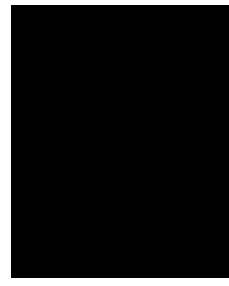




Newburyport Police Department
Arrest Report

Arrest #: 20-69-AR
Call #: 20-10542

Date/Time Reported: 06/26/2020 @ 1851
Arrest Date/Time: 06/26/2020 @ 1855
Booking Date/Time: 06/26/2020 @ 1905



OBTN: TNEY20200069
Court: Newburyport District Court
Court Date: 06/29/2020 @ 0830
Reporting Officer: Patrolman Kevin Martin
Assisting Officer: Patrolman Michael Falate
Booking Officer: Sergeant William Steeves
Approving Officer: Sergeant William Steeves

Signature: _____

Signature: _____

DEFENDANT(S) SEX RACE AGE SSN PHONE

1 [REDACTED] M W 63 [REDACTED]

Military Active Duty: N
HEIGHT: 506 WEIGHT: 190 HAIR: WHITE EYES: BLUE
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: , MA
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC
PCF #: [REDACTED]

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Patrolman Shawn M Eaton DATE/TIME: 06/26/2020 @ 1915
PHONE USED: N
ARRESTEE SECURED: Y 06/26/2020 1929
ARRESTEE CELL #: 2
FINGERPRINTED: N
PHOTOGRAPHED: N
SUICIDE CHECK: Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

OFFENSE(S) ATTEMPTED TYPE

LOCATION TYPE: Highway/Road/Alley/Street Zone: West of Federal to market
MARKET SQ
NEWBURYPORT MA 01950

Newburyport Police Department
Arrest Report

Page: 2
06/29/2020

Arrest #: 20-69-AR
Call #: 20-10542

#	OFFENSE(S)	ATTEMPTED	TYPE
1	A&B 265/13A/B 265 13A OCCURRED: 06/26/2020 1851 SUSPECTED OF USING: Alcohol CRIMINAL ACTIVITY: None/Unknown WEAPON/FORCED USED: Personal Weapons (Hands/Feet/Etc)	N	Misdemeanor
2	DISORDERLY CONDUCT 272/53/F 272 53 OCCURRED: 06/26/2020 1851 SUSPECTED OF USING: Alcohol	N	Misdemeanor

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	F	W	53	NOT AVAIL	[REDACTED]
DOB: [REDACTED] INJURIES: Apparent Minor Injury ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 RELATION TO: [REDACTED] DORM Stranger CONTACT INFORMATION: Home Phone (Primary) [REDACTED]						

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	WITNESS	F	W	53	[REDACTED]	[REDACTED]
DOB: [REDACTED] CONTACT INFORMATION: Home Phone (Primary) [REDACTED]							
2	[REDACTED]	WITNESS	F	W	17	[REDACTED]	[REDACTED]
DOB: [REDACTED]							

Attachments for 20-69-AR

Description	Type
2069AR REPORT AND NARRATIVE Attachment#: 8809B3AB440E4F808886BCC87E133A25	PDF
2069AR COMPLAINT Attachment#: F9E689C2B08B41288B35EAB1BF893B61	PDF

Subject: [REDACTED]

Source of QActivity: On Friday June 26, 2020 at approximately 1600 hours, I was working the downtown Newburyport State Street Restaurant street closure shift assigned as Unit #504. For approximately one hour prior to this incident, multiple woman were in the downtown Newburyport Bull-Nose area protesting the Black Lives Matter movement. I had witnessed many other people walking around and they appeared aggravated with the goings-on. Nevertheless, the protest was peaceful.

Observations: At approximately 1851 hours, I began picking up the traffic cones that were blocking State Street from Merrimac Street and Water Street. I very briefly observed the subject out of the corner of my eye run west bound along the north side of Merrimac Street toward the woman protesting on that side of the street. The subject did not say anything. I only saw him for a brief second as my attention was drawn to opening up the roadway for vehicle traffic. A few seconds later, I heard a loud smacking sound. I heard a woman screaming that she just got hit. Because of the position of the sun and the direction from which the incident was taking place, I could not see what was occurring.

I then heard multiple people screaming. I saw a woman, later identified as the victim [REDACTED] run after the subject and tackle him in the middle of Merrimac Street. She hit him several times and then placed him in a choke hold. I immediately broadcasted that I needed a back-up from additional units because a "black lives matter protestor" had just tackled an older male in the street.

The subject then got up and ran off to the south side of the road where he was detained by an unknown male and several other people. Multiple woman approached me and told me the subject had just hit the victim in the head.

I walked over to the area where the subject was being detained and handcuffed the subject pending further investigation.

Multiple unknown people walked up to me and told me that the subject ran up to the victim and struck her in the head.

Based on my momentary observation of the subject running toward the woman, the loud smacking sound I heard coming from the area that the victim was standing, my observation of the victim tackling the subject in the roadway, her striking him multiple times and placing him in a choke hold, the heated display of the crowd during this very brief moment, the crowd all screaming that they witnessed the subject attack the victim, watching the subject get up and run away from the victim, I formed the opinion that the subject was disorderly in his behavior and committed an immediate Breach of the Peace by committing an act of Assault and Battery on the victim.

Arrest: At approximately 1852 hours, I handcuffed the subject (subsequently identified as [REDACTED]) and walked him to my cruiser that was in the intersection across the Bull-Nose. Just prior to taking the subject to my cruiser, the victim came over to me and told me she was the one the subject hit. I did not see any obvious injuries to her face or head. I did not see any blood or contusions; however, I only saw her briefly and did not know the full extent of her injuries, if she had any.

Newburyport Police Department

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PERSONNEL NARRATIVE FOR PATROLMAN KEVIN P MARTIN

Ref: 20-69-AR

Multiple police units arrived on scene and attempted to keep the crowd back and away from us. Officer Ryan Cutter was directed by Sgt. Steeves to obtain a statement from the victim and two witnesses. During Officer Cutter's interview with the victim, she filed a very brief verbal statement with the officer.

In Officer Cutter's notes, he indicated the victim was [REDACTED]. He noted, per the victim, that the man came over and screamed "Fuck You" at the victim. The subject then open hand slapped her. She stated it was a "hard hit". She fell down trying to get away. She was hit on the left side by eye. She refused treatment w/Atlantic Ambulance. She was standing on the north side of the street.

Officer Cutter indicated in his not with Witness #1 [REDACTED] that the victim was standing on the north side of the street. Man came across the street. Victim [REDACTED] tried backing up and he slapped her on side of head. [REDACTED] tried grabbing him after. Bigger man restrained suspect.

Officer Cutter lastly noted with witness #2 [REDACTED] that Man came across street. Tried grabbing victim's sign. He "Smacked" victim.

Officer Cutter later advised me that [REDACTED] did not appear to have any injuries to her face or neck. He did notice that one of her knees was scrapped and she told the officer it occurred when she tried to get away from the subject.

What I noticed with [REDACTED] statement as indicated by Officer Cutter, neither the victim nor her daughter reported that [REDACTED] ran after the subject, tackled him in the street, struck him multiple times, attempted to place him in a choke hold, and then he ran off. Officer Cutter stated that when he interviewed the victim, she never advised him of her actions in the middle of the street after she got struck by the suspect.

Sgt. Steeves advised [REDACTED] of his Constitutional and State's right. [REDACTED] waived his right and spoke with Sgt. Steeves. During questioning of the subject, [REDACTED] told Sgt. Steeves that he became frustrated over the whole demonstrations. He lost his temper and ran up to the victim and smacked her. Sgt. Steeves also noticed an odor of an alcoholic beverage emanating from the subject's breath. He offered a portable breath test to the subject and he provided a sample. The Portable breath test indicated a BAC of .10. The subject was also placed under protective custody pending a safer and lower alcohol level.

Booking: The subject was booked for violation of M.G.L. 265-13A (Assault and Battery) and 272-53 (Disorderly Conduct). Based on the current Covid-19 Crisis and the lack of a criminal history involving the subject, Bail Clerk Tim Schultz placed a \$40 bail on the subject.

At 2100 hours, I gave the subject another portable breath test. The results were .092. He was released by the bail clerk at that time on the \$40 bail.

Officer Kevin Martin

To: Lieutenant Siemasko

From: Officer Shawn Eaton

Subject: Protester Disturbance

Date: June 30, 2020

Sir,

I am providing the following at your request regarding my involvement in the Friday, June 26, 2020 disturbance that occurred in Market Square during my shift.

I was assigned to marked unit 507 on patrol in The City of Newburyport. At 1846 hrs, I initiated an area check at Maudslay State Park (see dispatch log entry). I was on Curzon Mill Road past the gates to the park. Officer Martin broadcast a radio transmission that a BLM Protester was assaulting an old man and requested units respond to Market Square. Dispatch confirmed that all units had received the transmission.

I activated my emergency blue lights and siren and began my response to Market Square. While en-route, I heard a radio transmission that officers had one person in custody. I asked if additional units were still needed. An officer on scene broadcast they were secure and to slow the response. I continued to the scene slowing my response speed, but continued with my emergency blue lights and siren activated.

When I arrived, I spoke with Officer Martin from the open window of my cruiser and asked if the arrestee needed to be transported. He informed me that the arrestee was already secured in his cruiser for transport. I observed Sergeant Steeves was at the scene. I informed Officer Martin that I would meet him at the station to assist with the arrestee in the sallyport and booking area. I also spoke with Officer Falite and let him know that I would be going back to the station to assist Officer Martin.

I did not speak with any protester or bystander in Market Square. I observed multiple protesters and bystanders holding up cell phones while I was in the area, that I believed were recording officers.

I assisted with the booking process that Sergeant Steeves conducted at the station. Booking was completed without incident and arrestee was secured in cell 2.

If you need any further information or clarification please contact me.

Respectfully submitted,

Officer Shawn M. Eaton

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working condition, I respectfully request that my union representative or steward be present at the meeting. Without representation, I choose not to answer any questions. I further request reasonable time to consult with my union representative regarding the subject and purpose of the meeting. I shall not consent to any searches or tests affecting my person, property, or effects without first consulting with my union representative.”

Dear Dr. John Dristiliaris,

I am the woman who was assaulted in Newburyport, MA on June 26, 2020. It is my understanding that you are investigating the neglectful, slow response and inappropriate comment by Officer Martin to my assault and battery. I look forward to speaking with you; I am giving you an introduction to myself and the evening's events in the meantime.

I am a hardworking mother of two teenagers; [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I, like most everyone, have been touched by the death of George Floyd and am working to teach my children that we all have a responsibility to ensure equity in our society.

I have had the unique pleasure of watching my 17-year-old daughter, [REDACTED], become engaged in this movement. [REDACTED] is incredibly bright, thoughtful, and mature. Her dream is to go to college in DC and study political science. We have had many intellectual conversations on the topic of Black Lives Matter and many other issues affecting our country right now. [REDACTED] is passionate about bringing awareness to racial inequity and eradicating police brutality. She feels that police unions should not protect but instead denounce and root out the bad cops. She wants to be part of the change that is needed in our country to affirm the value of and protect Black lives. I'm proud of my daughter for standing up for what she believes in and her sense of civic duty. I am proud of her pursuit of justice and equality.

We have attended Black Lives Matters protests together. I have read the BLM mission statement. I don't fully embrace everything for which they stand, I do believe in the movement to create a world free of racism. I am saddened that racism still exists; I observe it around me even here in the Newburyport area. I previously have only had positive experiences with the police.

[REDACTED]

[REDACTED]

[REDACTED] I believe that most of the police are good and have a difficult, important and dangerous job to do. I also believe that the few bad cops are bad for all of us, including good cops.

I attended two prior BLM protests in Newburyport. They were peaceful. The first one, right after George Floyd's death, was the biggest. There were speakers, live music, and peaceful chanting. At these protests, we wave at the cars as they drive by, and when the drivers honk or wave in recognition and support, we give them the thumbs up, cheer, or wave back. There's

been a small number of passersby who have given us the middle finger. When that happened, we would yell back "Get a life!", "Dinosaur!", or "Read a history book!" and then laugh about the absurdity of the reaction to our peaceful protest. We have also knelt silently on the ground for a moving 8 minutes and 46 seconds to contemplate the death of George Floyd.

On Friday, June 26, I had been working all day at home, after a long week at my office, and it was hot outside. My last meeting didn't end until 5:45 pm, and the protest had started at 5:30 pm. I hadn't heard from my friend, [REDACTED], who usually organizes our friends to go to the protests, so I was settling in to have a relaxing evening. Then [REDACTED] texted me that she was downtown and there was only a small turnout (10 people) at the protest. I wanted to be supportive so I asked her if I should come down. She said yes, and asked me to bring a friend. I contacted [REDACTED], and we rushed downtown.

When I arrived at the protest, there were about 15 people protesting, standing on the sidewalk near the curb on the Vera Restaurant side of the section of street named Market Square. The group was mostly teenage girls and a few women. At this very small protest there were no chants. There was no live music. There was no speaker. It was just the small group of us standing by the side of the road with our black shirts on, holding signs. My sign read "Silence = Consent". On the back of it I had written "BLM". [REDACTED] sign was "Honk for BLM". [REDACTED] friend's sign (a Smith College student) was, "In a racist society, it is not enough being non-racist, we must be anti-racist. -MLK" . [REDACTED] sign listed several black people who have been in the news recently: Breonna Taylor, George Floyd, Philando Castille, Elijah McClain, plus other names, and "End police brutality".

Soon after my arrival, a woman came up to talk to us, shared that she is a teacher, and commended us on our efforts toward bringing awareness to racism in our small community. We talked about the recent news stories that brought awareness to a photo of students appearing in black-face in the Newburyport High School yearbook from 2010. She pointed out that this is how you get things done, and how important it is to keep the conversation alive. I loved hearing about her efforts to bring race issues into the curriculum in the schools. It was wonderful for the girls to be able to engage in this sort of dialogue with a teacher they didn't know, and who clearly admired them. I look at these protests as not only important for their cause, but also as learning and character building experiences for [REDACTED] and her friends.

It was hot and sunny, so [REDACTED] [REDACTED], her two teenage friends and I crossed the street to stand in the shade on the sidewalk in front of the O'Bag store, 2 Market Square, on the State Street side of the crosswalk. The other protesters stayed across the street, facing us. During the protest I noticed a police officer standing at the intersection of Market Square and State Street. His car was blocking entry to State Street because the street was closed to traffic that evening for diners and shoppers to walk freely. I saw the officer walk from his spot, get into his car, and drive up State Street. He must have turned around somewhere, as then the car quickly approached a moment later, with the car lights flashing. He accelerated rapidly just as he was going past our group of protesters in the Market Square area. It looked like the car turned into

the Green Street parking lot, where there are parking spots for police cars. This action seemed odd at the time, but I did not think much of it. A few minutes later, another police car arrived and set up in the same spot at the edge of Market Square where State Street begins. My understanding is the car was driven by Officer Martin. He got out of his car and was standing on the road about 15-20 yards away from our position.

At about 6:45 pm, the protest started to wrap up. The 16-year-old who had organized the protest, [REDACTED] is a daughter of an acquaintance. She is a vibrant, smart, and poised teen. She came over to thank us and to say goodbye. It was then just the five of us—me, [REDACTED], [REDACTED], and her two teenage friends—still standing in front of O'Bag on the State Street side of the crosswalk.

Then the assault occurred. [REDACTED] and I were talking when a man I had never seen before, wearing a yellow shirt, came running up to me from across the street. I understand he is [REDACTED]. While [REDACTED] stood next to me, he got right in my face and swore at me, "Fuck you!". Pollard repeated this several times, very loudly and aggressively. I yelled at him to get away from me, while I tried to back away from him to maintain distance between us. However, [REDACTED] kept coming after me as he screamed, "Fuck you!". I yelled, "Get away from me!" loudly several more times, while I continued to move backward toward the building behind me.

Then he struck me. [REDACTED] hit me on the side of the face with his hand, hard enough to knock off my prescription sunglasses which landed on the sidewalk about six feet away. His hand made contact with my temple, cheek, nose, and left eye. (I recently had major surgery on my left eye that required me to be immobile, laying face down, for a week and out of work for 2 weeks while it healed.) My head hurt and I was stunned that I was hit. [REDACTED] then turned around and started to walk away from me. I ran up behind him and held him by the back of his shirt. I told [REDACTED] that it's not OK to hit people, that he was not going to get away with it, and that I was going to press charges. As he tried to pull away, I told him again that I wasn't going to let him get away with this and he should not hit women.

Officer Martin had been near us during the protest and during the incident, just on the other side of the street, about 15-20 yards away, in sight and hearing range. He did not come over as I expected, so I told [REDACTED] to go get him. I continued to hold onto [REDACTED].

[REDACTED] left and I continued to hold [REDACTED] by myself. He struggled to get away, so I bear-hugged him from behind to keep him from running. It was difficult to hold onto him as he likely is twice my weight, but I held on. [REDACTED] squirmed to get away and we ended up on the ground in the middle of the pavement—cars must have stopped for us. I was in pain from the initial blow and then the scuffle, but I continued to hold onto [REDACTED], determined not to let him escape after assaulting me. Then a strong young man approached to help. He picked me up off the ground and took over restraining [REDACTED]. The man directed [REDACTED] out of the street and walked him over to the Vera Ristorante side of Market Square so that traffic was no longer

blocked. I followed behind to make sure I was there when the police showed. I noticed that my pants were torn at the right knee and my knee was bleeding.

Finally, a different police officer who I had not seen before (he was younger, had very short dark straight hair and no mask) came over to me as I was standing by [REDACTED] and the man who was holding him. This officer said something about already knowing or seeing what had happened and he took over holding [REDACTED] for the bystander. Officer Martin put the handcuffs on [REDACTED]. I thanked the officers for their help and they walked [REDACTED] to the police car. I do not know where the helpful man who was holding [REDACTED] went. Then a young police officer (also short dark hair and a mask) came over to me, took my information down, and said he called for an ambulance.

[REDACTED] then came over to me, crying and shaking. Through her tears, [REDACTED] told me that when she initially asked Officer Martin for help he just shrugged and looked at her and said, "If you want to defund the police so badly, why are you asking for my help?" My daughter had just watched a large man assault me, and then me apprehend the man, while a police officer was just a short distance away, likely in sight and earshot of the loud incident. She was scared. [REDACTED] told me that when her first plea for help was shot down, she quickly became emotional. She yelled at the officer and pleaded with him. [REDACTED] tried to do the right thing by summoning help from the police, but then she witnessed that officer of the peace fail to act. [REDACTED] said he did not respond to her and casually walked over to his car and slowly rolled up his window while I was in her view on the ground with [REDACTED]. Finally, she said [REDACTED] started slowly walking away from his car and over toward me.

An ambulance did come and I spoke with an EMT. He offered to transport me to the hospital. I declined. Then I went home.

The next day I woke up very sore from the assault, both from being hit while trying to get away from [REDACTED] and then from having to restrain him by myself. I called my physician, [REDACTED], and had a telehealth visit to discuss my injuries. It occurred to me how lucky I was that [REDACTED] didn't have a weapon and use it when I restrained him. I am fortunate.

I am aware that [REDACTED] reaction to my assault and the initial lack of intervention from the officer were shared on social media and debated by the public without the context of her having just witnessed her own mother get assaulted and restrain the assailant or her initial attempt to summon help be turned down by a nearby officer. I have watched and listened to the videos that record [REDACTED] and others pleading with Officer Martin and also capture Officer Martin tell his colleague that he saw me get attacked.

In our conversations I pointed out to [REDACTED] that I was proud that Newburyport Mayor Donna Holaday and City Marshall Mark Murray issued a powerful statement on behalf of the city's leadership team regarding the death of George Floyd and the actions of the Minneapolis police: <https://jgpr.net/2020/05/31/newburyport-leaders-issue-statement-regarding-death-of-george-floyd-and-actions-of-minneapolis-police/amp/> Part of the statement reads:

“Specifically, police are trained to follow the four tenets of Procedural Justice

- o *VOICE: Listen first.*
- o *NEUTRALITY: Be fair in your interactions with all citizens, including those who call for help and those suspected of committing a crime.*
- o *RESPECTFUL TREATMENT: Treat all people with respect.*
- o *TRUSTWORTHINESS: Do what’s best for the people you serve”*

Unfortunately, Officer Martin’s response to my assault did not follow these tenets. I am truly disturbed by Officer Martin’s behavior. He has a duty to keep the peace, regardless of the situation. He let his personal feelings keep himself from helping me. It is unsettling to know that he did not protect and serve during this violent incident.

I am making this detailed statement because I firmly believe that a duality needs to exist in this country: you can love something (our country and the police) AND hold them accountable to make them better. We do not need to take sides but to look earnestly at exhibited behavior and address improper behavior appropriately. This is the only way our country and community can move forward.

Officer Martin put my safety at risk. I was assaulted and he did not respond. His inaction and statement were not appropriate; officers cannot pick and choose who they protect. This cannot be considered fair and impartial policing. He allowed his emotions and partiality to get in the way of protecting and serving his community. In order for me, my family, and our community to regain trust in the Newburyport Police Department we need to see action come from this. The action that I seek is that Officer Martin and others in the department who share his views receive more training before they are on the street again. We need to know that even if the police don’t like us, they will protect us, because that is their job. We need to move forward together. Further, I believe I, my daughter, and the community deserve a public apology and reassurance that the police will aid anyone and everyone who needs assistance.

I look forward to speaking with you as you investigate the events of June 26. Please let me know how we will proceed. I may be reached at [REDACTED].

Sincerely,

[REDACTED]

Howard Adams

From: Mark Murray
Sent: Wednesday, July 01, 2020 8:41 AM
To: Howard Adams
Subject: FW: [Ext]June 26th Incident - Market Square

From: [REDACTED]
Sent: Tuesday, June 30, 2020 9:38 PM
To: Mark Murray
Subject: [Ext]June 26th Incident - Market Square

external e-mail use caution opening

Dear Marshal Murray,

Friday evening, June 26th, I was sitting in front of my store, [REDACTED]. While Officer Martin was removing the cones in front of my store and putting them in the trunk of the police car, a man walked by me. The man appeared disheveled and would not respond when I said hello. The man crossed the street and proceeded toward the protesters. From where I was sitting, it appeared the man grabbed a protester's sign and then headed across the street in the direction of Sea Level restaurant. I could see a skirmish in the street, but it was unclear who was assaulting whom. The man then turned around and made his way back toward the Market Square in the direction of Vera restaurant. While he was walking, a protester grabbed his shirt and was pulling on him.

Based on what I witnessed, I am confident that during the initial few minutes of the incident the officer did not witness the assault. It would have been impossible for Officer Martin to determine who was involved and who initiated the altercation. After the man had been stopped and held by a bystander, many young women began yelling at Officer Martin. While he was being heckled, berated and threatened by the protesters, Officer Martin appeared to be calmly assessing the situation to make sure he responded appropriately. He also walked back to his police car to make sure it was secure. From where I was standing, it did not appear anyone was in immediate danger or had been injured. Within two minutes of being made aware of the altercation, Officer Martin had other police officers assisting him with the arrest and responding to the protesters request for help.

As a witness to the incident, it is my opinion that Officer Martin should be commended for his professionalism.

[REDACTED]



CITY OF NEWBURYPORT

POLICE DEPARTMENT

MARK MURRAY
CITY MARSHAL

4 GREEN ST
NEWBURYPORT, MA
01950

TEL: 978-462-4411

FAX: 978-462-0396

TO: LT. SIEMASKO
FROM: PATROLMAN RYAN A CUTTER (NEWBURYPORT PD)
DATE: 6/30/2020

REGARDING: PROTESTER DISTURBANCE (CALL NUMBER 20-10542)

WHERE WERE YOU WHEN THE CALL CAME IN?

-I WAS IN THE DEPARTMENT REPORTS ROOM WORKING ON A FOLLOW UP INVESTIGATION (4 GREEN ST, NEWBURYPORT, MA).

IF YOU RESPONDED?

-I RESPONDED UPON OFFICER MARTIN'S RADIO TRANSMISSION.

IF YOU DID RESPOND DID YOU SAY ANYTHING TO ANY OF THE PROTESTERS OR BYSTANDERS?

-I SPOKE WITH AND GATHERED VERBAL STATEMENTS THE FOLLOWING INDIVIDUALS WHO WERE ALL PROTESTERS;

- VICTIM: [REDACTED]
- WITNESS 1: [REDACTED] (HAD A CARDBOARD SIGN IN HER POSSESSION)
- WITNESS 2: [REDACTED]

WHAT DID THEY SAY TO YOU?

-THESE INDIVIDUALS GAVE ME THEIR VERBAL STATEMENTS OF WHAT TOOK PLACE; MY NOTES WERE GIVEN TO OFFICER MARTIN FOR HIS REPORT.

WHAT ACTIONS DID YOU TAKE AT THE SCENE?

-ON SCENE I WAS DIRECTED TO THE VICTIM BY OFFICER MARTIN AND OFFICER FALITE. I CALLED FOR ATLANTIC EMS TO EVALUATE [REDACTED] WHO SIGNED A MEDICAL REFUSAL WITH ATLANTIC EMS.

-I TOOK A VERBAL STATEMENT FROM [REDACTED].

-I ALSO ADVISED OTHER RESPONDING UNITS THAT THE SCENE WAS SECURE.

ANYTHING ELSE THAT YOU THINK IS RELEVANT.

-UPON MY ARRIVAL I PARKED MY CRUISER AT THE MERRIMAC ST AND STATE ST INTERSECTION. I THEN PROCEEDED ON FOOT TO MARKET SQUARE. AS I APPROACHED ON FOOT, OFFICER MARTIN AND OFFICER



CITY OF NEWBURYPORT

FALITE HAD ALREADY PLACED THE SUSPECT INTO HANDCUFFS AND WERE ESCORTING HIM EAST TOWARD THE AREA OF THE CRUISER.
-IT SHOULD BE NOTED THAT UPON MY APPROACH, THE SCENE APPEARED SAFE AND CALM.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Ryan A. Cutter".

PATROLMAN RYAN A CUTTER

SUPERVISOR: LT. SIEMASKO



CITY OF NEWBURYPORT

POLICE DEPARTMENT

MARK MURRAY
CITY MARSHAL

4 GREEN ST
NEWBURYPORT, MA
01950

TEL: 978-462-4411

FAX: 978-462-0396

TO: LIEUTENANT RICHARD SIEMASKO
FROM: OFFICER JAMES ALLEN
DATE: 6/26/2020

REGARDING: FRIDAY, JUNE 26, 2020 4P.M. TO 12 A.M. SHIFT

ON FRIDAY, JUNE 26, 2020 AT APPROXIMATELY 6:51 P.M. WHILE ON UNIFORMED PATROL IN MARKED CRUISER #505 IN THE CITY OF NEWBURYPORT I (OFFICER JAMES ALLEN) WAS CLEARING AN AREA CHECK OF C&J TRAILWAYS WHEN OFFICER KEVIN MARTIN RADIOED TO ALL UNITS FOR ASSISTANCE. OFFICER MARTIN'S RADIO TRANSMISSION STATED THAT ONE OF THE BLACK LIVES MATTER PROTESTERS WAS ASSAULTING A MAN. I ACTIVATED MY BLUE LIGHTS AND ADVISED DISPATCH THAT I WOULD BE RESPONDING.

UP ON ARRIVAL AND EXITING MY CRUISER APPROXIMATELY TWENTY TO THIRTY YARDS BEFORE STATE STREET. OFFICER MICHAEL FALITE AND SERGEANT WILLIAM STEEVES WERE ALREADY ON SCENE. PROTESTERS WERE YELLING AT OFFICER MARTIN SWEARING AND YELLING PROFANITY REQUESTING HIS NAME AND BADGE NUMBER. OFFICER MARTIN GAVE HIS HIS NAME "OFFICER MARTIN" AND ADVISED THEM WE DID NOT HAVE BADGE NUMBERS. THE PROTESTERS BEGAN TO ASK SERGEANT STEEVES IF IT WAS TRUE THAT WE THAT DID NOT HAVE BADGE NUMBERS. I DID NOT HEAR HIS RESPONSE.

AT THIS TIME APPROXIMATELY FOUR PROTESTERS TURNED LOOKED AT ME AND THEN WALKED AWAY. I WENT OVER TO OFFICER MARTIN AND ASKED WHAT HAPPENED AND HE TOLD ME THAT THE MALE WAS ACTUALLY THE AGGRESSOR ASSAULTED ONE OF THE PROTESTORS AND WAS IN THE BACK OF HIS CRUISER ALREADY. AT THIS TIME I CLEARED. AT NO TIME DID I INTERACT WITH BYSTANDERS OR PROTESTERS IN ANYWAY.

RESPECTFULLY SUBMITTED,


OFFICER JAMES ALLEN

- WEINGARTEN RIGHTS

"If this discussion could in anyway lead to my being disciplined or terminated, or affect my personal working condition, I respectfully request that my union representative or steward be present at the meeting. Without representation, I choose not to answer any questions. I further request time to consult with my union representative regarding the subject and purpose of the meeting. I shall not consent to any searches or tests effects without fist consulting with my union representative"

To: Lt. Siemasko

From: Disp. Plouff

RE: Protester incident of 6/26/2020 (20-69-AR)

Sir,

On Friday, June 26, 2020 I was working my regularly assigned 4-12 dispatch shift while also training Disp. Guptill. At 1850 hours Off. Martin broadcast: "We've got a problem with a Black Lives Matter protester attacking an old man". I replied that I received his message and requested all units to acknowledge the same, which they did. At 1853 hours Off. Falite broadcast that he had one in custody and a few seconds later Off. Cutter requested EMS to the scene to evaluate the victim, for which I notified both Atlantic & the Fire Dept. The only remaining interaction I had with the public regarding this incident was an anonymous phone call [REDACTED] I received at 2213 hours from a woman making a complaint that Off. Martin had assaulted a female during the arrest. I referred this information to Sgt. Steeves.

Respectfully submitted,

Disp. Plouff



CITY OF NEWBURYPORT

POLICE DEPARTMENT

**MARK MURRAY
CITY MARSHAL**

**4 GREEN ST
NEWBURYPORT, MA
01950**

TEL: 978-462-4411

FAX: 978-462-0396

TO: LT. SIEMASKO
FROM: PATROLMAN MICHAEL F FALITE (NEWBURYPORT PD)
DATE: JUNE 30, 2020

REGARDING: PROTESTER DISTURBANCE

· **WHERE WERE YOU WHEN THE CALL CAME IN?**

-I WAS TRAVELING NORTH ON FRUIT STREET.

· **IF YOU RESPONDED?**

-YES.

· **IF YOU DID RESPOND DID YOU SAY ANYTHING TO ANY OF THE PROTESTERS OR BYSTANDERS?**

-I TOLD THE VICTIM TO REMOVE HER HAND FROM THE SUBJECT AS WE PLACED HIM UNDER ARREST. SHE WAS HOLDING ON TO THE SUBJECT WITH ANOTHER BYSTANDER. I THEN TOLD HER TO SPEAK WITH OFFICER CUTTER WHILE I WALKED THE SUBJECT TO THE CRUISER.

· **WHAT DID THEY SAY TO YOU?**

-I RECALL HEARING, "HE JUST HIT HER!" AS WELL AS, "THAT IS NOT TRUE!" I WAS UNABLE TO IDENTIFY WHO WAS MAKING THESE COMMENTS AS MULTIPLE PEOPLE WERE YELLING.

· **WHAT ACTIONS DID YOU TAKE AT THE SCENE.**

-UPON ARRIVAL, I FOLLOWED OFFICER MARTIN TOWARDS THE SUBJECT AND IMMEDIATELY PLACED HIM UNDER ARREST WITH OFFICER MARTIN. I THEN WALKED THE SUBJECT TO THE CRUISER, SEARCHED HIM, AND PLACED HIM IN THE CRUISER. I THEN WENT TO OFFICER CUTTER'S LOCATION AND ASSISTED FIRE AND ATLANTIC WHILE THEY PROVIDED AID. I CLEARED THE SCENE AFTER THE VICTIM REFUSED TREATMENT AND OFFICER CUTTER FINISHED INTERVIEWING THEM.

· **ANYTHING ELSE THAT YOU THINK IS RELEVANT.**

-ALTHOUGH THERE WERE MULTIPLE PEOPLE YELLING UPON MY ARRIVAL, OFFICERS WERE SWIFT TO PLACE THE SUBJECT UNDER ARREST AND REMOVE HIM FROM THE SCENE.



CITY OF NEWBURYPORT

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "M. Falite".

PATROLMAN MICHAEL F FALITE

SUPERVISOR: LT. SIEMASKO

The protest was ending and it was just five of us left standing on the sidewalk. I saw a guy walk across the street and he started yelling at my mom. He grabbed for her sign and kept yelling "Fuck you". She took a couple steps back while the guy was yelling in her face. After she backed up, he smacked her face so hard that her glasses flew off of her face. He started to leave and I didn't know what to do. My mom detained him. Then somebody said "go get a cop". So I looked over and saw Officer Martin standing across the street putting cones away and then standing there watching my mom hold onto her attacker. So I ran over to Officer Martin and told him a man just assaulted my mom and asked him to help her. He looked at me and said, "If you want to defund the police so bad, why are you asking for my help?"

I was so shocked a police officer would refuse to help my mother. I then started yelling at Officer Martin because in that moment I was scared and couldn't think of anything else to do that would make him help my mom. I continued yelling at Officer Martin and then saw my Mom was on the ground with the man. Then a man from the crowd helped my mom.

Then Officer Martin walked the opposite direction from where my mom, a civilian, and the attacker were to his cruiser and rolled up the window. At this time, I went back to check on my mom and saw a different police car coming towards the area. Officer Martin still had not intervened and my mom and another man were still holding the attacker. Finally, after the other policeman arrived, he and Martin walked over to the attacker and Martin cuffed him. Even though Martin had seen and heard the attack, there was no interaction between him and my mom or her attacker until many minutes after the assault. I was traumatized by the attack and then further traumatized by officer Martin's response. I continue to be stunned, concerned and worried. I am further committed to preventing this type of conduct in the future.

██████████

John, This is a statement from one of the protesters involved.

From: [REDACTED]
Sent: Thursday, July 02, 2020 5:02 PM
To: Richard Siemasko
Subject: [Ext]Follow-up June 26 assault

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Dear Lieutenant Siemasko,

Thank you for returning my call yesterday and for requesting a written statement of the incident I witnessed last weekend. My primary reason for reaching out is actually related to Officer Martin's response to the assault I witnessed. Here is what I witnessed, followed by my concerns. I would appreciate a response.

Last Friday, June 26 at about 6:00 PM I was in Market Square, NBPT, taking part in the Black Lives Matter protest, holding a sign ("Honk for BLM") and standing in the shade near the traffic light, in front of the O Bag store. I was next to my friend [REDACTED], her daughter and her daughter's two friends. When the light turned red and people started crossing toward our side of the street, a white-haired man in a bright yellow shirt crossed the street then suddenly lunged at [REDACTED] trying to grab her sign (which said "Silence=Consent"). She stepped back, pulling away her sign. He then swung his arm, slapping her in the eye and knocking off her glasses and yelled "F*** you!" at her. She responded by holding the man by the collar and yelled: "You don't get to hit people; you don't hit women; you don't get to hit people." [REDACTED] struggled to restrain the man, then a tall male bystander stepped in to help her restrain him. [REDACTED] yelled for someone to get the police. [REDACTED] daughters and friends ran to the police officer (Officer Martin, I later learned) who was near the traffic cones closer to State Street and I heard him say: "You want to defund the police" (I couldn't hear what else he said). He did not come over to help right away. We moved across the crosswalk to the other side of the street, with the tall man bringing the assailant. [REDACTED] daughter followed Officer Martin, yelling at him. [REDACTED] yelled that she needed her (prescription) sunglasses to see. Then I saw a police car coming up Liberty St with its lights on. Two other police officers approached and began to interview [REDACTED] me and other witnesses. [REDACTED] daughter hugged her mom and cried. As I recall, it was only after the two other police officers arrived that Officer Martin got involved.

The reason I reached out to make this statement is because it is disturbing to me that Officer Martin didn't come to [REDACTED] aid right away and that he would let his (unfounded) personal biases influence how he does his job. He was very close by the assault and must have seen what had happened, yet it was up to [REDACTED] and bystanders to manage the assailant. What if the man had gotten away because Officer Martin refused to intervene or delayed intervening? No one in this peaceful protest had any signs about the police at all (that I could see), there was no chanting at all and I didn't hear anyone say anything related to the police. And what if the group was protesting the police, would Officer Martin still refuse to do his job? I know that [REDACTED] daughter was screaming at him, but she had just seen her mom be assaulted and him not taking action. As a trained police officer shouldn't he be able to take most things in stride, remain neutral and act professionally?

Until now I have only ever had positive interactions with the Newburyport Police Department (my family and I have had many friendly chats over the years with Officer Chuck and we have very positive impressions of the Officer at the high school). I find this recent incident with Officer Martin pretty stunning and it has made me lose my trust in the Newburyport Police. I think to regain confidence in local policing, I want to be reassured that there will be a response made and that Officer Martin will be disciplined for not taking immediate action in a violent situation and for his personal bias.

I would appreciate a response to my statement.

Sincerely,

