



MBTA Transit Police

Investigative Report



Defendant's Information		Case # 2021-5911		Status: Clerk Magistrate's Hearing	
		Incident Date: 07/30/21		Court: Brighton District	
Name: (L, F, I)	TURNER, Owen		D.O.B:	09/13/1971	
Street Address:	89 Tennis Road, Apt. #103			District:	South
City:	Boston	State:	MA	Race:	B
Social Security:	029-56-8900	Height:	6'01"	Sex:	Male
Zip:	02126				
Weight:	200 Lbs.				
*NOTE: If juvenile, enter parent or guardian name					
Offense or Charges:		Chapter/Section:		PCF #	
1. Gross Negligence of Person in control of Train		MGL CH 160 SEC 231			
2. Gross Negligence; Persons Having Care of Common Carrier		MGL CH 265 SEC 30			
Detective:	Joseph Uhrig			ID#	803

1. On Friday, July 30, 2021, at approximately 6:04 PM, MBTA Transit Police Operations was notified by MBTA Green Line dispatch and over radio BAPERN of a Trolley v Trolley collision at Commonwealth Avenue and Pleasant Street in Boston. The following units responded and assisted with emergency services, scene management and traffic control; MBTA Transit Police T-2 Superintendent Richard Sullivan, T-3 Deputy Francis Murray, Transit Police patrol units from Sector 5, Transit Police Criminal Investigations Unit detectives, the Crime Scene Services Unit, Boston & Brookline Police and Fire, Boston EMS, Green Line Transportation and MBTA safety officials, and Massachusetts State Police.
2. The scene of the trolley strike occurred on the "B" Line, westbound on the outbound track in the vicinity of Commonwealth Avenue and Harry Agganis Way. The scene extended from 930 through 971 Commonwealth Avenue in Boston.
3. The preliminary investigation indicated two (2) trolleys, each consisting of a set of two (2) cars, were proceeding outbound from Park Street Station to Boston College

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Station. Trolley set (3862B & 3705A) was ahead of Trolley set (3894A & 3697B) with both heading outbound on the same track. Prior to Trolley set (3862B & 3705A) proceeding through the crossing at Harry Agganis Way on Commonwealth Avenue, it was struck in the rear by the second trailing Trolley set (3894A & 3697B). The rear car, 3705A of the Trolley set (3862B & 3705A) was struck by the head car of 3894A of Trolley set (3894A & 3697B). All four (4) trolleys involved sustained significant damage and several wheels of both trolley sets were derailed. The head trolley of set (3862B & 3705A) had approximately 35 passengers. The striking trolley set (3894A & 3697B) had approximately 40 passengers on board at the time of the collision.

4. There were twenty-three (23) passengers from both trolleys who were transported to local hospitals for non-life threatening injuries. The operators from the first trolley were identified as Takisha King (Employee #72094, Trolley #3862B), Charmaine Jacob (Employee #66474, Trolley #3705A). The operators from the following (Strike) trolley were identified as Owen Turner (Employee #72275, Trolley #3894A) and Imani Finkley (Employee #480054, Trolley #3697B). King was transported to Massachusetts General Hospital via Boston EMS A24 for back pain. Finkley was transported to Massachusetts General Hospital via Boston EMS A16 for being, "shaken up," and back pain. Turner was transported to Massachusetts General Hospital via Boston EMS A16 for hip pain. Jacob was evaluated by Boston EMS A20 and declined medical attention. Turner and Finkley were interviewed on scene by Transit police detectives prior to being transported to the hospital. Jacob was interviewed on scene after being evaluated by Boston EMS A20. King was interviewed at Massachusetts General Hospital after being treated and evaluated by hospital officials.
5. Green Line "B" Line service on both the inbound and outbound tracks was temporarily suspended pending the police investigation and until the mechanical and Right-of-Way repairs and inspections were completed.
6. On Friday, July 30, 2021, at approximately 6:40PM, Detective Andrea Purcell conducted an on scene interview with MBTA Motorperson Owen Turner (Employee #72275), who was operating MBTA Trolley #3894A (Front trolley car of strike trolley). Turner stated to Detective Purcell, he has been employed by the MBTA for approximately seven years, working in the capacity as a streetcar person on the Green Line for his entire employment.
7. Turner stated, he works Wednesday through Friday on the Boston College (B) Line, starting at Boston College at 3:04PM, with a finish time of 11:28PM. Turner stated, on

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Friday, July 30, 2021, he went to the gym to work out in the morning, brought a coffee to his mother then went to work two hours early at 1:00 p.m. Turner stated, he did not start his shift until 3:04 p.m. Turner stated, he typically arrives two hours prior to the start of his shift.

8. Turner stated, he left Boston College Station at 3:04PM, traveling toward Park Street Station. Turner stated, he was not made aware of any mechanical malfunctions, nor did he observe any malfunctions during his operation of Green Line Trolley #3894A. Turner stated, he made an entire round "Trip" and was working the first half of his second "Trip," heading outbound when the incident had occurred at approximately 6:04PM.
9. Turner stated, on Friday, July 30, 2021, at approximately 5:01PM, he left Boston College Station, traveled to Park Street Station and was in route back to Boston College Station. Turner stated, he made all the regular stops with the last stop prior to the incident at the St. Paul's Street stop. Turner stated, he was operating a two (2) car trolley and had approximately ten to fifteen passengers onboard the front trolley (#3894A) he was operating. Before Turner described the incident, he explained the trolleys are supposed to have a five pole distance between them on the rail at all times (*This comment was unprovoked*). Detective Purcell inquired further and Turner explained, in order to maintain a safe distance between trolleys, it is required to keep five light poles distance from a trolley traveling in front of you, to the front of the trolley you are operating. Turner further explained, prior to the St. Paul platform stop, the trolleys were close to one another, which caused him to slow his speed.
10. Turner stated, after leaving the St. Paul stop platform, he ascended the incline toward the Pleasant Street stop platform at an unknown rate of speed. As Turner operated Green Line Trolley #3894A, to the top of the incline at the intersection of Commonwealth Avenue and Pleasant Street, he said, he received a white light (The MBTA railroad safety light to indicate safe passage) to enter the intersection and proceed to the Pleasant Street stop platform.
11. Turner stated, after observing the white light, he does not remember anything. Turner stated, he heard a, "bang," and felt pain on his right side from hitting the front bar of the operator seat inside the trolley. Turner stated, he could not recall what had occurred between the time he observed the white light and the impact of the two trolleys.

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12. Turner stated, he did not fall asleep, he has no medical conditions, he did not observe the trolley directly to the front of him, did not observe anything occurring on the streets to the left or right of him, nor did he observe any altercation or disturbances within the trolley that would have distracted him. Turner denied he was affected by any solar glare. Turner stated, at no time did any passengers attempt to gain his attention, nor was any passenger standing at the front of the trolley near the yellow line, which could have distracted him. Turner stated, he did not believe he had suffered any medical ailments, i.e., heart attack or anxiety attack. Turner also stated, he does not have a history of blackouts and he did not believe he fell asleep. Turner went on to explain he did not observe any water or grease on the tracks or feel the trolley gliding from a foreign substance on the tracks. Turner stated, everything seemed to be, "foggy," as he has a lapse of memory.

13. Turner stated, he does not take any medication, prescription drugs or over the counter medication, nor did he consume any alcohol or illegal substances. Turner denied using or having a cellphone in his possession, nor did he use earphones or a musical device. Turner does wear glasses and he stated, he had his glasses on during the time of operation prior to and during the impact with MBTA Green Line Trolley #3705.

14. Turner stated, he got up from the operator seat after impact and observed smoke within the trolley car. Turner stated, he assisted passengers disembark the trolley and when he was out of the trolley, the MBTA operator of Green Line trolley #3705, Charmaine Jacob yelled at him, saying "This is how I lost my friend." [Referencing a previous Green Line Trolley v Trolley accident in Newton, MA (MBTA Transit Police Case #2008-3294)].

15. On Friday, July 30, 2021, at approximately 6:50PM, I, Detective Joseph Uhrig, conducted an on scene interview with Motorperson Imani Finkley (Employee #480054), who was in the operator's seat of MBTA Trolley #3697B (rear trolley car of strike trolley) at the time of the collision.

16. Finkley stated, she has worked as a Green Line Motorperson for three (3) years. Finkley stated, her work day began at 3:07PM and was scheduled to end at 11:33PM. Finkley stated, she left Boston College Station at approximately 3:07PM, traveling toward Park Street Station. Finkley stated, she was not made aware of any mechanical malfunctions, nor did she observe any malfunctions during her operation of Green Line Trolley #3697B. Finkley stated, she departed on her second, "Trip,"

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from Boston College Station at approximately 5:00PM, to Park Street Station, where she proceeded back toward Boston College Station, when the collision took place.

17. Finkley stated, she was seated in the operator’s seat of Trolley #3697B. Finkley stated, as the trolley approached the Pleasant Street intersection, she felt, “a really hard impact.” Finkley stated, her body sprung forward and hit the dashboard of the trolley. Finkley stated, after the collision, she hit the, “Emergency,” button on the trolley, and called Central (dispatch), informing them of an emergency. Finkley stated, there were approximately twenty-five to thirty passengers on board Trolley #3697B at the time of the collision. Finkley stated, after she informed Central (dispatch) of the emergency, she checked with the passengers to check on their well-being. Finkley stated, all of the passengers, except for an unnamed male passenger having a light skin complexion, in his late twenties, and an unnamed black female in her late twenties, stated they were not injured. According to Finkley, the unidentified male passenger sustained a, “gash,” to his right shin, and the unidentified female passenger sustained what the female passenger believed to be a, “broken,” finger on her right hand.

18. Finkley stated, the area of the track where the collision took place, had a speed limit of ten miles per hour. When asked, Finkley stated, she did not know how fast the trolley was going at the time of the collision as she, “wasn’t the one driving.” Finkley stated, she did not recall if the trolley stopped at any time prior to the collision and could only state, “We approached the Pleasant Street platform and there was a collision.”

19. On Friday, July 30, 2021, at approximately 7:30PM, Detective Andrea Purcell conducted an on scene interview with Motorperson Charmaine Jacob (Employee #66474), who was in the Operator’s seat of Trolley #3705A at the time of the collision. Jacob stated, she has worked for the MBTA as a Green Line Motorperson for approximately nineteen years. Jacob stated, she started her shift at 7:15AM and was scheduled to work until 6:15PM. Jacob stated, her work schedule is Tuesday through Friday. Jacob stated, she was not made aware of any mechanical malfunctions, nor did she observe any malfunctions during her operation of Green Line Trolley #3705A.

20. Jacob stated, there was approximately, “more than twenty,” passengers on board Trolley #3705 at the time of the collision. Jacob stated, the area of track she was travelling at the time of the collision had a speed limit of ten miles per hour. Jacob stated, she was proceeding through the Harry Agganis Way intersection when she felt a, “bang.” Jacob stated, when the trolley came to a stop, she observed passengers on

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the floor of the trolley and could hear passengers, "screaming." Jacob stated, she was not sure how fast her trolley was going at the time of the collision. Jacob stated, she exited the trolley and after observing Turner outside of the trolley, Jacob yelled, "This is how I lost my friend." [Referencing a previous Green Line Trolley v Trolley accident (MBTA Transit Police Case #2008-3294)].

21. On Friday, July 30, 2021, at approximately 8:15PM, I responded to the Emergency Department of Massachusetts General Hospital and conducted an interview with Motorperson Takisha King (Employee #72094), who was operating Trolley #3862B (Front trolley car of lead train) at the time of the collision. King stated, she has worked for the MBTA as a Green Line Motorperson for approximately seven (7) years. King stated, she started her shift at 6:50AM and was scheduled to work until 6:15PM. King stated, she is currently on a, "Holiday schedule." King stated, she was off yesterday, Thursday, July 29, 2021, and was scheduled to be off tomorrow, Saturday, July 31, 2021. Jacob stated, she was not made aware of any mechanical malfunctions, nor did she observe any malfunctions during her operation of Green Line Trolley #3862B.

22. King stated, she was operating the trolley, going through the Pleasant Street intersection, approaching the platform which King described as being, "closed" (Construction). King stated, the speed limit in the area she was travelling was ten miles per hour and stated, she was operating the trolley at approximately ten miles per hour. King stated, there was approximately thirty to thirty-five passengers on board her trolley (Trolley #3862B) at the time of the collision. King stated, at the time of the collision, she did not observe any unusual behavior in or around her trolley and did not observe anything which could obstruct the safe operation of her trolley. When asked, King stated, the sun was still out in the sky, however, there was no glare from the sun and stated, the sun was in no way impairing her ability to safely operate the trolley.

23. King stated, as the trolley proceeded through the intersection at Commonwealth Avenue and Pleasant Street, she heard a, "loud bang, followed by screaming." King stated, upon initial impact, she did not know what happened. King stated, after the collision, she attempted to call Central (dispatch) to inform them of an emergency, however, "everything was dead." King clarified and stated, the phone on the trolley was inoperable and she was unable to get out any transmissions.

24. King stated, after the collision and her unsuccessful attempts to contact Central (dispatch), she observed, "a lot of injured passengers." King stated, she observed an unidentified female passenger to have, "her knee popped out and torn apart." King

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stated she observed another unidentified female passenger to be laying down on the floor of the trolley with an apparent neck injury. Prior to the interview, King was treated for a stiff back and, "whiplash." At the time of the interview, King was medically cleared to be discharged from the hospital.

25. At least four passengers on board both of the trolleys were transported to Massachusetts General Hospital for treatment and evaluation. The passengers were identified by Officer Scott Cheever and were treated and discharged prior to my arrival. The names and apparent injuries of the passengers are as follows:

- Shu Lian Luo – Head and neck pain
- Teale Bohan – Head and neck pain
- Souza Da Silva – body pain, and lacerations to head and neck
- Emmanuel Jaramillo Gomez – right leg pain, dizziness

26. At least four passengers on board both of the trolleys were transported to Saint Elizabeth's Hospital for treatment and evaluation. The passengers were identified by Detective Kelly Daniel. The names and apparent injuries of the passengers are as follows:

- Ziyu Zhao – Neck and left wrist pain
- Qingbo Liu – Scratched knee (No medical attention needed)
- Sau Man Pun – Body pain
- Denice Thornhill – Right hand, mouth, forehead, right hip pain

27. At least five passengers on board both trolleys were transported to Cambridge Hospital for treatment and evaluation. The passengers were identified by Officer Tony Ramos. The names and apparent injuries of the passengers are as follows:

- Tarik Abiddi – Head, right wrist and knee pain
- Jelena Stevanovic – Bruised left thigh
- Barnett B. Zhao – Possible concussion
- Robert J. Lomonico – Concussion
- Nia Pitre – Concussion

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28. At least four passengers on board both trolleys were transported to Tufts Medical Center for treatment and evaluation. The passengers were identified by Officer Andrew Norris. The names and apparent injuries of the passengers are as follows:

- Berlin Montgomery – Dislocated right shoulder
- Morgan Bauguess – head and right knee pain
- Taylor Epstein – Forehead laceration
- Khadija Lakhier – Pain to right side

29. At least five passengers on board both trolleys were identified and it is unknown if they were transported to any local hospital for treatment or injuries. The names of the passengers are as follows:

- Jessica Zhang
- Divya Bawa
- Harshitha Gaddadhar
- William Smith
- Hannah Rosenberg

30. At least four passengers on board both trolleys were identified on scene and declined medical attention or any injuries. The names of the passengers are as follows:

- Sheldon Dixon
- Luke Sheldon
- Brian Sirman
- Michalah Barbee Truempy

31. On this same date, Officer Duc Tran with MBTA Transit Police Crime Scene Services obtained video surveillance footage of the incident from both Boston Police Traffic cameras, as well as Boston University cameras which captured the area of the collision. Video surveillance footage depicted, Takisha King, operating Trolley 3862B, entered the platform of the Saint Paul Street stop along Commonwealth Avenue. At approximately 6:02:10PM(video time), Trolley 3862B stopped at the platform at Saint Paul Street, picked up and dropped off passengers, and continued on its route westbound, toward Pleasant Street along Commonwealth Avenue. While Trolley 3862B was on the platform at the Saint Paul Street stop, Owen Turner,

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operating Trolley 3894A, was stopped behind Trolley 3862B, at the traffic light, prior to the intersection of Commonwealth Avenue and Saint Paul Street. At approximately 6:02:52PM(video time), the traffic lights turned green, as well as the vertical white line on the trolley traffic lights, which is the functional equivalent to a green light for vehicular traffic. Trolley 3894A pulled into the westbound platform at the Saint Paul stop to pick up and drop off passengers at approximately 6:03:10PM(video time). At approximately 6:03:35PM(video time), Trolley 3894A continued eastbound from the Saint Paul stop platform, in what appeared to be continuous acceleration, until it was observed continuing through the Pleasant Street intersection, striking the rear end of Trolley 3705A. Trolley 3894A appeared to be moving at a high rate of speed prior to the collision, and does not appear to make any effort to stop or slow down prior to the collision.

32. On this same date, at approximately 9:00PM, Supervisor of Transportation, Thomas Maher, informed Transit Police Superintendent Richard Sullivan, Detective Andrea Purcell and I, of the results from the official download from Trolley 3894A. Maher informed us, at the time of the collision, Trolley 3894A was traveling at a speed of thirty one miles per hour. Furthermore, the download of Trolley 3894A indicated the brakes on Trolley 3894A were never applied prior to the collision. It should be noted, the posted speed limit along the track area in which the collision occurred, was ten miles per hour. It should also be noted, per MBTA Policy, a Green Line trolley must maintain a distance of at least five hundred feet from another Green Line trolley in motion. Light poles are approximately 100 feet apart, which would be consistent with Turner's statement of remaining five (5) light poles between trolleys.

33. On Saturday, July 31, 2021, at approximately 3:30PM, Detective Andrea Purcell and I conducted a follow-up interview with Turner. The interview was conducted outside, on a set of stairs located across the parking lot from 89 Tennis Road, Mattapan. We advised Turner he was free to leave and not obligated to speak with us. We advised Turner he was not in custody, and wanted to ask him some questions regarding the Trolley v Trolley accident, which occurred yesterday. Turner freely and voluntarily agreed to speak with Detective Purcell and me.

34. During the interview, Turned stated, he wrote a written statement for the MBTA about the events, which led to the Trolley v. Trolley collision on Friday, July 30, 2021, on the Green Line located at Commonwealth Avenue and Pleasant Street. Turner stated, he wrote a statement indicating he, "Believed," he fell asleep prior to

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making impact with Trolley #3705A. We inquired if he did fall asleep and Turner responded he, "thinks," he did. We requested Turner be truthful in his answers and not to tell us what he, "believed," but what had actually occurred. Turner stated, he had been behind Green Line trolley #3705A/#3862B for several stops because they were moving slow. Turner stated, he had to slow his speed on several occasions due to the slow rate of speed Green Line Trolley #3705A /#3862B was traveling. Turner stated, he approached the Commonwealth Avenue and Pleasant Street intersection and stopped at the yellow painted pedestrian crosswalk prior to the motor vehicles crossing. Turner stated, the trolley signal was red, therefore, he stopped the trolley to wait for the white signal to proceed through the intersection. Turner stated, he stopped the trolley for approximately two (2) minutes prior to proceeding. Turner stated, once he observed the white signal he proceeded and does not remember traveling through the intersection nor does he recall making contact with Green Line trolley #3705A/#3862B (Lead trolley).

35. Turner stated, he is typically two (2) hours early for every shift. Turner stated, he prefers to be early for work, rather than late in order to avoid repercussions. Turner stated, his scheduled break for Friday, July 30, 2021, was at approximately 6:23PM. When Turner was asked if he gets frustrated when trolleys are moving slowly, he explained, it can be frustrating. However, Turner stated, there is nothing to be done about the slow trolleys as there is only one track and no possibility to pass. Turner stated, he observed the Green Line Trolley #3705A/#3862B to the front of him on Friday, July 30, 2021, at approximately 6:00PM, was moving slowly. Turner stated, he made these observations after coming out of the Fenway Tunnel. Turner stated, he had to slow his trolley several times due to slow speed of the trolley in front of him.

36. Turner denied use of any electronic devices while operating Green Line trolley #3894A on Friday, 07/30/21. Turner stated, he did not have possession of his cellular telephone, nor did he have any other device to listen to music or for reading purposes. Turner denied having any medical conditions prior to or during the incident. Turner stated, he was not distracted by any person onboard or off Green Line trolley during the incident. Turner denied any suicidal ideation or the attempt to harm any other person, or knowledge of any persons onboard either trolley, which he may have had previous personal conflicts with. Turner denied solar glare causing him difficulty to see and claimed his prescription glasses were on and are the proper strength.

37. Turner agreed to allow us the opportunity to search his cellular iPhone telephone # 617-831-3509 to determine usage or the lack of usage during the time he was

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working on the MBTA on Friday, July 30, 2021, at approximately 6:00PM. On Saturday, July 31, 2021, at approximately 5:00PM, Turner freely and voluntarily signed an MBTA Transit Police Criminal Investigation Unit Consent to Remove and Search Computer/Cell Phone Equipment/Copy Electronic Data form. Prior to signing the form, Detective Purcell read Turner the form, verbatim, and allowed Turner to read the form on his own. Prior to signing the form, Detective Purcell asked Turner if he understood the form. Turner stated, he understood. Turner freely and voluntarily handed me his cell phone and provided me with the password (2003) via word of mouth, acknowledging he was providing us the password for gaining access to search the cellphone # 617-831-3509.

38. On Monday, August 2, 2021, at approximately 3:45PM, Robert Marchwinski contacted Lieutenant Detective Mark Gillespie via department telephone, and informed him he was a passenger on board Trolley #3862B, at the time of the collision. Marchwinski stated, he was standing up on the trolley, and upon impact, he hit his head on the cross bar of the trolley. Marchwinski stated, on Saturday, July 31, 2021, he self-admitted himself to Saint Elizabeth's hospital to be treated for a strained neck, facial contusion, and a mild concussion.
39. On Thursday, August 12, 2021, MBTA Superintendent of Training for Subway, Frenia Hunter, forwarded me Turner's Light Rail File, which included official training records. It should be noted, after reviewing Motorperson Owen Turner's official training records, Turner has been annually certified and his annual test results indicated he was aware of the track speed limits and distance limitations while operating a Green Line trolley.
40. On Thursday, August 12, 2021, at approximately 8:00AM, Turner arrived at Transit Police Headquarters to speak with Detective Purcell and I. Detective Purcell and I, while unarmed, escorted Turner into the Transit Police Criminal Investigation Unit Conference Room where Turner sat next to the exit of the conference room, leading to the hallway and exit from the station. The door leading into the Criminal Investigation unit, opposite the exit leading into the hallway, remained open during our encounter with Turner. Prior to speaking with Turner, Detective Purcell and I both advised Turner that he was not obligated to speak with us, would be free to leave after he spoke with us and was free to leave at any point in time throughout our encounter. Detective Purcell and I asked Turner if he understood that he was not obligated to speak with us and was free to leave at any time. Turner verbally confirmed he understood he was under no obligation to speak with us and was free to leave at any time.

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41. While speaking with Turner, he confirmed he was wearing his Apple Watch on his right wrist prior to the collision. Turner stated, after he spoke with us and initially stated he came to a complete stop at the intersection of Commonwealth Avenue and Pleasant Street for approximately one minute, he later thought about the incident and rescinded his initial statement. Turner stated he was, "not sure," if he came to a complete stop at the intersection of Commonwealth Avenue and Pleasant Street. Turner stated, he did not remember anything after the Saint Paul stop, which is one stop prior to the Pleasant Street intersection. While speaking with Turner, when asked, contrary to initially stating he had no recollection after the Saint Paul stop, Turner stated, "I didn't brake." I asked Turner how he knew he did not brake if he, "blacked out." Turner stated, "Well, I'm just thinking logically." Turner stated, when he, "woke up," after the collision, his left hand was still on the acceleration lever, "all the way forward." Turner stated, after he "woke up," he had to pull the acceleration lever back and let go.

42. While speaking with Turner, when asked, he stated, his co-workers consider him a, "fast," operator. I asked Turner if he consistently operated his trolleys over the speed limit. Turner stated, "not consistently." I asked Turner if he has ever been disciplined for operating a trolley greater than the speed limit. Turner stated he had. I asked Turner how many times he has been disciplined for operating a trolley over the speed limit. Turner stated, about five times. Turner stated, he has been suspended, "at least twice, relative to speeding." Turner could not provide specific dates and times on his discipline regarding speeding.

43. With Turner now having inconsistencies in his initial story and during this encounter, coupled with Turner admitting to operating a trolley at a higher speed than the speed limit, and Turner admitting to being suspended on multiple occasions regarding speeding while operating a trolley, Detective Purcell and I informed Turner we had to cease our conversation and would not be able to speak with Turner any further without first advising Turner of his Miranda Rights.

44. I provided Turner with an MBTA Transit Police Criminal Investigation Unit Miranda Rights and Recording Form. I read Turner his Miranda Rights, verbatim from the aforementioned form. I asked Turner if he understood the Rights read to him. Turner stated he understood. I asked Turner, having his Rights in mind, if he still wished to speak with us. Turner stated, he would prefer to have a lawyer present

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for any further conversation. Detective Purcell and I ceased conversation with Turner forthwith and escorted Turner to the main lobby where he exited the station.

45. On Friday, August 13, 2021, at approximately 6:45AM, Massachusetts Department of Transportation, Assistant District Construction Engineer for District 6, Kathryn Barr, confirmed via e-mail, the Green Line traffic control signals at the intersection of Commonwealth Avenue and Pleasant Street were functioning and operating as designed, prior to and after the collision took place. This was confirmed through Barr, by Scott Niss, the electrical subcontractor with Dagle Electric. Niss confirmed function checks on the traffic control signals on December 13, 2019, January 8, 2020, January 21, 2020, and August 3, 2021. Niss stated, all function checks of the aforementioned traffic control signals, to include the sequencing of the signals, indicated the signals were functioning as designed.
46. On Monday, August 16, 2021, I received the data download from Turner's cell phone from the Department of Homeland Security's Computer Forensics Laboratory located at the United States Coast Guard base in Charlestown, MA. Upon reviewing the results of the data download, Turner did not have his cell phone on his person at the time of the collision, nor were there any indications of incoming or outgoing text messages, phone calls, mobile application usage or any other activity used through Turner's Apple Watch at or around the time of the collision or when Turner was on duty.
47. On Friday, August 13, 2021, I received Turner's MBTA disciplinary record from MBTA Green Line Superintendent Steve Daley. Upon receiving Turner's disciplinary record, Daley indicated the database used to document MBTA employees' personnel records, "LaborSoft," dates back to July, 2015, further indicating there are, "likely discipline instances involving Turner prior to July 22, 2015" that is not recorded in LaborSoft.
48. Turner's disciplinary record indicated Turner has been suspended on six different occasions for a total of one hundred fifty seven days, to include being issued a ten day suspension/Final Warning on July 2, 2016, for, "speeding," while operating a Green Line trolley. Furthermore, Turner was reported operating MBTA Green Line Trolley #3707, at forty-three miles per hour in a twenty-five mile per hour speed zone on April 10, 2020. Further inquiry into Turner's personnel file indicated he was detected operating MBTA Green Line Trolley #3607 at thirty-three miles per

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hour in a twenty-five mile per hour speed zone on Sunday, May 3, 2020. On Friday, May 22, 2020, Turner was reported operating MBTA Green Line Trolley #3677 at seventeen miles per hour in a ten mile per hour speed zone.

49. Based on the facts outlined in this report, coupled with Turner having a history of operating Green Line trolleys at speeds in excess of the posted speed limit, as indicated in this report, Turner making admissions against his own penal interest, to include Turner, "believed," he fell asleep prior to the collision, Turner made no attempt to slow or stop the trolley prior to the collision and it was determined there were no outside element such as solar glare, or signal or track malfunctions, which interfered with Turner's ability to safely operate the trolley, and Turner's own admission of being, "known," to be a, "fast," operator, I am requesting a Clerk Magistrate's Hearing be issued out of Brighton District Court for Owen Turner for the charges of Gross Negligence of Person in Control of Train (MGL CH 160 SEC 231) and Gross Negligence; Persons Having Care of Common Carrier.

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