

Tuesday, May 17, 2022

Mayor's Update

Tragedy struck the City of Newton on January 5, 2021. The tragic incident leaves behind a grieving family, poignantly distraught police officers, and a disquieted Police Department and community.

District Court Judge Jeanmarie Carroll submitted her inquest report on the death to the Superior Court finding the actions of our officers in the officer-involved shooting of Michael Conlon on January 5, 2021 to be objectively reasonable and that, at that moment, no reasonable alternative existed except for the use of deadly force.

The Judge found the officers were not criminally responsible for the death of Mr. Conlon.

In addition, District Attorney Marian Ryan has adopted the findings of the inquest and immediately submitted her certification of no prosecution to the court, thereby closing this investigation.

We want to highlight some of the findings from District Court Judge Jeanmarie Carroll in the inquest of the death.

Judge Carroll found that when Newton Police Officers fired their weapons, any reasonable law enforcement officer in the same position would reasonably believe that fellow officers as well as others were in imminent danger of being seriously injured or killed. The Judge wrote, "At that moment no reasonable alternative existed, except for the use of deadly force."

Furthermore, Judge Carroll found that the decision of the incident commander to authorize officers to engage with the less-than-lethal shotgun was objectively reasonable.

Following are additional direct quotes from Judge Carroll's report:

"Conlon grabbed the knife and ran at [a Newton police officer]. Officers repeatedly yelled, "drop the knife". Conlon held the knife up to shoulder level in his right hand and started to bring it down in a stabbing motion towards [a Newton police officer]. With the knife coming down just inches from [a Newton police officer], [two Newton police officers] discharged their firearms and one of the troopers deployed his taser."

“ [Medical Examiner] Dr. Stanley testified to the detection of methamphetamine, lorazepam, gabapentin, hydroxyzine, pseudoephedrine, and prescribed amphetamine, alprazolam, buprenorphine, chlorcyclizine, and a quetiapine metabolite in femoral blood collected at autopsy. Dr. Stanley testified that the only illicit drug detected was methamphetamine, also known as crystal meth and that the level detected, 500 nanograms/ml, was very high. In her experience, she would typically see levels under 100 nanograms/ml.”

“As the United States Supreme Court has observed, ‘the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.’ *Graham v. Connor*, 490 U.S. 386, 396-397 (1989)”

“Applying the credible evidence to the applicable case law pertaining to the use of deadly force in defense of oneself or others, the court finds that the decision of [the incident commander] to authorize officers to engage with the less-than-lethal shotgun was objectively reasonable within the meaning of *Graham v. Connor*. When [the two Newton police officers] fired their weapons, any reasonable law enforcement officer in the same position would reasonably believe that he and his fellow officers as well as others, were in imminent danger of being seriously injured or killed. At that moment no reasonable alternative existed, except for the use of deadly force.”

“The court does not find that the actions of any of the Newton officers or supervisory responsibilities make them criminally responsible for the tragic death of Conlon or that they are otherwise criminally responsible.”

As the Mayor of Newton and as the Chief of the Newton Police Department, we know the death of anyone in such circumstances is tragic, and there is a lot of healing that must take place for all of those impacted by this incident. Our hearts go out to the Conlon family as well as to our officers and their families.

The Newton Police Department takes great pride in embracing the tenets of 21st Century Policing. This includes strengthening our police legitimacy through procedural justice, and fair and impartial policing. The dedicated members of Newton’s Police Department continuously work toward achieving our goal of supporting a community where every person feels safe, regardless of personal status or individual characteristics. The members of the department understand it is crucial to build and maintain trust and accountability with the community. Our officers respect the great responsibilities bestowed upon them, especially as it relates to constitutional and civil rights of all people and respect for the sanctity of life. They are dedicated to serving as just guardians.

As part of the ongoing healing process, it is important to understand that critical life or death situations such as this occur in a split second. Lethal force decisions are what every police officer prays they will never be forced to make and trains to avoid. The primary officers that were on scene that day were and are fine members of the department, professional and compassionate.

During the difficult moment with an imminent threat to life, the officers reverted to their training and experience. Our officers had to perform their lawful duty during the extremely tense, uncertain, and rapidly evolving situation. As tragic as the situation was, the lethal force used by our officers was objectively reasonable.

Our officers will never be the same after facing such a traumatic event, but we will be there to support their future wellness. While we expect them to risk their lives to serve and protect others, we know it is an extraordinary service with a heavy price.

Now that the inquest process is complete, we have a fair, impartial, transparent outcome based on the specific evidence, facts and circumstances of the case.

We unequivocally stand in support of the Newton police officers and their actions on that difficult day.

To read the full report from Judge Carroll, the statement from District Attorney Ryan, and the transcripts from the inquest, click [here](#) to be connected to the relevant page from District Attorney Ryan's website.

Mayor Ruthanne Fuller
Police Chief John Carmichael