

**Findings of Plymouth County District Attorney Timothy Cruz
Regarding Officer Involved Shooting on December 28, 2020 in
Brockton, Massachusetts**

SUMMARY OF EVENTS

At approximately 2:52 p.m. on December 28, 2020, Brockton Police received a 911 call to respond to a domestic violence incident occurring at 33 Overlook Avenue. The caller stated that a female victim was bleeding and fighting and screaming was heard on the 911 call. The domestic violence was perpetrated by Bryan Cruz-Soto, 28, of Dorchester, who had attacked the woman, causing her injuries, and fought with her two sisters. Brockton Police, Brockton Fire and Brockton Emergency Medical Services responded. Officer Ronald Cunningham, a 7-year veteran of the Brockton Police Department, encountered the male inside the home, armed with a knife. As Officer Cunningham attempted to place the male into custody, the male used the knife and attempted to stab Officer Cunningham. Officer Cunningham pushed Cruz-Soto out the back door of the house in an attempt to distance himself from the knife, and outside the house unsuccessfully attempted to disarm the suspect by kicking him. Officer Isiah Callahan, a 5-year veteran of the department, encountered Officer Cunningham and the male outside the home. The male was still armed with the knife. Officer Cunningham

gave several commands to "drop the knife" or "stay down", which Cruz-Soto disregarded, and instead moved aggressively at the Officer. Officers Cunningham and Callahan fired their weapons and the male was struck. Emergency medical personnel rendered medical aid on scene before the male was transported to Good Samaritan Hospital in Brockton where he was pronounced dead. At the time of the incident, Cruz-Soto had a prior history of two assaults involving knives; one of which was a domestic violence incident involving a different victim. He was wearing a GPS electronic monitoring bracelet as a condition of release from custody from an open case in Suffolk County, and Cruz-Soto stated that he was not going to return to jail.

Brockton Police contacted the Massachusetts State Police Detective Unit assigned to the Plymouth County District Attorney's office, and the review of the incident was conducted by experienced prosecutors, Detectives, and a police use-of-force expert. In conducting this investigation, "RING" camera footage from neighboring houses were obtained and reviewed, 911 calls reviewed, photographs were taken, statements were taken from the residents of the home, neighbors, first responders and the officers involved.

TIMELINE LEADING UP TO OIS PER 911 AND CAMERA FOOTAGE

1. 911 call comes in from juvenile female about her aunt being in a fight and there are babies inside.
2. 911 call confirms all minors are safe outside.
3. 911 call reports that aunt is out of the house.
4. EMS arrives on scene followed by fire.
5. EMS starts to attempt to render aid to injured female and assess scene
6. First officer arrives on scene as fire department shows up.
7. First officer enters house.
8. Second cruiser arrives on scene, seen on video.
9. Video shows civilians and EMS in the front area of the house.
10. EMS and fire are seen at the end of the driveway, not approaching the rear of the house.
11. EMS and fire are seen heading to rear of driveway, civilian screams are heard.
12. EMS renders aid and transports Cruz-Soto to the hospital, where he was pronounced dead at the hospital.

911 CALL AND DOMESTIC

Charlene Ffrench had been in a dating relationship with Mr. Cruz-Soto. The two resided at 33 Overlook, with their minor son. On December 28, 2020 the two were at the residence with Moesha Aitken (the sister of Ms. Ffrench), Karla Martin (cousin of Ms. Ffrench), and Jodiann Allen (another sister of Ms. Ffrench) as well as several minor children. Ms. Ffrench reported to police that she and Mr. Cruz-Soto started exchanging words and the matter escalated to a physical altercation. Ms. Ffrench, Ms. Aitkin, and Ms. Allen were all involved in the physical altercation with Mr. Cruz-Soto. The physical altercation began on the second floor of 33 Overlook. It continued down a flight of stairs as Mr. Cruz-Soto was refusing to let go of his violent hold on Ms. Ffrench, and Ms. Aitkin and Ms. Allen were attempting to separate them. The group of four fell down a set of stairs and the physical altercation continued on the landing. Mr. Cruz-Soto was punching and striking Ms. Ffrench and attempting to bite her. At one point, he placed his hands in her mouth and was forcing her jaw open. Ms. Aitken received bite marks from trying to stop Cruz-Soto. Ms. Allen's shirt was ripped, exposing her undergarments. Ms. Aitkin and Ms. Allen ultimately had to arm themselves with a rake and broom to force Mr. Cruz-Soto away from Ms. Ffrench, who was then able to flee

the residence, jump from the porch area, where she sustained a leg injury. Ms. Ffrench stated that had the police not been called, Mr. Cruz-Soto would have killed her.

During the altercation, Ms. Ffrench originally tried to stop family members from calling the police because she did not want to risk Mr. Cruz-Soto "back to jail". He was wearing a GPS ankle monitor as a condition of release from custody during a pending case in Suffolk County, also involving domestic violence with the mother of his older child. The mother also reported that Mr. Cruz-Soto had been acting differently lately. During the violent fight with Ms. Ffrench and her sisters Mr. Cruz-Soto made multiple statements about how he would not go back to jail. Mr. Cruz-Soto had other incidents of domestic violence that involved him being armed with a knife and causing injury to others using knives.

Ms. Martin assisted the children in getting out of the residence and away from the fight, and while outside one of the minor children called 911. When fire and EMS arrived on scene they observed Ms. Ffrench with a minor leg injury that they were attempting to treat, and she also had injuries to her head, right elbow, and right knee.

OFFICER RESPONSE

Video shows Officer Cunningham responding and heading towards the house. Witnesses, civilian and first responders, reported that they observed him enter the residence. Officer Cunningham encountered Ms. Aitkin in the house, who directed him to the back of the house where he encountered Mr. Cruz-Soto. Ms. Aitkin reported that she saw a Brockton officer pursue Mr. Cruz-Soto out the back door of the residence, she was unsure if Mr. Cruz-Soto had a weapon. Officer Cunningham stated that while at the back door, Mr. Cruz-Soto reached behind himself and attempted to stab Officer Cunningham with a knife he was holding. As a result, Officer Cunningham forced Mr. Cruz-Soto out the back door, to create distance between himself and the knife-armed Cruz-Soto. Cruz-Soto landed on the ground. Officer Cunningham unsuccessfully tried to separate Cruz-Soto away from the knife. Cruz-Soto arose and confronted Officer Cunningham, armed with the knife. Officer Cunningham moved to the far side of the driveway, away from the house, in an attempt to create distance between himself and Cruz-Soto. Officer Cunningham gave several commands to "drop the knife" or "stay down", which Cruz-Soto disregarded, and instead he moved aggressively at the Officer.

Officer Callahan saw Cruz-Soto with a knife, approaching Officer Cunningham, failing to comply with commands to drop the knife.

Witnesses confirm hearing police shouting commands multiple times to Mr. Cruz-Soto. Witness statements differ in recollection as to if the commands were to "stop moving" or to "drop the knife", but all confirm hearing commands shouted more than one time. Witnesses also confirm Mr. Cruz-Soto continued to approach an officer and not obey commands.

As Mr. Cruz-Soto continued to approach Officer Cunningham, witnesses heard sounds consistent with gunshots. Witnesses reported hearing between 2-4 shots. The investigation confirmed that there were five shots fired between the two officers, three from Officer Cunningham, and two from Officer Callahan. Witnesses confirmed Officer Cunningham's statement that as he fired at Mr. Cruz-Soto he was also backing up trying to create space between himself and the suspect and the suspect advanced with the knife. This resulted in Officer Cunningham falling backwards off end of the driveway, which was a stone wall that lead to a side yard and grass.

Witnesses confirmed that EMS personnel were on scene and summonsed immediately to render aid after shots were fired and Mr. Cruz-Soto was separated from the knife he had in his

possession. Mr. Cruz-Soto was transported to the hospital. Ms. Ffrench was also transported to the hospital for treatment of minor injuries, including her leg injury.

CONCLUSION

A police officer has no duty to retreat as "a police officer has an obligation to protect his fellow officers and the public at large that goes beyond that of an ordinary citizen, such that retreat or escape is not a viable option for an on-duty police officer faced with a potential threat of violence." Com. v. Asher, 471 Mass. 580, 589, 31 N.E.3d 1055, 1062 (2015). "Furthermore, while it is appropriate to require a police officer to do 'everything reasonable in the circumstances to avoid physical combat before resorting to force' against a civilian, the question must be whether the defendant *as a police officer* had reasonable options available other than to use force—not whether a similarly situated civilian would have had other options." *Id* at 1062.

The decisions of Officers Cunningham and Callahan to fire their service weapons at Bryan Cruz-Soto to stop the escalating and dangerous situation was a proper use of force and not in violation of any Massachusetts law. They were responding to a call regarding domestic violence, and on scene were presented

with obvious signs that a physical altercation had occurred. When the first officer encountered the suspect he attempted to apprehend him, and the suspect attempted to stab the officer. The suspect then failed to comply with multiple commands and multiple attempts to use non-lethal force to separate the suspect from his weapon were unsuccessful. They were clearly defending themselves and others from the threat of death or serious bodily harm by Cruz-Soto as he aggressively approached Officer Cunningham with a knife.

As Officer DiChiara stated, "In final analysis, the actions of Officer Ronald Cunningham and Officer Isiah Callahan in using deadly force against Bryan Cruz-Soto on December 28, 2020 were well within the standard set forth in *Graham v. Connor* and well within the guidelines of MPTC Use of Force Model, to which all of the officers in the Commonwealth are trained. Their actions were consistent with acceptable standards of police policies, practices, standards and training and in compliance with Massachusetts General Laws. The actions of the officers were also in compliance with the Brockton Police Department Rules and Regulations and General Orders."