

Detective McKinnon

Responded to [redacted] for a report of an unconscious male as well as a domestic situation. Upon arrival I observed Daniel Kerigan on his back in an unconscious state. We were directed to downstairs where Mr. Kerrigan's son was. Myself and Officer Mahoney went to the basement and observed Mark Kerrigan bent down near the end of the couch with his back towards us. He was reaching behind. Officer Mahoney grabbed his arm where Kerrigan became belligerent and combative. We were finally able handcuff him. While handcuffed I used Pepper spray to help control the situation. Kerrigan was finally escorted to an area where he sat down.

Officer Bowdidge assisted in controlling the situation. Officer Bowdidge read Miranda Rights to Mark Kerrigan. Kerrigan would not acknowledge that he understood these rights. Kerrigan appeared intoxicated but seemed coherent in understanding questions and answering them. I asked Kerrigan what had happened. He stated that he wanted to use the phone and his father would not let him. He said that he struggled with his father and put his hands around his father's neck and his father fell to the floor. He said that his father was faking it. Kerrigan continued to act up and was brought to the cruiser where he was under arrest for domestic assault and battery.

I observed blood on the kitchen floor where Daniel Kerrigan had been treated by several people. There were three pictures that were apparently knocked off the wall from a struggle. There was a photo on the wall crooked and a broken piece of phone on the ground. This was all in close proximity to Daniel Kerrigan.





**STONEHAM POLICE DEPT
STONEHAM, MA**

INCIDENT DATA

<u>INCIDENT #</u>	<u>DATE/TIME REPORTED</u>	<u>CLASSIFICATION TYPE</u>
1000900	01/24/2010 01:24	GENERAL INCIDENT

OFFICER REPORT: 1000900 - 1 / MCKINNON R (DETECTIVE)

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
01/24/2010 01:24:12	INCIDENT	IN PROGRESS

NARRATIVE

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OFFICER REPORT: 1000900 - 2 / THISTLE D (SERGEANT)

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
01/24/2010 01:24:12	SUPPLEMENT	COMPLETED

NARRATIVE

Sgt. Thistle

On Sunday, January 24, 2010, at approximately 0124 hours, Officers were dispatched to _____ on a report of a person down, possibly with a Domestic Disturbance occurring at the same time. While responding, dispatch advised that the person down may not be breathing. I arrived after Off. Mahoney, Det. McKinnon, SFD and Action EMS. Upon my entry to the residence, I observed a male, later identified as KERRIGAN, DANIEL (70 years of age), being attended to by SFD and EMS. He was laying on his back, with his head near the door, and his body laying with his feet pointed south. CPR was being conducted at this time. I then asked Lt. OSullivan (SFD) where my officers were located. He stated that they were in the basement. I then went downstairs to the basement. The basement door is located in the kitchen. While descending the basement stairs, I could hear someone yelling obscenities and

insults. I also heard officers yelling verbal commands to "Stop Resisting." As I reached the basement floor, Off. Mahoney and Det. McKinnon were struggling with KERRIGAN, MARK, attempting to get him restrained in handcuffs. I then assisted by grabbing MARK's left arm and attempting to bring it behind his back to be handcuffed. While I was trying to do this, Det. McKinnon ordered MARK to comply with our commands or he would be pepper-sprayed. MARK continued to aggressively try and pull away from Off. Mahoney and I, while being verbally abusive. Det. McKinnon then utilized his pepper spray, the distraction allowing Off. Mahoney to finally handcuff MARK. Efforts were then made to open a bulkhead to allow fresh air into the basement. I also requested a second ambulance to the scene to evaluate MARK.

At that time, I went upstairs to evaluate the scene. I spoke to KERRIGAN, BRENDA (MARK's mother / DANIEL's wife). I know that she is blind and I told her that I was a police officer and I asked her what had happened. She stated to me that "they", MARK and DANIEL, had been yelling at each other, and that they had started pushing and shoving back and forth. BRENDA stated that DANIEL had then fallen to the ground. I asked BRENDA how long it had been between MARK and DANIEL's pushing and shoving and the point that DANIEL fell to the ground. BRENDA stated that they had been pushing and shoving back and forth and that DANIEL had fallen at that time. The manner in which BRENDA described the incident led me to believe that DANIEL had fallen as a result of the pushing and shoving, and that there had not been a delay between the fall and the pushing. I also observed a picture on the wall near the basement door was tilted off-center. I also observed empty wall hooks on the south wall as you entered the kitchen door. These signs also led me to believe that a physical altercation had occurred. I was not able to physically check DANIEL for signs of injury, as he was still being aggressively treated by SFD and EMS. I asked Lt. O'Sullivan to inform me if he observed any obvious signs of injury. Lt. O'Sullivan later informed me that he did not see any obvious signs of injury.

I then informed Off. Mahoney, Off. Bowdidge, and Det. McKinnon in the basement that we would be charging MARK at that time with Domestic Assault and Battery, for pushing his father. I had observed during my conversation with BRENDA that CPR was still being conducted. Due to the fact that CPR was still being done, I decided not to remove MARK from the basement until his father had been transported. MARK was still combative at this time, and I did not want to interfere with the care that his father was receiving. Off. Bowdidge attempted to open a basement bulkhead to allow fresh air into the basement to mitigate the effects of the OC Spray. Action EMS Paramedics Loftus and Rizzo attempted to provide aid to MARK, but he refused. Paramedic Loftus stated to me that it didn't appear as if MARK had been hit by the OC Spray. Once DANIEL had been transported by EMS, we asked MARK to walk up the stairs and out to a police car. MARK refused to walk. Off. Mahoney and Off. Bowdidge had to carry / drag MARK up the cellar stairs. MARK would attempt to use his head on the next step to prevent Officers from moving him further up the steps. I began to assist in keeping MARK's head upright to try and prevent injury. I had also requested Off. Copan respond from the police station with a digital camera for pictures, which is a common practice in Domestic Violence arrests.

Once MARK was secured in a marked cruiser, he was transported to the police station. Det. McKinnon and I remained on scene. Det. McKinnon took several digital photographs of the scene. At that time, based on the seriousness of DANIEL's condition, I requested dispatch notify Lt. McIntyre and Lt. McCarthy. Following conversations with both Lieutenants, I requested dispatch notify CPAC. At no time was the house left unattended by Stoneham Police Officers. Upon the arrival of CPAC investigators, it was determined a warrant would be requested to continue the investigation. I then followed Lt. McCarthy, Det. McKinnon and the members of CPAC out of the residence. I then closed the door, making sure that it was unlocked. I then requested an officer post in the driveway, outside the residence. Off. Mahoney initially responded and was then relieved by Off. Bowdidge.

SFD Engine 1 was staffed by Lt. Michael O'Sullivan, Firefighter David Eastman, Firefighter Robert Dalis, and Firefighter Richard Darragh. The Paramedics on Action A1 were Allan Gentile, and Joseph Amello. The Paramedics on Action A2 were Carl Rizzo and Derek Loftus. The Action Supervisor on scene was Scott Cummings.

Sunday
01/24/2010

1715 hours

At approximately 1530 hours, Sgt. Wilkins and Sgt. Stefanelli returned from the Melrose Wakefield Hospital with MARK. I then began the booking procedure and advised him that he was under arrest for MGL 265 /13K - Assault and Battery Upon an Elderly Person - 60 years or older. I read MARK his Miranda Rights from a standard card we use during booking. Sgt. Wilkins, Off. Copan and Off. Launie were present when I read MARK his Miranda Rights. MARK was also provided a card to follow along. At the completion of this act, I asked MARK if he understood his rights. He stated, "I don't have to say a thing, right?" I told him that was correct. I then asked him to sign the card, stating that he understood his rights. MARK refused to sign the Miranda Card. I then began to ask MARK standard booking questions. MARK would not answer these questions. When I asked him his eye color, he faced me and opened his eyes wide, allowing me to see. He would not answer any questions about his medical history, or any other standard booking questions. MARK was dressed in clothing provided by the hospital, all of his personal belongings had already been removed from him. MARK was cooperative to our requests, but appeared apathetic. MARK was unsteady on his feet, having some difficulty standing without swaying while I was taking his booking photos. Following booking, he was secured in Cell 2. At approximately 1600 hours, Trooper Murphy and Det. McKinnon spoke to MARK in cell 2 as Sgt. Wilkins and I stood by in the hallway. MARK informed Trooper Murphy and Det. McKinnon that he did not want to speak to them at this time. Trooper Murphy then informed MARK that his father had died. At that time, I asked MARK if he wanted to make a telephone call, he declined. I informed MARK that if he chose to make a telephone call at a later time, to notify an officer and we would allow him to use the telephone.

I then contacted Mary Regan, Bail Commissioner. I advised Mary of the events and she placed a bail of \$5000.00 + \$40.00 fee on MARK. Sgt. Wilkins then spoke to MARK and advised him of the bail. Sgt. Wilkins asked MARK if he wanted to make a phone call at that time, he stated to Sgt. Wilkins, "No, I have nobody to call." MARK was given some food and a blanket.

OFFICER REPORT: 1000900 - 3 / MAHONEY J (PATROLMAN)

DATE/TIME OF REPORT

01/24/2010 01:24:12

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

IN PROGRESS

NARRATIVE

On Sunday January 24, 2010 at about 1:24am Stoneham dispatch radioed the units and advised us that there was a domestic dispute at [redacted] and that one of the involved persons was on the ground not breathing. Detective McKinnon and I were the first to arrive on scene. I observed the victim Daniel Kerrigan laying on his back in an unconscious state on the kitchen floor. I stepped over Mr. Kerrigan and crouched down along his left side and began to check for a pulse. I detected what I believed to be a weak pulse in his left wrist. At that time Stoneham Fire and Action EMS had arrived on scene and I informed them of his status and immediately turned care over to them. I then asked the other occupant of the home Brenda Kerrigan, what had happened and she stated that her husband and son had been fighting in the corner and pointed to a corner in the kitchen. I observed three picture hooks on the wall and three pictures on the countertop that appeared to have been knocked down during the struggle. I asked Mrs. Kerrigan if her son was still in the house and she said that he was down in the basement. Detective McKinnon and I then proceeded to the basement where I observed the suspect, Mark Kerrigan crouching between a couch and chair attempting to conceal something. I then ordered Mark Kerrigan to show me his hands and walk slowly towards me. He refused several orders to show us his hands. He sat back down on the couch next to the area where he was attempting to conceal something. At that time Detective McKinnon and I attempted to restrain Mark Kerrigan. He became combative, flailing his arms and resisting our attempts to place him in handcuffs. Detective McKinnon deployed his O.C spray with negative results. Sgt. Thistle and Officer Bowdidge had arrived down in the basement to assist Detective McKinnon and myself. I was able to handcuff Mark Kerrigan behind

his back. I then conducted a protective sweep of the area and I observed a bottle of Dewar s Scotch in the area where Mark Kerrigan had been trying to conceal something.

Mark Kerrigan appeared to be intoxicated and I could detect an odor of alcoholic beverage emanating from his breath as he was talking. He seemed coherent and was able to understand the questions Detective McKinnon was asking him. I heard him state to Detective McKinnon that he had put his hands around his father s neck and that his father fell to the floor. He stated that his father was Faking it .

Mark Kerrigan was uncooperative as we attempted to walk him up stairs and into a cruiser. He refused to walk therefore forcing Officer Bowdidge and my self to carry him up stairs. Once up stairs and in the kitchen, we asked if he would be willing to walk outside to the driveway. He stated that he did four years in prison because a Cop lied and that he wanted to Assault a fucking cop . He refused to walk outside to the cruiser. Officer Bowdidge and myself then carried him to cruiser 105 where he was transported to the Stoneham Police station by Officer Copan.

OFFICER REPORT: 1000900 - 4 / BOWDIDGE K (PATROLMAN)		
<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
01/24/2010 01:24:12	SUPPLEMENT	COMPLETED

NARRATIVE

On January 24, 2010 at approx. 0124 hrs. I was dispatched to for a domestic in progress. I arrived on scene along with Sgt Thistle. Both Det. McKinnon and Officer Mahoney were already on scene. As I entered the home the medical personnel were providing aid to the victim Daniel Kerrigan, in the kitchen. I then could hear shouting from downstairs in the basement. Sgt. Thistle and I then went downstairs and made contact with Det. McKinnon and Officer Mahoney. Det. McKinnon and Officer Mahoney had the suspect, Mark Kerrigan, in custody at this point. Mark was shouting and using profane language, along with him trying to get away from us officers. I then took Mark and had him sit down on the exterior exit stairs, to have him calm down. Mark continued to swear and push us away. Mark also appeared to be intoxicated, and had the odor of an alcoholic beverage on is breath. I then informed Mark that I was going to read him his rights; mark replied, "I don't give a fuck". I then advised Mark of his Miranda rights, I asked Mark if he understood his rights and he said "ya whatever".

At this point I asked Mark what had happened. Mark first said that he did not want to talk to me because he had already gone to prison for something he did not do. I told Mark that was fine, if he wanted to remain silent then he had the right to do so. A moment later Mark said to me that he wanted to tell me what happened, I told him to go ahead. Mark started by saying that he wanted to use the telephone, however there was not one in the basement. Mark then proceeded to say that he went up the stairs where he was going to go into the kitchen and use the phone. However Mark said that once he reached the top of the stairs his father, Daniel, said something to him. Mark then said he grabbed his father by the throat and pushed him, which knocked him to the floor. Mark also stated the he believed that his father was "faking" it. At this point Sgt. Thistle advised Officer Mahoney and myself that we would be transporting Mark to the station.

I first asked Mark where his shoes were, he replied "I don't fucking know, your just gonna lock me up anyway". Officer Mahoney did find a pair of slippers, which we provided to Mark, however Mark refused to wear them. I then asked Mark to stand up and walk upstairs with us, Mark replied "fuck you, your gonna have to carry me". At this point Officer Mahoney and I both took a side of Mark and carried him up the stairs. The entire time we were carrying Mark he was swearing and trying to fall down the stairs. Once we got Mark up into the kitchen he then was able to slide down onto the floor. I again asked Mark if he would walk to the cruiser, Mark's reply was "I did four years in prison because a cop lied", he also stated that he wanted to assault a cop. Once again Officer Mahoney and myself had to carry Mark to the cruiser and place him in the back seat. At this point I have nothing further to add.