

Boston Police

DEPARTMENT

1 Schroeder Plaza, Boston, MA 02120-2014

February 11, 2021

To: Superintendent-in-Chief Gregory P. Long
Police Commissioners Office

From: Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

Subject: Internal Affairs Recommendations

Sir:

I respectfully submit the recommendations of the Internal Affairs Division in reference to:
Case # IAD2020-0484


Complainant: Deputy Superintendent Courtney C. Matthews
Retired (Bureau of Professional Standards at time of incident)

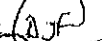
Employee(s): Sgt. Clifton McHale
I.D. #11904 – Admin. Leave (A-7 at time of incident)
Violation of Rule(s)
102,§3 (Conduct Unbecoming) - Sustained


Respectfully submitted,



Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

Reviewed by Chief, BPS and Forwarded to Legal Advisor 

Reviewed by Legal Advisor and Forwarded to Police Commissioner 

Reviewed by Police Commissioner and Forwarded to IAD 

Mayor Martin J. Walsh

To: Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

From: Lieutenant Detective Michael J. Connolly
Internal Affairs Division

Date: February 10, 2021

Subject: Complaint IAD2020-0484

Employee: Sergeant Clifton A. McHale
ID # 011904

Violation: Rule 102 § 3 - Conduct

Complainant: Deputy Superintendent Courtney C. Matthews

Sir:

I, Lieutenant Detective Michael J. Connolly, respectfully submit the following investigative report regarding complaint IAD2020-0484. This investigation was assigned to Sergeant Detective Hernandez on December 21, 2020.

Summary of Complaint

Officer Robert Dirienzo's Body-worn camera footage from the protest of May 31, 2020, depicts Sergeant Clifton McHale stating that as he was driving on Tremont Street, he was hitting the protesters with his cruiser.

The following people were interviewed during this investigation:

- Officer Robert Dirienzo and Officer Dominic DiMarzo
- Sergeant Clifton McHale
- William Gillis and Thomas Murray from the Boston Fire Department

Additional Investigative steps:

- Body-Worn cameras and video footage were viewed
- Video footage from the Crime Scene Response Unit was reviewed
- Video footage provided by Lieutenant Thomas Murray from the Boston Fire Department
- Twitter and traffic camera video was reviewed

Investigation

On May 31, 2020 Sergeant McHale was working a first-half overtime shift in Area A-1 during a Black Lives Matter protest. Sergeant Mchale reported that he could not locate his EDT gear and his brother (Officer Garvin Mchale) informed him that he had Officer Michael Bakers EDT gear at their fathers garage. Sergeant Mchale reports that his father provided him with Officer Baker's EDT gear.

Sergeant McHale reports he then returned to District A-7. At A-7 Officer DiMarzo notified him that his EDT gear was inside a cruiser from a prior deployment. In his Internal Affairs interview, Officer Dimarzo recalls going to his car to retrieve Sergeant McHale's EDT gear.

Sergeant McHale described that he, in turn, had both his personal EDT gear and the EDT gear assigned to Officer Baker in the back seat of his cruiser. He described that it was by chance that he took Officer Baker's helmet when he retrieved it from the back seat. He expressed that he did not wear Officer Baker's helmet to conceal and deceive others of his own identity.

Sergeant McHale reports that on the evening of May 31, 2020 he responded to Tremont Street and Winter Street after the Channel 2 Dispatcher requested help to the area. He noted that as he drove by the intersection of Tremont Street and School Street, the crowd of protesters became larger.

Sergeant McHale stated that he carefully navigated down Winter Street at a low-speed rate with his lights and sirens activated. At one point, he described placing both feet on the brakes because he did not want to have a knee jerked reaction and step on the accelerator as the crowd assembled around his cruiser. Sergeant McHale reported that he did not strike anyone as he drove on Tremont Street or Winter Street.

Lieutenant Gillis and Lieutenant Murray from the Boston Fire Department were interviewed by Sergeant Detective Hernandez. They report that they were at the corner of Winter/Tremont Street as Sergeant McHale turned onto Winter Street from Tremont Street. They expressed that Sergeant McHale exercised great caution as he drove on Winter Street. They stated that they did not observe Officer McHale strike any of the protesters with his cruiser. They observed the protesters pounding, throwing bottles, and hitting Sergeant McHale's cruiser.

Sergeant McHale expressed that at some point during the night while near the Corner Mall, he had a private conversation with Officer Robert Dirienzo, who he considers a close friend. Sergeant McHale clarified that he did not hit anyone with his cruiser and stated that he misspoke about hitting people. He described venting and relieving the experience of the stressful night. He expressed that his use of profanity was used because he believed that he was having a private conversation with Officer Dirienzo.

During his internal affairs interview, Officer Dirienzo expressed that during his conversation with Sergeant McHale and upon realizing that Sergeant McHale was swearing and commented about hitting people with the cruiser, he alerted him that his Body-Worn camera was

on. Additionally, he noted that Sergeant McHale's remarks were all over the place and that he was overly excited.

Since Sergeant McHale expressed that he was hitting protesters on Tremont Street, a request was made to the Video Evidence Unit by Sergeant Detective Hernandez for footage of May 31, 2020.

The following traffic cameras were viewed:

- Tremont Street & Bosworth
- Tremont Street & Bromfield
- Tremont Street & Park Street (1PTZ)
- Tremont Street & Park Street (3PTZ)
- Tremont Street & Winter Street (Gent-Dent 180)
- Tremont Street & Winter Street (2)
- Tremont Street & Winter Street (3PTZ)

These cameras all individually show Sergeant McHale as he drives on Tremont Street and subsequently turns onto Winter Street. During Sergeant Detective Hernandez's observation of said cameras and as Sergeant McHale proceeds through each intersection, Sergeant Detective Hernandez did not observe Sergeant McHale strike any persons or objects while operating his cruiser on Tremont Street or while he was on Winter Street.

The following Body-Worn cameras and video footage were viewed:

- Officer Andrew Medina, ID # 135962 (P200262661)

Officer Medina's Body-Worn camera shows him as he is posted with other units on Winter Street. The beginning of the footage shows him clearing Winter Street as Sergeant McHale is requesting help on the radio. The video does not show Sergeant McHale striking anyone with his cruiser while on Winter Street.

- Officer Dudley Hill, ID # 011698 (I#202037727)

At 30 minutes and 45 seconds, Officer Hill's Body-Worn camera shows him as he is posted with other units on Winter Street opposite Officer Andrew Medina. This video shows as the officers advance toward Sergeant McHale as he is already on Winter Street. The video does not show Sergeant McHale striking anyone with his cruiser while on Winter Street.

Officer Robert Dirienzo, ID # 10799 (X91331058)

At 36 minutes and 2 seconds, Sergeant McHale approaches Officer Dirienzo and describes driving on Tremont Street and over-committing as he approached Park Street. Sergeant McHale claims that he was hitting people with his cruiser as he was driving down Tremont Street. When Officer Dirienzo alerted that the camera is on, Sergeant McHale changes the story and says that he did not hit anyone. Instead, the protesters were throwing things, and bottles were coming inside his cruiser.

A selection of different Body-Worn cameras was also viewed in order to determine if there was any other footage of Sergeant McHale other than those of Winter Street. However, based on the research performed by Sergeant Detective Hernandez, there was no additional recorded Body-Worn camera footage by any other officers on Tremont Street at the time that Sergeant McHale drove toward Winter Street.

On May 31, 2020, Officer Centeio from the Crime Scene Response Unit was assigned to the protest at Tremont Street and Winter Street and recorded with a video camera. A request was made to the Photo Lab, and videos were provided.

Video footage from the Crime Scene Response Unit - Officer Franklin Centeio, ID # 86783

- MVI - 0128 - Shows Officer Centeio on Tremont Street as the sirens are heard from a distance. However, when the cruiser is approaching, Officer Centeio is in front of his cruiser parked on Tremont Street and facing a different direction.
- MVI - 0129 - Shows Sergeant McHale's cruiser on Winter Street and different officers arriving to assist in the area of Winter Street and Tremont Street.
- MVI - 0153 - Small video showing the damages that were sustained to Sergeant McHale's cruiser. (Invoice from Susi Auto Body attached to case)

Video footage provided by Lieutenant Thomas Murray from the Boston Fire Department

- Video #1 - One-minute-long video from an unknown Twitter account. It shows the cruiser driving on Winter Street and the protesters banging and throwing items at the cruiser.
- Video #2 - Dash-cam video from Lieutenant Murray's vehicle shows the protesters surrounding his car.
- Video #3 - Dash-cam video from Lieutenant Murray's vehicle shows Sergeant McHale turning onto Winter Street. Video shows that Sergeant McHale used caution while driving on Winter Street. It does not show Sergeant McHale striking any protesters.

Twitter video from Peter Eliopoulos (uploaded on May 31, 2020)

- The 55-second video uploaded by Mr. Eliopoulos shows the cruiser as it is being driven on Winter Street. The protestors are seen banging on the windows, throwing bottles, and a flag is used to break the cruiser's back window.

Sergeant Detective Hernandez contacted Detective David Yee from the Boston Regional Intelligence Center (BRIC). He is proficient in searching for incidents in different search-engines. She requested a search of any reports of any unmarked cruisers striking pedestrians. Upon completing his investigation, Detective Yee noted that he did not find any results of any unmarked cruisers hitting pedestrians or protesters during the night of May 31, 2020.

A form 26 was submitted by Captain Kelley J. McCormick, Commander of District A-7, authorizing Sergeant McHale to use Department Cruiser # 7510, Massachusetts Registration 819NW9, 2017 grey Ford Explorer.

FINDINGS/RECOMMENDATIONS:

On May 31, 2020 Body-worn camera footage from the protest, depicts Sergeant Clifton McHale stating that as he was driving on Tremont Street, he was hitting the protesters with his cruiser.

Based on interviews, report inquiries and videos captured on that evening there is no evidence that Sergeant Mchale struck anyone during this incident. Videos captured on Tremont and Winter Street show Sergeant Mchale driving cautiously through the crowds. The video evidence shows that his vehicle was attacked by protesters. The vehicle with him inside was struck with sticks, projectiles and garbage cans before he had to abandon it on Winter Street. Sergeant McHale clarified in his interview that he did not hit anyone with his cruiser and stated that he misspoke about hitting people. He described venting and relieving the experience of the stressful night.

As a result of this investigation, Body-worn camera footage captures Sergeant Mchale wearing a riot helmet that belonged to an Officer Michael Baker. Based on interviews from Officers and Sergeant McHale the investigation revealed that he had two sets of riot gear in his vehicle on this evening. Sergeant McHale stated in his interview that it was by chance that he happened to grab Officer Baker's helmet as he exited and retrieved the helmet from the back seat. Sergeant McHale noted that he did not wear Officer Baker's helmet to conceal his own identity. The investigation did not reveal any evidence that Sergeant Mchale intentionally put on Officer Bakers helmet to conceal his identity.

As a result of this investigation, Body-worn camera footage captures Sergeant Mchale using profanity as he spoke with Officer Robert Dirienzo. Both Officers reported that they were involved in a private conversation that was captured on Body-worn camera footage. This Body-

worn camera footage was released to the public and it did not reflect most favorably on the Department.

I, Lieutenant Detective Michael J. Connolly, make the following recommendations regarding IAD Complaint #2020-0484:

Sergeant Clifton McHale - ID #11904

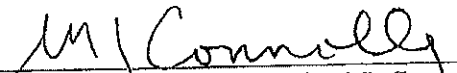
After careful review and due consideration of all the facts and evidence. This investigation proved by a preponderance of evidence that Sergeant McHale did violate Rule 102, s.3(Conduct Unbecoming) when his Body-worn camera footage from May 31, 2020 was released to the public and it did not reflect most favorably on the Department.

Therefore, I respectfully recommend this allegation be classified as Sustained.

Violation Rule 102, s.3 Conduct Unbecoming

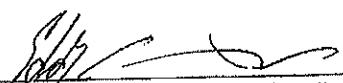
Sustained

Respectfully submitted,



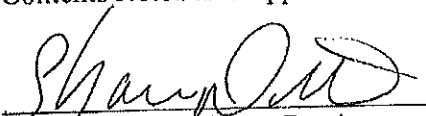
Lieutenant Detective Michael J. Connolly
Internal Affairs Division

Contents Noted,

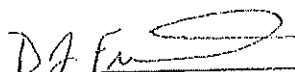


Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

Contents Noted and Approved



Superintendent Sharon Dottin
Chief, Bureau of Professional Standards



Legal Advisor

To: Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

From: Sergeant Detective Juana V. Hernández
Internal Affairs Division

Date: February 3, 2021

Subject: Complaint IAD2020-0484

Employee: Sergeant Clifton A. McHale
ID # 011904

Violation: Rule 102 § 3 - Conduct

Complainant: Deputy Superintendent Courtney C. Matthews

Sir:

I, Sergeant Detective Juana V. Hernández, respectfully submit the following investigative report regarding complaint IAD2020-0484. This investigation was assigned to me on December 21, 2020.

Summary of Complaint

Officer Robert Dirienzo's Body-worn camera footage from the protest of May 31, 2020, depicts Sergeant Clifton McHale stating that as he was driving on Tremont Street, he was hitting the protesters with his cruiser.

Summary of Interview with Officer Robert Dirienzo

On Monday, December 28, 2020, at 9:42 a.m., Sergeant Detective Juana V. Hernández and Sergeant Detective Lucas Taxter conducted a recorded interview with Boston Police Officer Robert Dirienzo within the office of the Internal Affairs Division. Attorney Kenneth Anderson was also present during this interview.

Prior to the interview starting, Officer Dirienzo was provided with a copy of the Police Commissioner's Memorandum #10-007, *Disciplinary Policy Statement*. He acknowledged receipt and understanding of the document. The following synopsis is not intended to be a verbatim account. Information was obtained from narration as well as a result of direct questioning.

Officer Dirienzo stated that on May 31, 2020, the officers were instructed to turn on their Body-Worn cameras during roll call. He noted that he did not recall who made the instructions but believes it was the supervisor in charge of roll call on that day. He expressed that he is not too familiar with the Body-Worn camera since he has been assigned to the detail room for the past two years.

He described that he and his partner (Officer Gaffey) were assigned to Charlestown as the A415F. During the shift, the night became chaotic in the Downtown area, with multiple officers calling for help. Officer Dirienzo and Officer Gaffey volunteered to drive over the North Washington Bridge to assist those in need.

Furthermore, he expressed that he has known Sergeant McHale on and off the job for over twenty years. Officer Dirienzo stated that he engaged in a conversation with Sergeant Clifton McHale while at the Downtown Corner Mall. He noted that Sergeant McHale approached him. He also said that Sergeant McHale was very excited as he began to speak. During his conversation, he recalled that Sergeant McHale began to swear and made comments about coming down the street and hitting people with his cruiser. Officer Dirienzo stated that Sergeant McHale's words were jumbled and all over the place. It appeared as though his adrenaline was pumping, and he was overly excited. Officer Dirienzo stated that in the time that he has known Sergeant McHale, this is the first time that he observed him be excessively excited and unprofessional.

Officer Dirienzo expressed that the conversation was not appropriate or professional. So he proceeded to push Sergeant McHale away to stop him from saying something that should not have been recorded. Officer Dirienzo walked away and then approached Sergeant McHale and notified him that his camera was on.

He stated that he turned his Body-Worn camera off because he was not interacting with the public at the time and believed that he was having a private conversation with Sergeant McHale. Officer Dirienzo noted that when he tapped/pushed Sergeant McHale's helmet, he did not do it to cover the identification number on the helmet but to notify him that his body-worn camera was on.

He stated that he did not have any further interactions with the public on that night and thus did not turn his camera back on. Additionally, he stated that after his Body-worn camera was turned off, he does not believe that he had any further interactions or conversations with Sergeant McHale.

Officer Dirienzo noted that prior to this interview, he watched the video footage of Sergeant McHale driving on Winter Street. He expressed that the story Sergeant McHale described to him while at the Corner Mall is significantly different than that of the video.

Summary of Interview with Sergeant Clifton McHale

On Monday, December 28, 2020, at 10:38 a.m., Sergeant Detective Juana V. Hernández and Sergeant Detective Lucas Taxter conducted a recorded interview with Boston Police Sergeant

Clifton McHale within the office of the Internal Affairs Division. Lieutenant Timothy Kervin, Sergeant Jeanne Carroll, and Attorney Patrick Bryant were also present during this interview.

Prior to the interview starting, Sergeant McHale was provided with a copy of the Police Commissioner's Memorandum #10-007, *Disciplinary Policy Statement*. He acknowledged receipt and understanding of the document. Sergeant McHale asserted his 5th Amendment privilege against self-incrimination but agreed to waive his rights under Article 12. (Attachment #1)

The following synopsis is not intended to be a verbatim account. Information was obtained from narration as well as a result of direct questioning.

On May 31, 2020, Sergeant McHale acknowledged working a regular scheduled Day Tour at District A-1 and then volunteering for an overtime shift as a patrol supervisor at District A-1. He noted that he was granted authorization to use an unmarked cruiser by Captain Kelly McCormick.

At approximately 9:09 p.m., the Channel 2 Dispatcher requested more units to the area of Tremont Street and Winter Street. He noted that while responding (with his lights and sirens activated), he drove by Tremont Street and observed that as he drove by School Street, the crowd of protesters became larger. He decreased his speed and proceeded on Tremont Street driving at a low rate of speed in order to drive through the crowd.

He noted that as he approached Tremont Street and Park Street's intersection, the crowd became heavier. He made his way through the crowd while using as much caution and care as possible and turned onto Winter Street. Sergeant McHale stated that as soon as he turned left onto Winter Street, the crowd's attention was directed toward him.

Sergeant McHale carefully navigated down Winter Street at a low rate of speed with his lights and sirens activated. He recalls taking both feet and placing them on the brakes because he did not want to have a knee jerked reaction and step on the accelerator as the crowd assembled around his cruiser. He recalls the first frozen bottle projectile hitting his rear passenger side window. He expressed that he believed that he was being shot at and briefly turned around and noticed that the window was still intact.

He expressed that once the projectile was thrown, the attack became heavier. The protesters began to punch the windows. He noted that at one point, he recalls the crowd gathering in front of the cruiser, and he could not go any further. He noted that people were attempting to open his car doors and expressed how an individual threw a water bottle directly into his windshield.

Sergeant McHale described holding on to the steering wheel as he pressed both feet on the brake. He explained that he was pressing down so hard that it felt as though his feet were going to go through the floorboard. He recalls flinching and stepping on the brake as hard as he could. He noted hearing glass shattering and observing the person who shattered the window holding either a pole or a flag.

Furthermore, Sergeant McHale stated that upon realizing that he could not drive any further, he requested help on Channel 2. He recalls going over the air and telling the A-1 units not to approach the area because it was getting too chaotic. He also noted that in front of him, possibly 200-300 yards, he could see yellow vests and noticed that officers were standing ahead of him at the bottom of Winter Street. He realized that perhaps the Channel 2 Dispatcher had not broadcasted his need for help on Channel 1.

Sergeant McHale proceeded to broadcast on Channel 1 that he needed assistance. He stated that he was in fear of his life and is thankful that those officers could assist him. He also noted that he is grateful that he did not have a knee jerk reaction and maintained composure. He expressed that he did not hit any of the protesters with his cruiser while responding to Tremont Street and Winter Street; he did not strike anyone with his vehicle on Tremont Street or Winter Street.

Moreover, Sergeant McHale expressed that he had a private conversation with Officer Robert Dirienzo at some point during the night while near the Corner Mall. He stated that he considers Officer Dirienzo his friend, colleague, and subordinate and has known him for over twenty years. He believed that he used profanity and the conversation was casual because he thought it was a private conversation between him and Officer Dirienzo.

Sergeant McHale described that before the Body-Worn camera footage, and after he arrived on Winter Street and Tremont Street, he became part of the response team. He was involved in other situations where the protesters were also attacking the officers. He expressed that due to the night's stressors and the events taking place on that night, he noted that he provided two different contradicting stories. He stated that he needed to get this information off his chest and therefore spoke to Officer Dirienzo in the hopes of venting about the stressors that he had just endured.

Sergeant McHale addressed the issue of wearing helmet #102340 belonging to Boston Police Officer Michael Baker. He expressed that he had misplaced his EDT gear (Emergency Deployment Team Equipment). He looked in his locker room at District A-7 and checked the Duty Supervisor's office and could not locate his EDT gear. He described that he does not have a garage and so proceeded to drive to his father's residence to see if perhaps he stored his EDT gear at his father's residence.

He described that his brother told him that he had Officer Baker's equipment, which was dropped off to Sergeant McHale by his father. He expressed that he was not expecting to use Baker's equipment but figured that it was best to have something rather than nothing at all if it was needed. He stated that it bothered him that he could not locate his equipment, so he returned to District A-7 to locate his equipment. He described coming into contact with Officer Domenic Dimarzo, who told him that his equipment was inside the cruiser from a prior deployment.

Sergeant McHale noted that he proceeded to drive to District A-1 with his equipment and Officer Baker's equipment inside his cruiser. Sergeant McHale stated that his equipment was inside his cruiser and that it was by chance that he happened to grab Officer Baker's helmet as he exited and retrieved the helmet from the back seat. Sergeant McHale noted that he did not wear Officer Baker's helmet to conceal his own identity.

Regarding the cruiser's damages, he noted that he did not complete a report and is not aware if a report was completed.

Summary of Interview with Officer Dominic DiMarzo

On Wednesday, February 3, 2021, at 10:02 a.m., Sergeant Detective Juana V. Hernández and Sergeant Detective Lucas Taxter conducted a recorded interview with Boston Police Officer Dominic DiMarzo within the office of the Internal Affairs Division. Also joining this interview over the telephone was Attorney Brian Decker.

Prior to the interview starting, Officer DiMarzo was provided with a copy of the Police Commissioner's Memorandum #10-007, *Disciplinary Policy Statement*. He acknowledged receipt and understanding of the document. The following synopsis is not intended to be a verbatim account. Information was obtained from narration as well as a result of direct questioning.

Officer DiMarzo expressed that on Sunday, May 31, 2020, he worked his regular Day Tour and then performed an overtime shift at Suffolk Downs, guarding the generator from 4:00 p.m. - 12:00 a.m.

When questioned if he was aware that Sergeant McHale had misplaced his EDT gear, Officer DiMarzo said that he does not remember if he was aware that Sergeant McHale had misplaced his EDT gear on May 31, 2020, or days after.

Officer DiMarzo described that he had Sergeant McHale's EDT gear. He explained that he and Sergeant McHale were assigned to the same squad for a special event. Sergeant McHale asked Officer DiMarzo if he could place his EDT gear along with his during this event.

Officer DiMarzo stated that he remembers seeing Sergeant McHale frantically looking for something. He approached him, and Sergeant McHale expressed to Officer DiMarzo that he could not find his EDT gear. Officer DiMarzo walked with Sergeant McHale into the Duty Supervisor's office to help search for the EDT gear. While at the Duty Supervisor's office, Officer DiMarzo remembered that he had Sergeant McHale's EDT gear in his possession.

Officer DiMarzo recalls going to his car to retrieve Sergeant McHale's EDT gear. He does not remember whether he handed him the EDT gear or placed it inside the Duty Supervisor's office.

Summary of Interview with Boston Fire Department Lieutenant William Gillis

On Wednesday, January 6, 2021, at 10:04 a.m., Sergeant Detective Juana V. Hernández and Sergeant Charles Moore conducted a recorded interview with Lieutenant William Gillis from the Boston Fire Department within the offices of the Internal Affairs Division. This recorded interview was conducted over the telephone. The following synopsis is not intended to be a verbatim account. Information was obtained from narration as well as a result of direct questioning.

Lieutenant Gillis (BFD, Major Case Unit) stated that he and his partner, Lieutenant Thomas Murray (BFD), were assigned to the protest that was taking place on May 31, 2020. He noted that they were both in plain clothes and their responsibility was to respond to calls of fires and or arsons.

Believing that they were far enough from the crowd, they positioned and parked their unmarked vehicles on Winter Street outside the Boston Commons' perimeter. Lieutenant Gillis noted that they were approximately thirty yards from Tremont Street. He stated that Lieutenant Murray was parked inside his vehicle with his K-9 dog, who's an accelerant dog.

Lieutenant Gillis noted that the number of protesters began to increase and that they found themselves surrounded and were under attack. The crowd started to yell and chant that they were officers. Lieutenant Gillis insisted that they were firefighters, but the group continued pressing on and threatening to "fuck" them up. He expressed that it began to escalate, and so he instructed Lieutenant Murray to call for help. He noted that Lieutenant Murray stayed inside the vehicle to protect the K-9, who is only trained as an arson/accelerant dog.

He observed the unmarked grey cruiser as it turned from Tremont Street onto Winter Street with its lights and sirens activated. He expressed that he observed the cruiser driving very slowly. Also, he noted that Sergeant McHale was using his siren and horn, which were extremely loud. He believes that for this reason, Sergeant McHale was able to get through the crowd. He and Lieutenant Murray were under attack. However, when Sergeant McHale arrived, the protesters shifted their attention to him.

Lieutenant Gillis stated that he did not observe Sergeant McHale striking anyone with his cruiser, for Sergeant McHale was driving exceptionally slowly to hit anyone with his cruiser. He watched people kicking the car, throwing bottles, and also observed a twenty-year-old male with a skateboard strike the vehicle with the skateboard.

After things had calmed down, he approached Sergeant McHale to thank him for coming to their aid. He stated that Sergeant McHale did not say much but shrugged his shoulders as though he did not know what to say and was more in a state of shock and disbelief. He appeared as though he was still processing everything that took place.

Furthermore, upon seeing Sergeant McHale on the news, he received a call from Lieutenant Murray inquiring if the officer on the news was the officer that came to help them. He expressed that he did not know Sergeant McHale at the time but recognized him from his brief interaction with him. He noted that the news stated that Sergeant McHale was hitting people as he was coming down the street with his cruiser, which he knew was not true since he observed him making the turn from Tremont Street onto Winter Street.

Upon learning that the news was providing erroneous information, he contacted the Boston Superior Officers Federation to alert them that Sergeant McHale did not strike anyone and had helped them with the protesters.

Lieutenant Gillis emphasized that he, Lieutenant Murray, and their K-9 were under attack. He expressed that they, in turn, called for help and that Sergeant McHale came to their rescue.

Summary of Interview with Boston Fire Department Lieutenant Thomas Murray

On Wednesday, January 6, 2021, at 11:09 a.m., Sergeant Detective Juana V. Hernández and Sergeant Charles Moore conducted a recorded interview with Lieutenant Thomas Murray from the Boston Fire Department within the offices of the Internal Affairs Division. This recorded interview was conducted over the telephone. The following synopsis is not intended to be a verbatim account. Information was obtained from narration as well as a result of direct questioning.

Lieutenant Murray (BFD, Fire Investigation Unit) stated that he and his partner, Lieutenant Thomas Gillis (BFD), were assigned to the protest on May 31, 2020, and were positioned on Winter Street, near Tremont Street.

Lieutenant Murray noted that initially, the protesters were damaging their vehicle (unmarked Ford Expedition) by standing on top of it and pounding on it. He explained that calling the Boston Firefighter Turret for help would have taken too long and described that he was in contact with Boston Police Lieutenant Detective George Juliano throughout the day. When he looked and noticed that the last call that was placed on his phone was from Lieutenant Detective Juliano, he called him and requested him to ask for help.

Lieutenant Murray expressed that at first, he could hear the sirens coming from the direction of Tremont Street and then observed the cruiser make the left turn onto Winter Street from Tremont Street. He stated that the operator was possibly traveling at approximately two miles per hour. He stated that he had a full view of the cruiser and did not observe the cruiser strike anyone.

He also described that the crowd was on the verge of attacking them before Sergeant McHale's arrival. When Sergeant McHale made the turn onto Winter Street, the crowd's aggression and hostility were diverted toward him instead of them.

He described that as he turned the corner, the protesters began to pound on the cruiser. They hit the cruiser with a skateboard, and at one point, a trash barrel was also thrown at the cruiser as Sergeant McHale slowly made his way on Winter Street.

Lieutenant Murray stated that they had an opportunity to bail and abandon the car, but that was not possible since he had his K-9 in the vehicle. He described his dog to be more of a kitten without a hostile bone in his body. He noted that they were pretty nervous, but when the grey Explorer (Sergeant McHale) came around the corner and diverted the crowd's attention, he was able to grab the dog and go inside the doorway of a building. He stated that they held their position inside the building for a while. He emphasized that it was a chaotic scene.

Lieutenant Murray described that he did not know Sergeant McHale before this incident and that he has not seen him since the incident. He noted that he has Instagram footage from the incident and footage from his dash-cam and would provide it via email.

Lieutenant Murray stated that he was disturbed by the news, for he believes that Sergeant McHale should be receiving a commendation and not getting persecuted. He stated that if it weren't for Sergeant McHale, they would have been attacked, and the outcome would have been different. He commended Sergeant McHale's bravery for turning onto Winter Street and coming to their aid.

Investigation

On Friday, December 18, 2020, at approximately 10:15 p.m., Lieutenant Henry Staines and Sergeant Charles Moore from the Internal Affairs Division met with Captain Richard Evans, Commander of the Court Unit; Lieutenant Timothy Kervin from the Boston Police Superior Officers Federation, and Sergeant Clifton A. McHale at District A-15 located at 20 Vine Street, Charlestown.

As a result of an active and ongoing Internal Affairs investigation, Commissioner William G. Gross placed Sergeant Clifton A. McHale, ID #11904, on Administrative Leave. While at District A-15, Lieutenant Henry Staines and Sergeant Charles Moore served Sergeant Clifton McHale with an Administrative Leave Notice.

Sergeant McHale's Department Badge, Identification Cards, and Department Issued Firearm were seized. Sergeant Clifton McHale was advised that he cannot enter any Police Department Facility without the commander's express authorization.

Below is the email provided and signed by Lieutenant Henry Staines and Sergeant Clifton McHale acknowledging his status as being on Administrative Leave. (Attachment #2)

12/18/2020

City of Boston AAD - Notice of Administrative Leave

Sgt. McHale

B

Henry Staines <henry.staines@pd.boston.gov>

Notice of Administrative Leave

Fri, Dec 18, 2020 at 9:30 AM

Jeffrey Walcott <jwalcott@pd.boston.gov>
To: Richard Evans <richard.evans@pd.boston.gov>, William Gross <william.gross@pd.boston.gov>
Cc: Dennis White <dennis.white@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, Marcus Edalings <marcus.edalings@pd.boston.gov>, David Fredello <david.fredello@pd.boston.gov>, Courtney Matthews <courtney.matthews@pd.boston.gov>, Henry Staines <henry.staines@pd.boston.gov>, Elizabeth Fiorinino <elizabeth.fiorinino@pd.boston.gov>

Good evening Captain Evans,

*** Please provide a copy of the email to Sgt. McHale, to serve as an official notice. ***

Please be advised, as a result of an active and ongoing Internal Affairs investigation, Commissioner William G. Gross has placed Sergeant Clinton A. McHale, (DRO11904), who is assigned under your command, on Administrative Leave effective immediately.

Supervisors assigned to the Internal Affairs Division will serve the Notice of Administrative Leave, and advise Sgt. McHale of his duty status, and will secure his Department Badge, ID Cards, and Department Issued firearm.

Also, Sgt. McHale cannot enter any Police Department Facility, without the express authorization of the commander of said facility.

If you have any questions, please contact me directly.

Supt. Walcott

Superintendent Jeffrey I. Walcott
Chief, Bureau of Professional Standards
Boston Police Department
One Schooler Plaza
Boston, MA 02120
Tel. 017-343-4828
Fax 017-343-6006

Dec 18, 2020
H. Staines



On December 22, 2020, as the result of information obtained during the preliminary Internal Affairs Division's investigation, Police Commissioner William G. Gross changed Sergeant McHale's status from Administrative Leave to Administrative Desk Duty.

Below is the email that was submitted to Captain Richard Evans by Superintendent Jeffrey I. Walcott. (Attachment #3)

12/24/2020

City of Boston Mail - Fwd: Notice of Duty Status Update Re: Sergeant Clifton A. McHale

B
BLOCK

Juana Hernandez <juana.hernandez@pd.boston.gov>

Fwd: Notice of Duty Status Update Re: Sergeant Clifton A. McHale
2 messages

Henry Staines <henry.staines@pd.boston.gov>
To: Juana Hernandez <juana.hernandez@pd.boston.gov>

Tue, Dec 22, 2020 at 8:34 AM

FYI, records

----- Forwarded message -----

From: Jeffrey Walcott <jwalcott@pd.boston.gov>
Date: Tue, Dec 22, 2020 at 7:00 AM
Subject: Notice of Duty Status Update Re: Sergeant Clifton A. McHale
To: Richard Evans <richard.evans@pd.boston.gov>
Cc: William Gross <william.gross@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, Dennis White <dennis.white@pd.boston.gov>, Marcus Eddings <marcus.eddings@pd.boston.gov>, Courtney Matthews <courtney.matthews@pd.boston.gov>, David Fredelle <david.fredelle@pd.boston.gov>, Mary Flaherty <mary.flaherty@pd.boston.gov>, Henry Staines <henry.staines@pd.boston.gov>, Elizabeth Florantino <elizabeth.florantino@pd.boston.gov>, Joanne Carroll <joanne.carroll@pd.boston.gov>, Clifton McHale <clifton.mchale@pd.boston.gov>

Good Morning Captain Evans,

Please be advised, as a result of information obtained during the preliminary Internal Affairs Division's investigation involving Sgt. McHale, Police Commissioner William G. Gross has changed Sgt. McHale's Duty Status from Administrative Leave to Administrative Desk Duty, effective today Tuesday, December 22, 2020.

Have Sgt. McHale, contact Lt. Staines, assigned to IAD, to assist in returning his Department issued Badge and ID card(s). Sgt. McHale's Department issued firearm shall remain at the Department's Pistol Range until further notice.

Also, Sgt. McHale's restriction of entry into any Police Department Facility, has been rescinded.

If you have any questions, please contact me directly.

Supt, Walcott

Superintendent Jeffrey I. Walcott
Chief, Bureau of Professional Standards
Boston Police Department
One Schroeder Plaza
Boston, MA 02120
Tel. 817-343-4626
Fax 817-343-5086

Lieutenant Henry J. Staines
Boston Police Department
Internal Affairs

<https://mail.google.com/mail/u/0/?ui=cc&as264462&view=pt&search=all&permmsgid=thred-1%3A1668786806028732016&siml=msg-1%3A1668786806009...> 1/3

On December 22, 2020, Lieutenant Henry Staines reported to the Boston Police Pistol Range and surrendered to Officer Francisco Colon (ID # 9347), Sergeant Clifton McHale's firearm, and three magazines (Glock 22, serial # VYP448).
(Attachment #4)

Boston Police Pistol Range

Surrendered Firearms Receipt

District/Unit: Cover Unit Date: 12/22/20

Name: Clifton I.D. # 11904

Type of Weapon: Glock 22 Serial # VYP448

Number of Magazines: 3

Received by: [Signature] I.D. # 9347

On December 23, 2020, Channel 1 and Channel 2 radio communication for May 31, 2020, was requested. The following is a small breakdown of these two channels' radio communication.

Channel 2
Dispatcher: *Thomas Witt*

Time	Unit	Radio Transmission
8:59 p.m.	Dispatcher	A203F to Tremont/Winter to assist with traffic
9:07 p.m.	Channel 1	Dispatcher from Channel 1 requests officers at Winter and Tremont Street on Channel 2. All units available. Advised to use caution. Throwing bottles

9:09 p.m.	Dispatcher	Requests more units at Winter and Tremont Street. Sergeant McHale states that he is heading and responding
9:12 p.m.	VA06	Couple of firefighters in an unmarked vehicle. Protesters are blocking them in
9:14 p.m.	Dispatcher	Requests more units to free up
9:15 p.m.	G903	Requests all units to Tremont and Winter Street. Advises units not to drive onto Tremont Street and Winter. "Huge crowd, they are hitting my car. Ok. I am stuck in here"
	Dispatcher	Requests all units to Tremont and Winter to assist the G903
9:16 p.m.	G903	Requests assistance from all available units

Channel 1

Dispatcher: *Angel Negrón*

Time	Unit	Radio Transmission
7:58 p.m.	T936	Advises bottles are being thrown at Park Street and Tremont Street
8:00 p.m.	F914	Group on Washington Street heading towards the crossing
8:17 p.m.		All set at Park and Tremont
8:20 p.m.	VD42	Fight at the Commons by Park Street Station. Opposite 131 Tremont. (4-5 people fighting). Broken up by the T
8:48 p.m.	Dispatcher	Requesting Units at Washington Street and Temple Street (crowd throwing bottles)
8:59 p.m.	EC01	Washington Street and Winter Street - bottles
9:00 p.m.	Dispatcher	Asking for Units at Washington Street and Winter Street
9:02 p.m.		Requests more units to Washington Street and Winter Street

9:05 p.m.		Tremont and Winter - Large crowd
9:11 p.m.		Getting hit at the crossing
9:12 p.m.	VA06	Firefighters in an unmarked car (vehicle blocked). Winter and Tremont Street
9:14 p.m.		More help at Tremont and Winter (All available units at Tremont and Winter)
9:16 p.m.	G903	All available units
9:16:23 p.m.	G903	"Hey guys, I am up here. Can you get all this fucking guys off my car"

The following people were interviewed during this investigation:

1. Officer Robert Dirienzo
2. Sergeant Clifton McHale
3. Officer Dominic DiMarzo
4. William Gillis (BFD)
5. Thomas Murray (BFD)

Sergeant McHale described that when he accepted the first-half overtime shift, he went to his locker to retrieve his EDT gear. He noted that he could not locate his equipment and that his brother provided him with Officer Baker's EDT gear. He also stated that upon returning to District A-7, he was approached by Officer DiMarzo, who notified him that his EDT gear was inside the cruiser from a prior deployment.

Sergeant McHale described that he, in turn, had both his personal EDT gear and the EDT gear assigned to Officer Baker in the back seat of his cruiser. He described that it was by chance that he took Officer Baker's helmet when he retrieved it from the back seat. He expressed that he did not wear Officer Baker's helmet to conceal and deceive others of his own identity.

Sergeant McHale expressed that he responded to Tremont Street and Winter Street when the Channel 2 Dispatcher requested more help to the area. He noted that as he drove by the intersection of Tremont Street and School Street, the crowd of protesters became larger.

Sergeant McHale stated that he carefully navigated down Winter Street at a low-speed rate with his lights and sirens activated. At one point, he described placing both feet on the brakes

because he did not want to have a knee jerked reaction and step on the accelerator as the crowd assembled around his cruiser. Sergeant McHale expressed that he did not strike anyone as he drove on Tremont Street or Winter Street.

Lieutenant Gillis and Lieutenant Murray from the Boston Fire Department provided that they were at the corner of Winter Street and Tremont Street. They stated that they both observed Sergeant McHale as he turned onto Winter Street from Tremont Street. They expressed that Sergeant McHale exercised great caution as he drove on Winter Street. They stated that they did not observe Officer McHale strike any of the protesters with his cruiser. They observed the protesters pounding, throwing bottles, and hitting Sergeant McHale's cruiser.

Sergeant McHale expressed that at some point during the night while near the Corner Mall, he had a private conversation with Officer Robert Dirienzo, who he considers a close friend. Sergeant McHale clarified that he did not hit anyone with his cruiser and stated that he misspoke about hitting people. He described venting and relieving the experience of the stressful night. He expressed that his use of profanity was used because he believed that he was having a private conversation with Officer Dirienzo.

Officer Dirienzo expressed that during his conversation with Sergeant McHale and upon realizing that Sergeant McHale was swearing and commented about hitting people with the cruiser, he alerted him that his Body-Worn camera was on. Additionally, he noted that Sergeant McHale's remarks were all over the place and that he was overly excited.

Furthermore, Sergeant Louis Madeira, Commander of the Video Evidence Unit, described that during the Boston Police Academy Training for the body-worn cameras, Officers are instructed to alert other officers when their cameras are on. Deputy Superintendent Eddy Chrispin communicated with Captain Phillip Terenzi from the Boston Police Academy, who also indicated the officers are trained to alert other officers when their body-worn camera is engaged.

The following Body-Worn cameras and video footage were viewed:

- Officer Andrew Medina, ID # 135962 (P200262661)

Officer Medina's body-worn camera shows him as he is posted with other units on Winter Street. The beginning of the footage shows him clearing Winter Street as Sergeant McHale is requesting help on the radio. The video does not show Sergeant McHale striking anyone with his cruiser while on Winter Street.

- Officer Dudley Hill, ID # 011698 (I#202037727)

At 30 minutes and 45 seconds, Officer Hill's body-worn camera shows him as he is posted with other units on Winter Street opposite Officer Andrew Medina. This video shows as the

officers advance toward Sergeant McHale as he is already on Winter Street. The video does not show Sergeant McHale striking anyone with his cruiser while on Winter Street.

▪ Officer Robert Dirienzo, ID # 10799 (X91331058)

At 36 minutes and 2 seconds, Sergeant McHale approaches Officer Dirienzo and describes driving on Tremont Street and over-committing as he approached Park Street. Sergeant McHale claims that he was hitting people with his cruiser as he was driving down Tremont Street. When Officer Dirienzo alerted that the camera is on, Sergeant McHale changes the story and says that he did not hit anyone. Instead, the protesters were throwing things, and bottles were coming inside his cruiser.

A selection of different body-worn cameras was also viewed in order to determine if there was any other footage of Sergeant McHale other than those of Winter Street. However, based on the research performed by this investigator, there was no additional recorded Body-Worn camera footage by any other officers on Tremont Street at the time that Sergeant McHale drove toward Winter Street.

On May 31, 2020, Officer Centeio from the Crime Scene Response Unit was assigned to the protest at Tremont Street and Winter Street and recorded with a video camera. A request was made to the Photo Lab, and videos were provided to this investigator.

Video footage from the Crime Scene Response Unit - Officer Franklin Centeio, ID # 86783

- MVI - 0128 - Shows Officer Centeio on Tremont Street as the sirens are heard from a distance. However, when the cruiser is approaching, Officer Centeio is in front of his cruiser parked on Tremont Street and facing a different direction.
- MVI - 0129 - Shows Sergeant McHale's cruiser on Winter Street and different officers arriving to assist in the area of Winter Street and Tremont Street.
- MVI - 0153 - Small video showing the damages that were sustained to Sergeant McHale's cruiser. (Invoice from Susi Auto Body attached to case)

Video footage provided by Lieutenant Thomas Murray from the Boston Fire Department

- Video #1 - One-minute-long video from an unknown Twitter account. It shows the cruiser driving on Winter Street and the protesters banging and throwing items at the cruiser.

- Video #2 - Dash-cam video from Lieutenant Murray's vehicle shows the protesters surrounding his car.
- Video #3 - Dash-cam video from Lieutenant Murray's vehicle shows Sergeant McHale turning onto Winter Street. Video shows that Sergeant McHale used caution while driving on Winter Street. It does not show Sergeant McHale striking any protesters.

Twitter video from Peter Eliopoulos (uploaded on May 31, 2020)

- The 55-second video uploaded by Mr. Eliopoulos shows the cruiser as it is being driven on Winter Street. The protesters are seen banging on the windows, throwing bottles, and a flag is used to break the cruiser's back window.

A form 26 was submitted to Superintendent Jeffrey I. Walcott, Commander of Bureau of Professional Standards, by Captain Kelley J. McCormick, Commander of District A-7, authorizing Sergeant McHale to use Department Cruiser # 7510, Massachusetts Registration 819NW9, 2017 grey Ford Explorer. (Attachment #4). Additionally, a copy of the Operational Plan for the Black Lives Matter March and Rally for Sunday, May 31, 2020, was added to the file. (Attachment #5).

On December 23, 2020, I contacted Detective David Yee from the Boston Regional Intelligence Center (BRIC). He is proficient in searching for incidents in different search-engines. I requested a search of any reports of any unmarked cruisers striking pedestrians. Upon completing his investigation, Detective Yee noted that he did not find any results of any unmarked cruisers hitting pedestrians or protesters during the night of May 31, 2020.

During his interaction with Officer Dirienzo, Sergeant McHale expressed that he was hitting the protesters with his cruiser as he drove on Tremont Street. However, during this investigation, the following was determined:

- Officer Hill's and Officer Medina's Body-worn cameras show that they were both on Winter Street as Sergeant McHale drove onto Winter Street. Sergeant McHale stated that he struck pedestrians while on Tremont Street, not Winter Street.
- Video footage provided by Lieutenant Murray shows Sergeant McHale turning onto Winter Street. No video footage is provided for Tremont Street.
- Twitter video from Peter Eliopoulos shows as Sergeant McHale's cruiser is driven onto Winter Street. No video footage is provided of Tremont Street.

Since Sergeant McHale expressed that he was hitting protesters on Tremont Street on January 12, 2021, a request was made to the Video Evidence Unit for footage of May 31, 2020.

The following traffic cameras were viewed:

- Tremont Street & Bosworth
- Tremont Street & Bromfield
- Tremont Street & Park Street (1PTZ)
- Tremont Street & Park Street (3PTZ)
- Tremont Street & Winter Street (Gent-Dent 180)
- Tremont Street & Winter Street (2)
- Tremont Street & Winter Street (3PTZ)

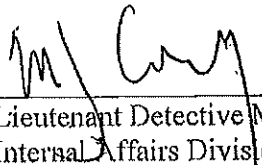
These cameras all individually show Sergeant McHale as he drives on Tremont Street and subsequently turns onto Winter Street. During this investigator's observation of said cameras and as Sergeant McHale proceeds through each intersection, I did not observe Sergeant McHale strike any persons or objects while operating his cruiser on Tremont Street or while he was on Winter Street.

Respectfully submitted,

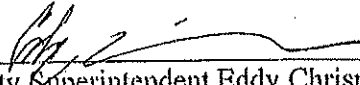


Sergeant Detective Juana V. Hernández
Internal Investigations Unit

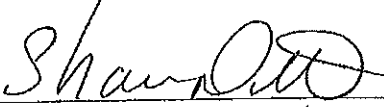
Approved,

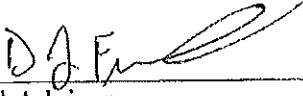

Lieutenant Detective Michael J. Connolly
Internal Affairs Division

Contents Noted,


Deputy Superintendent Eddy Chrispin
Assistant Chief, Bureau of Professional Standards

Contents Noted and Approved


Superintendent Sharon Dottin
Chief, Bureau of Professional Standards


Legal Advisor

Attachments

1. 5th Amendment privilege against self-incrimination
2. Notice of Administrative Leave
3. Notice of Duty Status Update
4. Boston Police Pistol Range/Surrender Firearms Receipt
5. Form 26 from Captain Kelly J. McCormick
6. Operation Plan for Black Lives Matter Protest
7. Employee Data Sheets
 - Sergeant Clifton McHale
 - Officer Robert Dirienzo
 - Officer Dominic Dimarzo
8. Susi Auto Body invoice for damages to Boston Police Cruiser #7510
9. Channel 1 & 2 radio transmission
10. Videos from Officer Centeio
11. Flash drive from Video Evidence Room
12. BAT - District A-1 - First Half Tour - May 31, 2020
BAT - District A-7 - First Half Tour - May 31, 2020