTED] stated he did not approach them. [REDACTED] stated he felt they were trying to accommodate him because they believed he was the victim in this instance. Officer [REDACTED] stated there was one time prior to any of the incidents with Officer Marzano that he spoke with Superintendent Mancini about going into the Drug Control Unit and Mancini advised [REDACTED] to speak with Sergeant Detective Cologne at A-7 DCU.

Respectfully submitted,

Sergeant Detective Pamela Besold
Internal Investigations Unit

Approved,

Lt. Detective Christopher Hamilton
Internal Investigations Unit

Contents Noted and Approved

Deputy Superintendent Jeffery I. Walcott
Assistant Bureau Chief, BPS

Concurred,

Superintendent Frank Mancini

Chief, BPS

Legal Advisor

Attachments

- 1) Complaint form 1920
- 2) Boston Police Order PO#2013-331
- 3) Email dated November 15, 2013 assigning case from Anti-corruption to Internal Affairs unit.
- 4) Administrative report Officer Martin Velez
- 5) Administrative report Officer [REDACTED]
- 6) Administrative report Officer Daniel Simons
- 7) Administrative report Sergeant James Martin
- 8) Email schedule for Officer [REDACTED] from A-7 Clerk re: swaps.
- 9) Detail Assignment Sheets for Area A dated October 7, 2013.
- 10) Injured officer package for Officer [REDACTED].
- 11) Administrative report Officer [REDACTED]
- 12) Administrative report Sergeant Detective Pamela Besold
- 13) Bullying Facts informational package
- 14) Officers Employee Data Sheets
- 15) Carney Form for Officer Marzano
- 16) Discharge paper from [REDACTED] Hospital for [REDACTED].

To: Deputy Superintendent Jeffrey Walcott
Assistant Chief, Bureau of Professional Standards

From: Lieutenant Detective Christopher Hamilton
Internal Affairs Division

Date: July 11, 2014

Subject: IAD Case: IAD2013-0432

Police Officer Frederick Marzano, ID # 10286

Rule 102, Sec 35, Conformance to Laws
Rule 102, Sec 3, Conduct Unbecoming
Rule 102, Sec 9, Respectful Treatment
Rule 102, Sec 9, Respectful Treatment
Rule 303, Sec 5, Pointing Firearms
Rule 303, Sec 5, Pointing Firearms

Complainant: Captain Kelley McCormick
District 7

Sir,

After a careful review and due consideration of all the facts and evidence I submit the following recommendations relative to IAD2013-0432

ALLEGATION:

On Monday October 7th, 2013 Officer ██████ reported to Sergeant James Martin that he had been assaulted by Officer Frederick Marzano in the vicinity of 87 Horace Street in

East Boston. Officer ██████ stated that Officer Marzano had struck the mirror on ██████'s cruiser causing the glass to shatter. When ██████ confronted Marzano about the mirror, he was assaulted by Marzano.

On October 15th, 2013, at a meeting in the Captain's office at District 7, Officer ██████ reported to Captain McCormick that he had been assaulted with a firearm by Officer Marzano on two occasions in August of 2013 in the guardroom of the station.

SUMMARY:

On October 7, 2013, Police Officer Frederick Marzano was performing a paid detail on Horace Street in East Boston. Police Officer Martin Velez is performing another paid detail at 94 Horace Street. Officer ██████ was performing a day tour on overtime in District 7 that day.

According to ██████ the construction foreman for Welch Corporation, Officer Velez asked to be signed out of his detail early and left the area. Officer Marzano was forced to cover two details because Velez left early. Officer Marzano became angry at Velez; Marzano said he called Velez and left him a nasty voicemail. Marzano said he told Velez "you're a screw up; this is why you get transferred." At some point after he returned to the area, Marzano and Velez got into a loud and public argument in front of the construction crews and passersby.

Officer ██████ stated that he was heading to Constitution Beach to have his lunch during the day tour on October 7, 2013. Officer ██████ said that he observed Marzano on Byron Street doing a detail. ██████ said that Marzano was helping to move a piece of equipment onto Horace Street. ██████ does not mention Velez being present in the area at this point.

Marzano implied that he was helping to move equipment from Velez's detail at the time. He said that he observed a marked cruiser, so he flagged it down and requested that the officer roll the window down; he then recognized Officer ██████ driving the cruiser. Officer ██████ said that he rolled the window down a few inches because Marzano is constantly pulling pranks on him. Officer Marzano said that he had a legitimate reason to talk to ██████ about Velez's conduct. Marzano admitted that he slapped the mirror on ██████'s cruiser. Marzano said he did not know at the time that he had broken the mirror. Sergeant Martin said in his interview that Marzano told him that he slapped the mirror.

Officer ██████ said that he drove to the end of the street to adjust the mirror when he noticed that the glass was broken. Officer ██████ drove back to Horace Street to ask Marzano how he was going to explain the broken mirror to the Duty Supervisor. Marzano claimed that he did not know ██████ had driven back around because in the meantime Velez had returned. Marzano said Velez got out of his motor vehicle and "me and him started to have words." Marzano continued "we were just arguing back and forth and I

was telling him this is why he got transferred because he's a piece of shit and next time give me a heads up." This investigation revealed that Officer Velez had asked the Welch Corp. [REDACTED], to be signed out prior to the completion of his detail. There will be a separate investigation of Officer Velez for violations of Rule 325, Paid Details.

Officer Marzano stated that he was in the middle of an argument with Velez when [REDACTED] approached him the second time. [REDACTED] pulled his cruiser in front of Marzano and Velez. Marzano stated he thought [REDACTED] got out of the cruiser in an aggressive manner. He stated further that [REDACTED] started asking him about the mirror. [REDACTED] said Marzano pushed him into the cruiser. Sergeant Martin wrote in his report dated October 10, 2013, "Marzano stated he thought Officer [REDACTED] was about to attack him when [REDACTED] exited his cruiser. Marzano states he shoved [REDACTED] back into the cruiser during where both Marzano and [REDACTED] engaged in a brief physical altercation inside the cruiser."

Marzano said in his Internal Affairs interview that he held up his hands to stop Officer [REDACTED] and they both fell back into the car. Officer [REDACTED] stated in his interview that Marzano choked him after forcefully pushing him into his cruiser. Officer [REDACTED] was clear that Marzano was on top of him, choking him. [REDACTED] emphasized that Marzano grabbed him by the throat and shoved him into the cruiser. [REDACTED] said he realized that this was not a joke because Marzano kept choking him. [REDACTED] said the confrontation lasted about twenty seconds. He said he offered no resistance because he thought someone could get killed if this escalated while both officers were carrying firearms.

Marzano said that he did not choke [REDACTED], he had no intention to hurt [REDACTED]. Marzano said that after they fell into the car he pushed off of [REDACTED] while his hands were around [REDACTED] upper body. Marzano said that this physical interaction with [REDACTED] lasted 5 to 7 seconds. Officer Marzano said he disengaged so that he could continue his argument with Velez. Medical records from [REDACTED]'s hospital visit on October 7, 2013 stated that he was evaluated for neck pain. It further read that the images were normal and showed no injury. [REDACTED] revisited the hospital complaining of neck pain on October 11, 2013 after returning to work. The discharge instructions on October 11, 2013 said there was no injury to the neck or arteries.

Officer Marzano stated he immediately exited the cruiser and continued his argument with Officer Velez. Officer Marzano stated that Officer Velez was screaming at him and trying to "goad him" into striking him, "because he witnessed me assault another officer." Officer [REDACTED] stated that once Officer Marzano stopped choking him he (Marzano) got out of the cruiser and walked away. Officer [REDACTED] stated he was shocked at what had just happened. He looked around and saw the workers looked shocked too, and that is when he saw Officer Velez coming towards Officer Marzano, and yelling at him ([REDACTED]) to call a Patrol Supervisor. He continued yelling at Officer Marzano the he just assaulted a police officer. Officer Velez did not recall making the statements because he said he had tunnel vision.

Officer Marzano denied calling [REDACTED] any names during the assault. He said he may have told him that this doesn't concern him or "don't fuck with me." [REDACTED] alleged that Marzano called him a "dickhead" Velez who did not recall his own statements due to tunnel vision stated that he heard Marzano call [REDACTED] a dickhead. Velez continually stated in his interview that he could not remember or could not recall what he said on Horace Street.

Captain McCormick set up a meeting between Marzano and [REDACTED] at District 7 for October 15, 2013, for the purpose of coming to an "in house resolution." Marzano said he was told to report to the station that day after his detail. Marzano said he had been at the station earlier in the day when Captain McCormick told him that he should come back about 3 or 4 o'clock and "we are going to try to resolve the issues."

Captain McCormick stated Officer [REDACTED] requested two supervisors be present for the meeting. The Captain assigned Lieutenant Gannon and Sergeant Detective Daly to attend the meeting. Prior to the scheduled meeting with Marzano, [REDACTED] asked to meet with just the Captain and the other supervisors first. Captain McCormick said [REDACTED] then expressed his concern for his own safety and he handed the Captain an administrative report that he had written. [REDACTED] said that Lieutenant Detective Cruz had helped him prepare the report. The report contained details of two separate incidents that had occurred at District 7, where [REDACTED] alleged that Officer Marzano had pointed a firearm at him.

Officer [REDACTED] wrote in his report that the first incident occurred in August of 2013, two weeks prior to him transferring to the day shift. He wrote that while standing in the guard room, Officer Marzano pointed a gun at him from a short distance. Officer [REDACTED] reported that the second incident took place about a week later when Officer Marzano placed the muzzle of his firearm at [REDACTED]'s chest. Captain McCormick cancelled the scheduled meeting and relieved Officer Marzano of duty. On October 16, 2013, Officer Marzano was placed on Administrative Leave.

Officer Marzano stated that there was never any animosity between himself and [REDACTED]. He said "he would joke around with me and I would joke around with him. Sometimes I would initiate it and sometimes he would initiate it." Referring to the jokes he would play Marzano continued "I would call him Chia pet when he grew his afro. I'd slap him on the shoulder, flash the light in his eyes, wave a gun around, I mean it was just horseplay from day one with him."

Marzano was asked to explain what he meant by "wave a gun around." He said "just take the gun out and make believe he ([REDACTED]) was a character in the Goodfellas movie and tell him ([REDACTED]) "spider dance." When Officer [REDACTED] was asked if Marzano ever waved his gun at him and told him "spider dance." he said that he did not recall an incident like that. [REDACTED] said that there was not an incident where Marzano had pointed a firearm at him that had not been reported. Under direct questioning Officer [REDACTED] said that he only recalled the two incidents in the guard room at District 7 which had been reported. Officer [REDACTED] reported that an incident occurred when he was writing a report,

Officer Marzano said that he felt Officer ██████ was coached in writing his report. Marzano felt that ██████ was told to exploit the situation for his own gain. Officer ██████ told investigators that Lieutenant Detective Cruz had assisted him in writing the report. Lieutenant Detective Cruz had no firsthand knowledge of any of these incidents, nor is he assigned to District 7, nor is he in ██████'s chain of command.

RECOMMENDATIONS:

Police Officer Frederick Marzano, ID # .10286
Rule 102, Sec 35, Conformance to Laws

On October 7, 2013, in the vicinity of 84 Horace St in East Boston, Officer Marzano struck the mirror on the cruiser being driven by Officer ██████ causing the mirror to break. Officer ██████ stated that Marzano struck the mirror. When he was questioned at the scene by Sergeant James Martin, Marzano said he slapped the mirror. During his Internal Affairs interview Marzano said he slapped the mirror. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano failed to conform to the laws of the Commonwealth by wantonly destroying the property of the Boston Police Department. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 3, Conduct Unbecoming

Rule 102 states: *Employees shall conduct themselves at all times, both on and off- duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to impair the operation of the Department or its employees.* By breaking the mirror of a department vehicle, Officer Marzano set in motion a series of events that reflected poorly on him as a Police Officer and on the Department in general. Officer Marzano broke the mirror on the cruiser while he was working a paid detail. He did this in front of a construction crew, in front of Officer Velez and Officer ██████ who was driving the cruiser. After a careful review of all the facts and evidence, I am able to prove by a preponderance of the evidence that Officer Marzano engaged in conduct that reflected poorly on the Department and tends to impair the operation of the Department by breaking the mirror on the cruiser. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 35, Conformance to Laws

Officer ██████ stated in his report to Captain McCormick, dated October 8, 2013, that he was assaulted by Officer Marzano on Horace Street. Marzano told Sergeant Martin that he thought ██████ was about to attack him when ██████ exited his cruiser on Horace Street. Martin wrote in his report dated October 10, 2013, "Marzano states he shoved ██████ back into the cruiser during which both Marzano and ██████ engaged in a brief physical altercation inside the cruiser." ██████ said in his interview that Marzano grabbed him by the throat and choked him. Marzano said they both fell into the car and he pushed off of ██████ while his hands were around his upper body. Marzano said "it wasn't a choking motion" After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano engaged in a physical confrontation with Officer ██████ by forcefully pushing him into the cruiser. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 3, Conduct Unbecoming

Officer Marzano told Sergeant Martin that he pushed ██████ back into the cruiser. It is unclear what happened while both officers were inside the cruiser. Marzano's conduct in being involved in a physical altercation with ██████ on a public street puts the Department in an unfavorable light. This altercation took place in front of one or two construction crews and passersby. After careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano engaged in conduct unbecoming of an officer by engaging in a physical confrontation with Officer ██████. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 35, Conformance to Laws

Officer ██████ wrote in his report to Captain McCormick, dated October 14, 2013, that about two weeks before he went to the day shift, Officer Marzano pointed a gun at him from a short distance. Officer ██████ transferred to the day shift on August 31, 2013. In his interview, Officer ██████ alleged in his interview that Marzano pointed the firearm at his head from a distance of less than 5 yards. Marzano stated in his interview that he may have pointed it in his direction, but "I don't recall pointing it at him directly." Marzano denied pointing a firearm at ██████'s head. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano failed to conform to the laws of the Commonwealth by pointing a gun at Officer ██████. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 3, Conduct Unbecoming

Officer Marzano conceded, at the very least, that he pointed a firearm in the direction of Officer [REDACTED]. Marzano's conduct is reckless and could have had tragic consequences. His conduct is detrimental to the good order and discipline of that shift and that division. It reflects poorly on the department and impairs the operation of the Department. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano engaged in conduct unbecoming of a police officer by failing to comply with the laws of the Commonwealth when he pointed a firearm at Officer [REDACTED]. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 35, Conformance to Laws

Officer [REDACTED] stated in his report to Captain McCormick, dated October 14, 2013, that Officer Marzano pointed a firearm at him a second time in the guard room of District 7. Officer [REDACTED] said the second incident took place one week after the first incident. Officer [REDACTED] described approaching Officer Marzano, who was seated in a chair. [REDACTED] who was standing directly in front of Marzano asked him "When are you going to grow up and stop with these jokes?" [REDACTED] said that Marzano pulled out his firearm and pointed it at his chest, touching his chest. Marzano admitted to pointing a firearm at [REDACTED] on multiple occasions. Marzano said he did not recall making contact with [REDACTED] body with the firearm. He said he did not recall touching [REDACTED] with the firearm. Simply pointing a firearm at someone would constitute an assault by means of a dangerous weapon; regardless of whether the firearm made contact with the victim. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano failed to comply with the laws of the Commonwealth by pointing a firearm at Officer [REDACTED]. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 3, Conduct Unbecoming

Officer Marzano admitted to pointing a firearm at Officer [REDACTED] on more than one occasion. No reasonable person could justify this as anything other than conduct unbecoming. There is no rational explanation for Officer Marzano's conduct. His conduct is detrimental to the good order and discipline of the Department. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano engaged in conduct unbecoming by failing to conform to the laws of the Commonwealth when he pointed a firearm at Officer [REDACTED]. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 35, Conformance to Laws

Officer Marzano in his interview stated that he had pulled out his firearm in the presence of Officer ██████ and told Officer ██████ "dance Spider." Officer ██████ did not recall an incident where Marzano said "dance Spider." Officer ██████ said he only recalled two incidents involving a firearm with Marzano. Officer ██████ said the only incidents are the two incidents that he reported. After a careful review of all the facts and evidence, I am unable to prove or disprove that Officer Marzano failed to conform to the laws of the Commonwealth by pointing a firearm at Officer ██████. Therefore, I respectfully recommend that this allegation be classified as **NOT SUSTAINED.**

Rule 102, Sec 3, Conduct Unbecoming

It was alleged that there was a third incident involving Officer Marzano pointing a firearm at Officer ██████. Officer ██████ did not recall a third incident. He stated that the only incidents were the two that he had reported. The investigation was unable to prove or disprove the third allegation for conformance to laws against officer Marzano. After a careful review of all the facts and evidence, I am unable to prove or disprove the allegation of Conduct Unbecoming against Officer Marzano. Therefore, I respectfully recommend that this allegation be classified as **NOT SUSTAINED.**

Rule 102, Sec 9, Respectful Treatment

After being questioned, Officer ██████ alleged that during the incident at 87 Horace Street that Officer Marzano said to him "you're a dickhead." Officer Marzano said he thought he told ██████ this had nothing to do with you (his argument with Velez) and don't mess with me. When Marzano was asked if he swore he said "I might have said don't fuck with me." After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano was disrespectful to Officer ██████ when he swore at him. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 102, Sec 9, Respectful Treatment

Officer Marzano stated in his interview that he argued with Officer Velez on Horace Street. Officer Marzano stated "we were just arguing back and forth and I was telling him this is why he got transferred because he's a piece of shit and next time give me a heads up." Officer Velez stated he was embarrassed by what Marzano had done, cursing at him and belittling him in front of civilians. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano was disrespectful to Officer Velez by calling him a piece of shit on Horace street on October 7, 2013. I respectfully recommend that this allegation be classified as **SUSTAINED.**

Rule 303, Sec 5, Pointing Firearms

Officer Marzano said in his interview that he pointed his firearm in the direction of Officer ██████. Marzano said he did not recall pointing it directly at ██████. Rule 305 states that officers shall not point firearms at persons except when reasonably justified under the circumstances. The circumstances described by both officers would not justify Officer Marzano pointing a firearm at Officer ██████. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano pointed his firearm when he was not reasonably justified under the circumstances. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED**.

Rule 303, Sec 5, Pointing Firearms

When he was asked if he ever pointed his firearm at Officer ██████ while seated in a chair, Officer Marzano said "I might have, I don't recall the specific time or place, it might have happened, yes." Officer ██████ alleged that Marzano's weapon came into contact with his chest when he pointed at him while Marzano was seated in a chair. The circumstances described by both officers would not justify Officer Marzano pointing a firearm at Officer ██████. After a careful review of all the facts and evidence, I am able to prove beyond a preponderance of the evidence that Officer Marzano pointed his firearm when he was not reasonably justified under the circumstances. Therefore, I respectfully recommend that this allegation be classified as **SUSTAINED**.

Respectfully Submitted,

Lieutenant Detective Christopher Hamilton, ID#12121
Internal Affairs Division

Contents Noted,

Deputy Superintendent Jeffrey Walcott
Assistant Chief- Bureau of Professional Standards

Contents Noted and Approved

Superintendent Frank Mancini
Chief, Bureau of Professional Standards

Legal Advisor