

# City of Newton Police Reform Task Force

Document # 20

Incident 20024459

Materials - Tim Duncan

Document #





**NEWTON POLICE DEPARTMENT  
NEWTON, MA**

<u>INCIDENT # / REPORT #</u> 20024459 / 1	<u>OFFICER</u> TRAMONTOZZI B	<u>RANK</u> SGT	<u>REVIEW STATUS</u> APPROVED
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**INCIDENT #20024459 DATA**

As Of 06/19/2020 15:20:16

**BASIC INFORMATION**

<u>CASE TITLE</u> MURDER SUSPECT FIO	<u>LOCATION</u> EDDY ST	<u>APT/UNIT #</u>
<u>DATE/TIME REPORTED</u> 05/20/2020 17:46:31	<u>DATE/TIME OCCURRED</u> 05/20/2020 17:48 to 05/20/2020 17:52	
<u>INCIDENT TYPE(S)/OFFENSE(S)</u> (99931)FIO		

**PERSONS**

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>
INVOLVED PARTY	DUNCAN, TIMOTHY	MALE	BLACK

[ NO OFFENDERS ]

[ NO VEHICLES ]

[ NO PROPERTY ]

**OFFICER REPORT: 20024459 - 1 / TRAMONTOZZI B (32907)**

<u>DATE/TIME OF REPORT</u> 06/19/2020 14:50:58	<u>TYPE OF REPORT</u> INCIDENT	<u>REVIEW STATUS</u> APPROVED
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**REPORT OFFICERS**

Reporting Officer:	TRAMONTOZZI B	32907
Reviewing Officer:	TRAMONTOZZI B	32907
Approving Officer:	MACDONALD D	11463



**NEWTON POLICE DEPARTMENT  
NEWTON, MA**

**INCIDENT DATA**

<u>INCIDENT #</u>	<u>DATE/TIME REPORTED</u>	<u>CLASSIFICATION TYPE</u>
20024459	05/20/2020 17:46	GENERAL INCIDENT

**OFFICER REPORT: 20024459 - 1 / TRAMONTOZZI B (SGT)**

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
05/20/2020 17:46:31	INCIDENT	APPROVED

**NARRATIVE**

This report was generated at the request of the NPD in compliance with General Order 425 "Stop and Frisk".

On Monday May 18, 2020 at approx 1530hrs I was relayed information from NPD Det. Curry in regards to a fatal shooting which occurred earlier that day in Boston (Dorchester). As relayed by Det. Curry, BPD Det. Byrnes contacted the NPD detective bureau that day and relayed that a party wanted in connection with the shooting ALLAH-BARNES, Yaliek may have a connection to a Newton address, specifically [REDACTED] Eddy St. Apt 2. Det. Curry also learned from Det. Byrnes of wanted/involved vehicles: MA [REDACTED] 2010 Lexus LS460 Blue, and MA [REDACTED] 2008 Lexus LS460 Gray. Det. Byrnes advised Det. Curry that it could be possible that the suspect could swap these plates between vehicles in attempt to avoid police etc.

Det. Captain Marzilli was advised and instructed detectives to begin surveillance on the above address to attempt to locate ALLAH-BARNES.

Prior to departing the Det. Bureau I completed a MA BOP query on ALLAH-BARNES which returned 69 entries on the BOP, including:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition to these above offenses there were several other [REDACTED] ALLAH-BARNES BOP. Further, ALLAH-BARNES BOP states his height as 6'02" 220lbs.

An RMV query was completed on ALLAH-BARNES' license and the vehicles above. His license listed his height as 6'03" and he appeared to be a black male in the RMV photo.

Further, a COPLINK query was completed on ALLAH-BARNES which listed his height and weight as recorded from other police agency interactions and arrests including booking photos, one of which was used on the NPD flyer referenced above. COPLINK showed several entries for ALLAH-BARNES. Entries in COPLINK listed ALLAH-BARNES height as ranging from 6'01" to 6'08" and listed his weight ranging from 220lbs to 260lbs.

A short time after gathering this information, Det. Murray and I proceeded to the area of Eddy St. We began surveillance in that area together in unmarked N517. We were both in plain clothes. Upon arrival to the location, we met with Det. Tim Evans (BPD Homicide Detective), who was also surveilling the area. Det. Evans stated he believed the victim of the homicide under investigation was shot ten (10) times. I believe Det. Evans also indicated the firearm at the homicide scene had not been recovered. The nexus to Eddy St at that time was unclear, but within approx an hour Det. Evans informed us that ALLAH-BARNES may be in a relationship with a [REDACTED], who resided at the [REDACTED] Eddy St. address. An RMV check of the above address showed that [REDACTED] license did come back to that address ([REDACTED] Eddy St #2). One of the BPD detectives (I can't recall which one) asked that, if we encounter ALLAH-BARNES or the Blue Lexus, that the Blue Lexus be seized (believed to have been at the crime scene), that ALLAH-BARNES be detained, his phone seized as evidence, and BPD Detectives be contacted immediately.

Later on Monday, May 18 (approx 1934hrs), the Boston Regional Intelligence Center disseminated a bulletin containing information regarding the homicide and ALLAH-BARNES and the vehicles mentioned above. The bulletin stated in bold, that, if encountered, ALLAH-BARNES should be approached with caution. Monday's surveillance on Eddy St yielded negative results.

Tuesday, May 19, surveillance was conducted in a similar manner, however Det. Murray was alone in N519 and I was alone in N517. On Tuesday NPD day detectives gathered further information from BPD and compiled an internal officers attention bulletin, disseminating it at approx 1043hrs via email. This flyer included two photos of ALLAH-BARNES (one RMV, one booking). I printed out both of these information bulletins and had them with me during my tour of duty on Tuesday. Tuesdays' surveillance yielded negative results.

On Wednesday May 20, 2020, upon arriving for my first half tour, Captain Marzilli directed that only one detective would conduct surveillance at a time in the area. I decided to split the load with Det. Murray and assumed the first watch in N517 on Eddy St., starting in the area at approx 1600hrs. I was parked in the area of Eddy St. and Albemarle Rd., approx. 150-200 yards away from the residence. I was in plain clothes. During this time I was switching between binoculars and a department iPad with CJISWEB to query vehicles in the area. At approximately 1748 hours, I looked up towards the residence and noted two persons (one male, one female) in the area of the driveway/sidewalk whom I had not previously seen. I immediately used my binoculars to see them closer. Once I was able to focus on the area, I had a brief look at the male's side profile before he and the female turned to walk towards Washington St. (away from my position). The male party appeared to be black, tall, and medium/larger build. Given where I first observed them (directly in front of [REDACTED] Eddy St) and from the photos I had in my vehicle of ALLAH-BARNES, I felt it was reasonable that the party I viewed could be ALLAH-BARNES with the female, who could be [REDACTED]. I began to drive my cruiser slowly up the street while calling into NPD dispatch that I observed a party fitting the description of the party of interest, asking for additional units to stop and speak with the party. I did not drive fast or attempt to gain on their location quickly as I did not want to expose myself conducting surveillance on the

street and for my own safety. Additional units were requested due to the fact the suspect was wanted in connection with a homicide via firearm in addition to several previous firearms charges on his BOP. I had been told by Boston Police Detectives that ALLAH-BARNES was believed to be the shooter in their incident and shot the victim upwards of ten times, as mentioned above. I had also been told by BPD Detectives that the suspect firearm had not, at that time, been recovered. Due to the totality of these circumstances, I felt it was unsafe for me to make contact with this party alone. I therefore notified NPD dispatch and requested assistance.

As I rounded the corner of Eddy St and turned left (Eastbound) onto Washington St, I observed an NPD cruiser with blue lights on pulling up to the two parties mentioned above in the area of Washington St. at, I believe, Harrington St.

I pulled up to this same area, exiting N517. I noticed Ofc Conley was standing outside of his cruiser in my peripheral vision off to my right while the parties in question were straight ahead of me on the sidewalk. I believe another marked NPD cruiser with a uniformed officer standing outside of it was off to my left side. During the period of my encounter with this male (who turned out to be DUNCAN, Tim), I did not draw my firearm nor did I observe any other officers with firearms drawn. I was wearing my police badge around my neck. I spoke to the male party, explaining our presence. I believe I said that we were looking for a murder suspect and unfortunately he fit the description of the suspect. The male then made a comment to the effect of "What are you looking for, a 6'8" black guy?" I then replied that we were indeed looking for a tall black male with a similar build as his. I advised him that we wanted to ensure he was not who we are looking for and asked if he had identification. The male at this point had his hands up, stating he had a wallet in his pants pocket but said he was scared about reaching down. I stated that was okay and that I would get it. I walked up to him and I made a quick pat frisk of the male, with negative results, and retrieved his wallet. I saw his drivers license and immediately noted the man was not ALLAH-BARNES. I then gave him back his wallet and advised him he was free to go. I reiterated the reason for the stop, apologized for the inconvenience, and gave him a "fist bump" in place of a handshake due to COVID19. Det. Murray then spoke with Mr. Duncan. I do not recall everything she said, but I do recall that she further explained to Mr. Duncan that he met the suspects description. I then advised NPD dispatch that the party stopped was not the suspect and cleared.

# Newton Police Department

1321 WASHINGTON STREET, WEST NEWTON. MASS. 02465



INTERNAL AFFAIRS

PHONE: 617-796-2135

FAX: 617-796-3679

**KEVIN M. RUDD**  
SERGEANT

June 15, 2020

RE: 20-752

## Investigative Directive

I have been directed to investigate an incident that occurred on 5/20/20, specifically as to whether Officers while conducting a threshold inquiry violated any of the Newton Police Department's policies, procedures, rules or regulations or laws of the Commonwealth of Massachusetts.

## Background

5/18/2020 Boston Police detective Byrnes contacted Newton police detectives and relayed that a male individual Yaliek Allah-Barnes who was wanted in connection to a homicide that occurred earlier that day in Dorchester may have a friend that resides at [REDACTED] Eddy Street Newton. Information was also given regarding vehicles that were possibly involved. This information was passed to Sergeant Tramontozzi at the beginning of his shift on that same date. Sergeant Tramontozzi was instructed to by Captain Marzilli to begin surveillance in the area of [REDACTED] Eddy Street.

Sergeant Tramontozzi queried and conducted a search in coplink of Yaliek Allah-Barnes on 5/18/2020 to familiarize himself with his criminal history and his physical descriptors. While Sergeant Tramontozzi and Detective Kim Murray were conducting surveillance in the area of [REDACTED] Eddy Street, they were met by Detective Evans of the Boston Police Department Homicide division. Detective Evans informed Tramontozi and Murray of some of the details regarding the homicide being investigated. These details included that the victim was believed to have been shot 10 times, that the gun involved had not been located, and that a blue Lexus was believed to have been involved. Detective Evans also notified them that Yaliek Allah-Barnes is believed to be in a relationship with [REDACTED] whom resides at [REDACTED] Eddy Street. Later that day information was received from the Boston Police regarding possible motor vehicles Allah-Barnes could be operating and that, if encountered units should approach with caution. (a bulletin was disseminated for a MV of interest from BRIC. This bulletin advised Officers that Yaliek Allah-Barnes could be an occupant of this vehicle, if encountered units should approach with caution.)

On 5/19/2020 Newton Police provided units with an Officers Attention bulletin referring to the previous Boston Police BOLO along with images of Yaliek Allah-Barnes. Further surveillance was conducted in the area of [REDACTED] Eddy Street. Surveillance on that day resulted in negative results.

On 5/20/2020 Sergeant Brian Tramontozzi began conducting surveillance in the area of [REDACTED] Eddy Street Newton at approximately 4pm. At approximately 5:48 pm he observed two individuals in the area of the driveway/sidewalk of [REDACTED] Eddy Street. Sergeant Tramontozzi used binoculars to try to better identify the two individuals (one male/one female) as he was parked 150-200 yards away. Only viewing a side profile of the male he was able to identify him as a black male who was tall in height and had a medium to larger build. He communicated with dispatch that he observed a male party that he believed fit the description of Allah-Barnes. He requested other units to assist in stopping and identifying the individual. Several units were dispatched by Newton Control to assist. Officer Conley (N492) was the first to arrive. At this point Officer Conley and Sergeant Tramontozzi approached.

Officer Conley knowing that the individual they were approaching was believed to be Yaliek Allah-Barnes who was wanted for involvement in a homicide and still may be in possession of the firearm used, removed his firearm from its holster and told the male individual to show his hands. After seeing that the individual was cooperative/compliant and appeared shocked, he holstered his weapon. Sergeant Tramontozzi advised the individual that they were looking for a murder suspect that matched his physical characteristics. Further NPD units arrived on location. The male commented "what are you looking for a 6'8" black guy?" He advised him that the individual they were looking for was tall. Sergeant Tramontozzi requested ID. The individual stated that he had a wallet in his pants but was scared to reach. Sergeant Tramontozzi conducted a quick patfrisk with negative results, and retrieved a wallet. At this point they observed identification for a Tim Duncan. After positive identification of the individual and verifying that it was not the suspect in question, Sergeant Tramontozzi reiterated the reason for the stop and apologized for the inconvenience. Sergeant Tramontozzi closed the interaction with Mr. Duncan with a "fist bump." Sergeant Tramontozzi used this "fist bump" due to COVID19, in place of a handshake. Detective Murray spoke further with Mr. Duncan and his wife informing them again that NPD was looking for a suspect involved in a murder and advising them of the reasoning for the stop.

After reviewing dispatch recordings, the length of time from Sergeant Tramontozzi's initial radio transmissions requesting units to assist until the time he clears is approximately 4 minutes and 37 seconds. Officer's interaction with Mr. Duncan and his wife is approximately 3 minutes.

## **Findings**

I find that Officers while conducting a threshold inquiry of an individual located in the area of 54 Eddy Street, who they believed at the time could be a possible match to Yaliek Allah-Barnes based on the physical description, also using pictures provided from bulletins, were prudent and justified in conducting a stop of the individual. I also find that it was reasonable for Officer Conley to remove his firearm from his holster based on the information that was provided to them by Boston Police. I do find that there was an oversight in documenting actions taken on 5/20/2020. Officers after making this threshold inquiry and pat frisk of Mr. Duncan should have filed documents in accordance with department general orders, numbers *301 Use of Force*, *425 Stop and Frisk* and *426 Field Interview and Intelligence Reports*. As such, Officer Conley was counseled on and directed to complete a use of force form. In addition, Sergeant Tramontozzi, Sergeant Giardina, and Officer Conley were provided remedial training on our use of force policy by the Special Operations Bureau and Sergeant Tramontozzi was directed to complete a police report in our QED computer system as outlined in the aforementioned general orders.





NEWTON POLICE DEPARTMENT  
NEWTON, MA

## CAD Incident Report #20027597

Incident Information				
Incident #		Incident Date		Call Taker
20027597		05/20/2020 17:46:31		sevans
Incident Type		Description		Priority
111 INVEST-G				3
Ems Level	Alarm Level	Modified By	Modified Date	
			05/20/2020 17:48:39	
Event Information				
Municipality			Business Name	
1 NEWTON				
Fire Box			RA	
214			146	
Correct Location				
EDDY ST				
Street #	Street Name	Apartment #	Cross Street	
	EDDY ST			
Near	Landmarks	Additional		
BOX 214 ALBEMARLE RD & EDDY ST	WATERTOWN ST to ALBEMARLE RD	SEGMENT ADDRESSES RANGE FROM 1 TO 18		
Reporting Person				
RP Name	RP Phone	How Received		
		RADIO		
RP Address	Closed By	Date Closed		
	rmedonal	05/20/2020 17:52:09		

## Incident Types

Dispatch Class	Incident Type
AMBULANCE	
FIRE/RESCUE	
POLICE	INVEST-G

## Note(s)

Note Type	Entered By	User ID
INFO	05/20/2020 17:49:05	sevans
Narrative Description		
BLAKC MALE GRAY AND BLUE SWEATSHIRT		

<b>Note Type</b>	<b>Entered By</b>	<b>User ID</b>
INFO	05/20/2020 17:49:11	sevans
<b>Narrative Description</b>		
WALKING EB ON WASHINGTON ST		
<b>Note Type</b>	<b>Entered By</b>	<b>User ID</b>
INFO	05/20/2020 17:50:25	sevans
<b>Narrative Description</b>		
MATCHES THE DESCRIPTION OF THE INCIDENT IN BOSTON		
<b>Note Type</b>	<b>Entered By</b>	<b>User ID</b>
INFO	05/20/2020 17:51:45	sevans
<b>Narrative Description</b>		
PARTY CHECKS OUT		
<b>Note Type</b>	<b>Entered By</b>	<b>User ID</b>
INFO	05/20/2020 17:52:31	rmcdonal
<b>Narrative Description</b>		
NOT PARTY THEY WERE LOOKING FOR		

## Officers and Units

<b>CAD Units</b>			
Agency Name	Unit ID	Personnel Id	Officer Name
NWT-PD	492	38577	CONLEY B
NWT-PD	494	38731	MURPHY D
NWT-PD	500	29017	OBRIEN D
NWT-PD	502	25112	MCLAUGHLIN J
NWT-PD	505	30890	GIARDINA S
NWT-PD	517	32907	TRAMONTOZZI B
NWT-PD	519	21361	MURRAY K

## Unit Statuses

<b>CAD Units</b>					
Unit ID	Status	Date/Time	Avail?	Location	Disp ID
492	RESP	17:48:39	N		sevans
492	ONLOC	17:48:39	N		sevans
500	RESP	17:48:51	N		sevans
517	DISP	17:49:09	N		jkelly
517	ONLOC	17:49:15	N		jkelly
519	DISP	17:49:20	N		sevans
494	RESP	17:49:32	N		sevans
505	RESP	17:50:24	N		rmcdonal
502	RESP	17:51:22	N		rmcdonal
502	ONLOC	17:51:29	N		rmcdonal

492	CLEAR	17:51:44	Y		rmdonal
500	CLEAR	17:51:48	Y		rmdonal
505	CLEAR	17:51:56	Y		rmdonal
519	CLEAR	17:51:59	Y		rmdonal
517	CLEAR	17:52:03	Y		rmdonal
502	CLEAR	17:52:06	Y		rmdonal
494	CLEAR	17:52:09	Y		rmdonal

## Dispositions

Dispositions				
Type	Disposition	Incident Report?	Accident Report?	Due By
POLICE	(101) ADVISED PERSONS			CONLEY B



# Newton Police Department

1321 WASHINGTON STREET, WEST NEWTON, MASS. 02465

CHRISTOPHER MARZILLI  
DETECTIVE CAPTAIN  
COMMANDING



DETECTIVE BUREAU

PHONE: 617-796-2104  
FAX: 617-796-3680  
TDD/TTY: 617-796-1089

## OFFICERS ATTENTION

5-19-20

#20-12

### OFFICERS SAFETY/BOLO

Boston Police issued a BOLO for a motor vehicle of interest in a homicide investigation. **See page 2 of this bulletin for details.** They would like to speak with the occupants of vehicle, including a Yaliek Allah-Barnes. **There is a connection to [REDACTED] Eddy Street in Newton.** Please refer to the BRIC bulletin for actions to take if this vehicle or occupants are encountered. **BPD are to be contacted immediately.** Bulletin includes contact information for BPD Homicide Sgt. Det. Medina, BPD Homicide, and BRIC. **Use caution if vehicle or occupants are encountered.**

Booking Photo 2019

MDL Photo



Yaliek Allah-Barnes

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