

KAUVIL FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Introduction

The Berkshire District Attorney's Office (BDAO) has concluded its homicide investigation into the shooting death of Biagio Kauvil, age 27, by a Hinsdale Police Officer on January 7, 2026, at 53 Off South Street, Hinsdale, Massachusetts. This investigation was conducted in coordination with the Berkshire State Police Detective Unit (SPDU) assigned to BDAO, and with cooperation of the Berkshire County Law Enforcement Council's use of force investigation team (FIT).¹

Based upon the facts and review of controlling law, I find that Officer Jeffrey Spratt's shooting of Kauvil was a lawful use of force in self-defense in response to the discharge of a firearm in Kauvil's possession, injuring a nearby officer, and the potential continued use of the firearm, which was likely to cause serious bodily injury or death. I also find that Officer Chelsea Eichstedt's Taser deployments were a lawful use of force in self-defense.

Scope of Investigation and Determinations

In deciding whether to bring criminal charges relating to an officer's conduct, the question is, could the Commonwealth present sufficient facts to show, beyond a

¹. The purpose, structure and policies of FIT are described in the Berkshire County Law Enforcement Council Mutual Aid Agreement (Mutual Aid Agreement). Amendment I. & Exh. B.

reasonable doubt, that the shooting of Kauvil could not be justified on grounds of self-defense. If the Commonwealth could not meet its burden, based on the facts gathered in the investigation, then it would be improper to bring charges. That is the case here.

Factual Summary

On the morning of January 7, 2026, two police officers were dispatched to 53 Off South Street in Hinsdale for a well-being check, which was initiated when Kauvil called 911 three times and hung up each time. Kauvil was locked in a bedroom in his mother's house and was apparently experiencing a mental health episode, his first. The officers, with family agreement, decided to take Kauvil into custody for a section 12 involuntary mental health commitment. Other officers arrived. The family left the house. One officer, who had had a prior positive interaction with Kauvil, spoke with him through the door, making contact. When the ambulance arrived to take Kauvil to the hospital, one officer breached the bedroom door and the group attempted to take Kauvil into custody. There was a struggle. Kauvil possessed a firearm, unknown to the officers, which discharged and injured an officer. Another officer attempted to deploy their Taser, twice, to disable Kauvil, which was unsuccessful. A third officer fired his gun twice, hitting Kauvil in the head on the second shot, killing him.

The incident can be broken down into three approximate time periods: **one hour** from the abandoned 911 calls, in which the officers arrived at the residence in a staggered fashion, spoke with family and waited for the family to leave the house; **seventeen minutes** inside the residence, in which one officer spoke with Kauvil through the bedroom door, while the officers waited for the ambulance to stage; and,

after the breach of the door, **less than a minute** of a physical struggle to disarm and contain Kauvil in the bedroom, which ended with him being shot.

For the purposes of this document, the fact and factual findings are presented in two parts. First, there is the longer period from the officers' arrival at the residence to the breach of the bedroom door (Part I), and second, the short time after the door was breached (Part II). The operative period for the legal determination of self-defense is Part II, after the breach of the door, when each officer began an individual, physical interaction with Kauvil. Although all five of the officers were involved, only two officers are the subjects of the legal determination of self-defense. However, the BDAO has included facts from the investigation leading up to entry into the bedroom for context, and to make the information about the choice to breach the door more accessible to the community.

Although the larger time period before the breach of the door is not within the scope of this criminal investigation, the BDAO agrees with the assessment, found in the Berkshire County Law Enforcement Council's FIT Report, that further independent investigation is warranted.²

² The Berkshire Law Enforcement Council's FIT Report is also limited in scope to the post-breach period. The FIT Report includes the following statement:

Prior to the application of non-deadly force (Taser deployments) by Officer Eichstedt and deadly force by Officer Spratt, there are events that led to the decision to breach the bedroom door, enter the bedroom and attempt to take Kauvil into custody. These events are outside the review and scope of FIT but need to be examined for compliance with Hinsdale Police Department's Policies and Procedures . . . and 555 CMR 6.00-Use of Force by Law Enforcement Officers and Massachusetts Police training Committee Training Guidelines and Standards. These events should be examined as part of an

Hinsdale and Dalton Mutual Aid Compact and Shared Resources

This incident occurred in the jurisdiction of the Town of Hinsdale and involved five police officers from two different police departments. The three officers from the Hinsdale Police Department were Chief Shawn Boyne, Sergeant Dominik Crupi and Officer Jeffrey Spratt. The two officers from the Dalton Police Department were Officer Chelsea Eichstedt and Officer Jacob Tiffany. A summary of these officers' experience and training, based on their interviews, is attached.³

The Dalton officers were serving in Hinsdale under the Berkshire County Law Enforcement Council Mutual Aid Agreement, of which the towns of Hinsdale and Dalton are members.⁴ The towns of Dalton and Hinsdale also share dispatch services

internal review by the department (or other investigating agency/consultant) into the conduct of the officers present at the scene. Additionally, there were issues discovered involving Dalton Communications Center and rendering of medical aid after the use of deadly force. These issues should also be examined as part of the internal review. FIT Report, March 2, 2026, p. 5.

³ The police officer interviews were conducted by the SPDU, and the audio-visual footage was also transcribed. Where a transcript of an interview is specifically cited, it is referred to, in chronological order of the dates of the interviews, as: Officer Chelsea Eichstedt Interview, January 8, 2026 (“Eichstedt”); Officer Jacob Tiffany Interview, January 8, 2026 (“Tiffany”); Sergeant Dominick Crupi Interview, January 13, 2026 (“Crupi”); Officer Jeffrey Spratt Interview, January 13, 2026 (“Spratt”); and Chief Boyne Interview, January 15, 2026, (“Boyne”).

⁴ See Mutual Aid Agreement, pp. 1-10 & Exh. A. Under the terms of this agreement, the Dalton officers were under the direction and control of Chief Boyne. The Hinsdale officers were subject to the Hinsdale Police Department's policies and procedures; the Dalton officers were subject to Dalton Police Department's policies and procedures. See Article 4 – Command and Control. See also Hinsdale Police Department Policy and Procedures; Dalton Police Department Policies and Procedures.

— the Dalton Communications Center (DCC)⁵ dispatches emergency and police calls for service for both jurisdictions, in collaboration with the Berkshire County Sherriff's Control Dispatch.⁶

The one significant difference in resources between the Hinsdale and Dalton officers was that of body worn cameras. The two officers from the Dalton Police Department had body worn cameras, while the Hinsdale Police Department does not have a body worn camera program in place.⁷

⁵ The DCC is an independent agency. One of the pre-breach issues raised by this incident, and referred to in the FIT report, concerned the DCC policy for firearms checks. At the time of this incident, the DCC policy did not include an automatic firearms check of the subject of a police call, without an officer's specific request. To run a check for either a license to carry a firearm ("LTC") or the existence of registered firearms, the dispatcher needs the correct name of the subject and a date of birth. In response to this incident, the DCC has revised its policy to include a firearms check for well being calls. See Dalton Communications Center Policies and Procedures Effective Date & Issue Date 05/01/23; Dalton Communications Center Policies and Procedures Effective Date & Issue Date 04/01/26.

⁶ SPDU Affidavit ("SPDU Aff."), p. 33, ¶19.

⁷ Chief Boyne was asked as to the status of the Hinsdale Police Department body worn camera program. He stated that, before he joined the department, there was a grant for body worn camera equipment that had been applied for—but when the equipment arrived, the money was not available, and the equipment had to be returned. (Boyne, pp. 13-14).

Pre-Breach Facts - Part I

Hinsdale Officers Dispatched—Abandoned 911 Calls⁸

Starting about 9:45 a.m. on January 7, 2026, DCC dispatch received three 911 emergency calls that were abandoned.⁹ Dispatch traced these calls to Kauvil’s phone and the residence at 53 Off South Street in Hinsdale. Notably, the day before, on January 6, 2026, Kauvil had been the subject of a FBI bulletin, a non-criminal notice to “be on the look out” for him,¹⁰ which had been distributed to the Hinsdale Police Department.¹¹ A member of the FBI had also called DCC dispatch as a “head’s up,”

⁸ The facts in this section are drawn from two sources—the officers’ interviews and the SPDU investigation, as summarized in the affidavit for the search warrant for the residence.

⁹ SPDU Aff. p. 33, ¶21.

¹⁰ This phrase is often shortened to the acronym BOLO.

¹¹ SPDU Aff. p. 32, ¶18. On Tuesday, January 6, 2026, at approximately 3:00 p.m., the FBI National Threat Operations Center contacted the DCC to report the following bulletin about Kauvil:

Kauvil reported his phone is compromised, suggesting someone may be listening in on his call. He described experiencing attacks for several days from family and local law enforcement, who he believes are attempting to lure him into a home containing a machine which damages the body and drains life. Kauvil claimed this machine is located in the basement and it induces suicidal thoughts, although he emphasized he is of sound mind and does not plan to self-harm.

Kauvil mentioned driving his 2020 Subaru Impreza for a few days with little sleep and stated that he has been continuously followed by local police, who use lights or attempt to collide with his vehicle. He expressed frustration local police have turned him down when seeking help, attributing this to mental health issues. Kauvil insisted he is not experiencing any mental health problems and is fully aware of his situation. He conveyed a sense of urgency,

because Kauvil's reported statements suggested that he was having a mental health episode and was distrustful of the local police. The FBI member told the DCC dispatcher that Kauvil "did mention he has a thought of wanting to kill himself but stated he has no means."¹²

Hinsdale Chief Boyne was dispatched to the residence to investigate the 911 calls, aware of the FBI bulletin. He requested mutual aid from Dalton, and Dalton Officer Eichstedt responded to the Hinsdale station, after which they drove their cruisers in tandem, arriving at the house first. Hinsdale Officer Spratt, who started his shift at 7:00 a.m., also responded and, after a short delay, was en route to the residence from Pittsfield. Officer Eichstedt would later request back-up from Dalton Officer Tiffany, who arrived after Spratt. Last to arrive was Hinsdale Sergeant Crupi, who had just ended his night shift at 7:00 a.m. and was off duty. He responded directly to the scene, which he believed was necessary, due to the nature of the call.¹³

Officers' Arrival at the Residence¹⁴

stating this is a serious matter involving organized crime and that he feels hunted.

¹² SPDU Aff. p. 32, ¶18.

¹³ Crupi, pp. 18-19.

¹⁴ The facts in this section are drawn from the body worn camera footage from the Dalton officers on the scene, except where otherwise noted. The BDAO has relied on the body worn camera footage for what can be seen or heard without technical filters or augmentation.

[EBWC, 00:00-29:30; TBWC, 00:30-6:50]¹⁵

At about 10:12 a.m., Chief Boyne and Officer Eichstedt knocked on the door of the residence at 53 Off South Street and spoke with two of Kauvil's three juvenile siblings who were in the house. The officers found out that their mother was not there, but was nearby, and that Kauvil was locked in one of the bedrooms. Kauvil was audible, yelling from inside the house. The officers declined to come inside, asked if Kauvil would come out, and offered an ambulance or someone to talk to who was not a police officer.¹⁶ Kauvil repeatedly said that he needed to speak with the FBI.

Officer Eichstedt spoke with Kauvil's mother on the phone, on speaker, and asked her to return home to talk to Kauvil. Eichstedt also asked her "does he have

¹⁵ This is the range of body worn camera footage for this section, based on the video's timestamps. Officer Eichstedt's body worn camera footage is over an hour long, and starts at about 10:12 a.m. ("EBWC, XX:XX"). Officer Tiffany's is approximately a half hour long, and starts around 10:35 a.m. ("TBWC, XX:XX").

Specific, single time stamps are included in the body of the facts from either or both of the officers' body worn camera footage to mark specific points in time or when specific statements were made. When a conversation is more extensive, the entire time range is included at the end of the paragraph that describes the conversation.

Generally, when the officers are outside the residence, some of the audio quality is poor, due to the sound of the officers walking through new ice/snow conditions. Poor audio quality is also an issue inside the residence, especially when the officers initially enter, due to overlapping conversations and noise from a television, which is later turned off.

¹⁶ By this, Officer Eichstedt is offering the services of a mental health clinician. Eichstedt also later asks if they should see if there is a Pittsfield "950 unit" available, which is the code for a mobile mental health clinician. (EBWC, 4:15). Typically, requesting a clinician is only appropriate when it has already been determined if a subject has a weapon or not. Chief Boyne does not respond to her suggestion.

any access to any weapons?” Kauvil’s mother replied that she “didn’t think so, no.” (EBWC, 7:10).

Stepping back and waiting for Kauvil’s mother to arrive, Officer Eichstedt thought that they needed to “section” Kauvil, and Chief Boyne said, “Yes.” (EBWC, 9:05). To “section” an individual is shorthand for the law that allows a police officer to take an individual into custody and bring them to the hospital for involuntary psychiatric care, under Massachusetts General Laws Chapter 123.¹⁷ At this time, the officers also moved their cruisers out of view of the house. Chief Boyne, speaking to Officer Spratt, who was en route, advised him to arrive “no sirens, no lights” and to park away from the house, to not further agitate Kauvil. (EBWC, 10:35).

¹⁷ Section 12 reads, “[i]n an emergency situation, if a physician, qualified psychologist, qualified advanced practice registered nurse or licensed independent clinical social worker is not available, **a police officer who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person** and apply for the hospitalization of such person for a 3-day period at a public facility or a private facility authorized for such purpose by the department.” G.L. c. 123, § 12.

“**Likelihood of serious harm**” is defined as “(1) **a substantial risk of physical harm to the person himself as manifested by evidence of, threats of, or attempts at, suicide or serious bodily harm**; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that such person’s judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection is not available in the community.” G.L. c. 123, § 1.

At 10:24 a.m. Kauvil's mother arrived, and entered the house to speak with Kauvil, to see if he would come out and speak with the officers. Officer Eichstedt asked Chief Boyne if they should stage an ambulance in case they got him out of the house; he agreed, and she contacted DCC dispatch with this request. While the officers were still outside, at about 10:26 a.m., Kauvil called 911 again, spoke with dispatch, and stayed on the line.¹⁸ Dispatch then contacted the officers to inform them that that the family's attempts to calm Kauvil down were only agitating him more. At 10:28 a.m., Officer Eichstedt requested Officer Tiffany as back-up from the Dalton Police Department.

After this, Kauvil's mother emerged from the house and spoke with Chief Boyne and Officer Eichstedt in the yard.¹⁹ She wanted to get her other children out of the house and called a relative to pick them up. Without prompting, she asked the officers how to get Kauvil "sectioned." The officers replied that they would do that, and explained the process, that he would be taken to the hospital by ambulance for an evaluation. Kauvil's mother told them that they got Kauvil in the house the night before, but that they had called the police two days ago when they believed he was missing. She said that he was so private they did not have the address of his

¹⁸ Kauvil would stay on the line with DCC dispatch for approximately sixteen minutes, until Sergeant Crupi started speaking with him through the bedroom door. At this point he agreed to hang up, and talked with Crupi alone. See Summary of 911 Call, SPDU Aff., pp. 33-34, ¶¶ 23. 24.; see also Transcript, 911 Call, Caller Biagio Kauvil, January 7, 2026 ("Kauvil 911 Call").

¹⁹ In total, Kauvil's mother spoke with the officers for about five minutes, and was forthcoming on a wide range of sensitive subjects, not included here.

apartment. Chief Boyne asked if Kauvil had any friends that she knew of that would talk to him, but she said he would not talk to anybody right now. (EBWC, 16:50-18:30).

At about 10:32 a.m., Chief Boyne excused himself to check something at the station.²⁰ Officer Eichstedt and Kauvil's mother continued to talk.²¹ Eichstedt asked if this apparent mental health condition was new, and Kauvil's mother said, yes. Kauvil's mother said that he had told her that he had been driving around for four days, without sleep. Officer Eichstedt asked if he had slept yet, and Kauvil's mother said that she thought that he had, and that she had given Kauvil her son's room last night.²² Kauvil's mother also told Eichstedt that he was a "big dude, pretty muscular," over six foot, about 170-180 pounds, and that he lifted weights. (EBWC, 20:20-22:05). At the end of the conversation, Kauvil's mother went back into the house to help her three younger children get ready to leave.

Hinsdale Officer Spratt arrived at the scene at 10:34 a.m. He was present in the yard where Officer Eichstedt and Kauvil's mother were talking, but did not participate in the conversation.

²⁰ In his interview Chief Boyne stated that he wanted to pick up a fresh radio and to double check the FBI bulletin for information concerning self-harm. (Boyne, p. 31).

²¹ Officer Eichstedt refers to Kauvil as "Sam" in this conversation, and also later in her interview.

²² Kauvil's mother appears to be referring to her other, younger son.

Dalton Officer Tiffany arrived at 10:36 a.m. Officer Eichstedt met him on the road and quickly explained that: Kauvil was in a bedroom, would not come out and wanted to speak with the FBI; he needed to be sectioned and they were going to make entry to section him; there were children still in the house and they were waiting for them to get picked up before they could go in; he did not like police and was considered suicide by cop; and the family believed that he did not have access to any guns. (EBWC, 24:00-24:25; TBWC, 1:15-1:40).

Officers Eichstedt and Tiffany met Chief Boyne and Officer Spratt at the bottom of the driveway. Tiffany asked if Kauvil was barricaded, and Spratt said that he was locked in. Eichstedt added that Kauvil still wanted to talk through the door, but she had concerns. Tiffany asked if Kauvil was calm and Eichstedt said, no. Tiffany asked Boyne, “So if he doesn’t open do we want to hold off?” Eichstedt said that they had requested an ambulance. Boyne replied to Tiffany, “We are probably gonna want to go in and go get him, because he’s not even coming out for the family, and the risk to himself obviously by his own statements²³.” (EBWC, 24:25-25:20; TBWC, 1:40-2:40).

Chief Boyne explained to the officers who had just arrived where they believed Kauvil was in the house. (TBWC, 3:40). Waiting outside with the family for the children to get picked up, Officer Tiffany asked Kauvil’s mother, “Do you know if he

²³ Chief Boyne appears to be referring to the statements found in the FBI bulletin. See pp. 6-7 & footnote 12.

has anything in there like knives? Big, large objects?” She replied, “I don’t think so, no.” (TBWC, 6:10).

Hinsdale Sergeant Crupi was the last to arrive at the residence at 10:39 a.m.²⁴ He arrived in workout clothes because he had been off duty and had come directly from the gym.²⁵ Crupi told Chief Boyne that he wanted to speak with Kauvil because he knew him from a positive interaction the previous winter—he and Officer Spratt helped Kauvil dig his car out when it got stuck the snow in the driveway.²⁶ He also thought he knew him from Aldi’s, where Kauvil worked.²⁷ Chief Boyne had had prior experiences with Crupi where Crupi had created connection with individuals in crisis situations and had “brought people down,” and agreed that Crupi could speak with Kauvil.²⁸

In the yard, Chief Boyne told the other officers that Sergeant Crupi had rapport with Kauvil and would attempt to talk with him. (TBWC, 6:30).

Inside the Residence, Outside the Bedroom Door²⁹

²⁴ Sergeant Crupi is present in the yard, but is not seen on the body camera footage until the group is entering the residence. (TBWC, 7:00).

²⁵ Crupi, pp. 18-19.

²⁶ Crupi, pp. 10-11; Spratt, pp. 13-15.

²⁷ Crupi, pp. 11-12.

²⁸ Boyne, pp. 32-35.

²⁹ The facts in this section are drawn from the body worn camera footage of the Dalton officers on the scene, except where otherwise noted.

[EBWC: 29:30-45:30; TBWC, 650-22:45]

The residence at 53 Off South Street had a split level entrance, with two sets of stairs—stairs down to the lower level on the left, and stairs up to the main floor on the right. Up the stairs, there was a living room and at the farther side of the living room, a hallway going to the right. Kauvil was in the bedroom directly at the end of the hall. On the same hall, but closer to the living room, there was a bathroom to the left.

At about 10:40 a.m., the officers entered the house single file, up the stairs into the living room. Sergeant Crupi moved to the front and turned right at the corner into the hallway and can be heard greeting Kauvil, starting a conversation. Officer Spratt followed him and took a position in the bathroom doorway to the left and behind Crupi. Spratt was viewable from the living room corner, but Crupi was not. The remaining officers, Officer Tiffany, Chief Boyne and Officer Eichstedt, stood in a loose line on the right side of the living room. (EBWC, 30:00; TBWC, 7:20).

The officers' entrance into the house overlapped with the last of the family leaving. Kauvil's mother and his eldest sibling, who had wanted to stay with Kauvil, were still in the hallway outside of Kauvil's door. In the minute before Sergeant Crupi arrived, Kauvil's mother's voice can be heard through the door on the 911 call between

Kauvil and dispatch.³⁰ She asked Kauvil, “You don’t have any weapons on you, do you?”

Kauvil answered, “No.”

She replied, “Okay, just making sure.” Kauvil reminded her that he could legally carry a firearm. She continued, “Okay, but do you have it upstairs?”

He countered, “Well, why?”

She said, “Because they need to know.”

He said, “None of that matters, what—”

She pressed, “Yes or they do not want to talk if you don’t—”

Kauvil responded, “I’m the one who called for help, guys. You’re trying to gaslight me to say I’m crazy because you’re—”

At this point, Sergeant Crupi can also be heard through the door on the 911 call, greeting Kauvil. Kauvil then asked DCC dispatch if he was good to hang up the phone. With dispatch’s encouragement, he hung up to talk with Crupi through the door.

At 10:42 a.m., as they leave, Kauvil’s sister and mother can be seen turning the corner from the hall to the living room. (EBWC, 30:05; TBWC, 7:25). As Kauvil’s

³⁰ Kauvil 911 Call Transcript, pp. 18-19. This conversation, until Kauvil hangs up, is quoted directly from the transcript.

mother passed the officers in the living room, she said, “He does have a LTC³¹ . . . I don’t think he has it on him or anything like that.”³² After this, Chief Boyne spoke with Kauvil’s mother briefly, telling her that it would be quick, and that they would call her. (TBWC, 7:25-8:00).

After this, the officers in the living room attempt to make the environment quieter, by turning off the television, and attempting to turn off the ceiling fan. Once it gets quieter, the officers whisper or gesture to each other to communicate.

At 10:43 a.m., while Sergeant Crupi was still talking with Kauvil through the door, Officer Eichstedt whispered to Officer Tiffany, and signaled to Officer Spratt, to turn down their dispatch radios so that Kauvil could not hear, so as not to disturb him. (EBWC, 31:20; TBWC, 8:35). As part of their conversation, Sergeant Crupi asked if Kauvil would be willing to open the door and Kauvil refused. (TBWC, 10:50).

At 10:46 a.m., Officer Eichstedt whispered to Officer Tiffany, and indicated to Chief Boyne, that she wanted to go outside. She wanted to check if she could look through Kauvil’s window to see if she could observe a firearm. (EBWC, 34:30; Tiffany

³¹ LTC is short for “license to carry” a firearm in Massachusetts.

³² Sergeant Crupi and Officer Spratt, in their interviews, do not describe hearing Kauvil’s mother telling the officers that Kauvil had an LTC, which is captured on body worn camera. Considering where they were positioned, it is likely that they did not hear, or register, Kauvil’s mother’s statement. Crupi specifically stated in his interview that, at that time, he did not know that Kauvil had a LTC. See Crupi, pp. 23-24; Spratt, pp. 30-31.

p. 18). She returned about two and a half minutes later, and told Tiffany she could not see anything.³³

At 10:50 a.m. Officer Eichstedt stepped outside to call DCC dispatch to find out if the ambulance had staged yet, which it had not. (EBWC, 38:10). She requested that when the ambulance was ready, to notify her by her cellphone to limit radio traffic. She told Chief Boyne that the ambulance was still not there. (EBWC, 39:10; TBWC, 16:35). At the corner, Chief Boyne signaled or whispered to Officer Spratt and Sergeant Crupi to keep the conversation going.³⁴

Sergeant Crupi and Kauvil continued their conversation. At 10:57 a.m., Officer Eichstedt received a communication from DCC dispatch that the ambulance was staged, which she showed Chief Boyne. (EBWC, 44:45).

Chief Boyne whispered, “They’re there,” to Officer Tiffany, who was standing at the corner between the living room and the hallway. Sergeant Crupi backed up from the door to the corner to whisper with Chief Boyne. Chief Boyne asked, “Can you get that [door] with one shot?”

Sergeant Crupi replied, “One shot, one shot, right down.”

“Ready to go?” Boyne asked.

“Ready to go,” Crupi replied.

³³ In Officer Eichstedt’s interview she elaborated, that she was too short to reach the window, and that there was a chair, but she was afraid that she would make too much noise moving it, so she abandoned the plan. (Eichstedt, pp. 25-26).

³⁴ Crupi Int. p. 25; Spratt Int. p. 26.

Chief Boyne turned back to Officer Eichstedt, “Ready to go?” She said, “Ready.” Boyne said, “On three,” then asked, “Who’s going second?” Officer Spratt raised his hand. Eichstedt asked, “Who’s cuffing?”³⁵ Boyne told Tiffany, who had “body worn” that he was third, and assigned Spratt to less lethal Taser. Boyne told Tiffany that he was “hands on, Jeff’s gonna have Taser.” (TBWC, 22:05-22:50).

Boyne counted one, two, three. Sergeant Crupi broke down the door and entered first, followed by Officer Spratt, with his Taser drawn. Next were Officer Tiffany and Chief Boyne. Officer Eichstedt was last in the room.³⁶

Findings of Fact for Use of Force and Self-Defense – Part II

These facts are further divided into three sections. The first section is based on the SPDU’s line by line analysis of the visual and audio footage from the two Dalton officers’ body worn cameras, as consistent with the ballistics report, and supplemented by the interview with Sergeant Crupi, as noted.

The following two sections focus on the officers whose use of force is the subject of this investigation: Dalton Officer Eichstedt, who deployed her taser, twice, and

³⁵ Officer Eichstedt explained in her interview that, she looked at Spratt, and said “you’re cuffing,” because he was second in order, and did not want them all trying to cuff at once.

³⁶ In their interviews, the officers were asked what they were carrying on their persons in terms of use of force equipment. Most of the officers carried a loaded firearm, extra magazines, a Taser and pepper spray (called OC for the main ingredient, oleoresin capsicum). Sergeant Crupi, who had been off duty and had come straight to the scene, did not have any of his own use of force equipment, so Chief Boyne gave him his Taser prior to entry.

Hinsdale Officer Spratt, who discharged his firearm, twice. These sections are based on the officers' interviews and describe these officers' subjective experiences. Notably, the legal analysis applied is an objective standard. (See Part III). However, it is important that the officers' subjective experiences are included, as it shows how each officer's limited perceptions informed their choices and conduct.

In the Bedroom

[EBWC, 45:30-46:20; TBWC, 22:50-23:40]³⁷

At about 10:57 a.m., Sergeant Crupi broke down the door and entered the room first, without a weapon drawn. Second to enter was Officer Spratt with his taser unholstered. Third to enter was Officer Tiffany, followed by Chief Boyne and Officer Eichstedt. On the officers' entry, Kauvil started yelling, "just kill me." The officers yelled, directing him to "show his hands," "stop," "get down," or to "relax."

³⁷ The entire period in the bedroom between breach and Spratt's second shot was approximately 50 seconds. For this section in particular, the SPDU notes the limitations of body worn camera footage:

Body-worn camera footage is a valuable investigative tool; however, it does not provide a complete or fully representative account of an incident. The camera captures a fixed, two-dimensional perspective that may differ significantly from the officer's actual field of vision, depth perception, and situational awareness at the time. Factors such as lighting conditions, camera angle, obstructions, and audio limitations can affect what is recorded. Additionally, body-worn cameras do not capture an officer's physiological responses, training, prior knowledge, or the rapidly evolving threat assessments made in real time. As a result, the footage should be considered as one piece of evidence among many, and not a definitive depiction of the totality of circumstances as perceived by the officer during the incident.

Kauvil backed up onto the bed, holding his arms away from his body. In front, Sergeant Crupi saw that Kauvil had a small, black object in his left hand.³⁸ (Although Officer Tiffany's body worn camera captured an image of the firearm in Kauvil's hand, Crupi was the only officer who directly viewed the small, black object, and later physically touched the object, identifying it as firearm. The other officers did not report seeing the gun during the struggle.)³⁹

Upon entering, Sergeant Crupi wrapped his arms around Kauvil's waist and pushed him onto the bed next to the wall. They struggled and fell to the floor. Kauvil fought his way back up onto the bed. Kauvil was now on his stomach, with his arms tucked under his torso. Crupi was on top of Kauvil, with his arms around him. (Crupi was attempting to reach under Kauvil. At about this point, Crupi felt the "slide" of the gun in Kauvil's left hand and positively identified it as a firearm. Crupi said, "Gun, gun, gun.")⁴⁰

Other officers were also attempting to physically restrain Kauvil. Chief Boyne grabbed his right arm and pinned it down. Officer Tiffany grabbed Kauvil's legs and attempted to put them in a figure four. On entering the room, Officer Eichstedt drew and activated her Taser. She positioned herself on the bed near Kauvil's head. Officer Spratt was next to Boyne, on Kauvil's right.

³⁸ TBWC, 22:55; SPDU Aff., p. 43 ¶35.Y.

³⁹ In order of entrance: Crupi, p. 27, 35-36; Spratt, pp. 42-43; Tiffany, pp. 25, 29; Boyne, p. 55; and Eichstedt, pp. 34-35.

⁴⁰ Crupi, pp. 27-28.

Approximately twenty seconds after entry, there was a muffled “pop.” Sergeant Crupi yelled, “ow, my hand, my hand.” Chief Boyne then said, “I’m hit . . . I got hit in the chest . . . there might be another, there might be another.” The firearm that Kauvil was holding had discharged, putting a hole through Crupi’s hand, and lodging a bullet or bullet fragment in Boyne’s protective vest.⁴¹

⁴¹ Three of the officers, Chief Boyne, Sergeant Crupi, and Officer Spratt reported hearing more than one “muffled shot.” (Boyne, p. 51; Crupi, p. 39; Spratt, p. 42). However, the State Police Forensic Services Division, Crime Laboratory Report confirms that only one bullet was discharged from Kauvil’s firearm. This means that one bullet caused Crupi’s injury and then hit Boyne in his vest.

The Firearms Identification Report lists the items analyzed, starting with the items recovered from the scene.

- The first three items are: **one** .380 automatic caliber, Smith and Wesson firearm, **one** magazine with 6-cartridge capacity, and **four** .380 automatic caliber live cartridges, head stamped “Hornady .380 Auto.” This is the firearm and ammunition that was in Kauvil’s possession.
- The next five items are: **one** 9mm Luger caliber, Sig Sauer semi-automatic pistol, **three** related box magazines, and **one** live cartridge from its chamber. This is the firearm and ammunition that was in Officer Spratt’s possession.
- Outside the scene, **one** metal jacketed lead spent projectile was recovered from Chief Boyne’s protective vest, and **three** spent metal jacket fragments were recovered from Kauvil’s body at the hospital. (The first bullet fired from Spratt’s firearm was not recovered.)
- The last three items on the list are the discharged cartridge casings recovered from the bedroom. These consist of **one** .380 automatic discharged cartridge casing head stamped “Hornady,” and **two** 9mm Luger discharged cartridge casings.

The report reaches the conclusions that 1) the **one** metal jacketed lead spent projectile, and the **one** .380 caliber discharged cartridge, were from Kauvil’s Smith and Wesson firearm (A. & C.) and 2) the **two** 9mm caliber cartridge casings and at least **two** of the three metal fragments were from Spratt’s Sig Sauer (B., D. & E.).

About ten seconds after this, Officer Eichstedt yelled “Taser, Taser” and then deployed, hitting Kauvil’s back.⁴² He stopped moving, but as soon as the audible noise of the activated Taser was complete, started struggling again. He yelled, “kill me.” Seven seconds later, Eichstedt deployed her Taser again, hitting Kauvil in the back, again with only a temporary effect.⁴³

After the Taser cycles, Kauvil continued to struggle. His hands remained under his body and the officers had not gained control of his arms. Sergeant Crupi had a visible wound on his right hand and was yelling, “drop the gun,” and “he has a gun.” Seven seconds after the second Taser, Officer Spratt, who had drawn his firearm, fired a single shot toward Kauvil. Immediately, Crupi yelled, “my arm,” and his arm collapsed.

Officer Eichstedt transitioned from her Taser to her firearm. Kauvil began to rise to a kneeling position and continued to struggle. Officer Spratt changed his position, moving around Chief Boyne toward Kauvil’s upper torso. Six seconds after

⁴² Sergeant Crupi, still on top of Kauvil with his arms wrapped around him, stated that before the Taser deployments, he felt Kauvil try to get up to slide his “left hand [with the firearm] under to make clear shots”

⁴³ The FIT Report provides a possible explanation for why the Taser deployments were not completely effective. Each Taser deployment shoots two “probes” that are connected to the main device by thin wires; these probes spread out as they travel. Even though both sets of probes made full contact with Kauvil’s back, “[t]he probe spread [was] minimal” and much less than the recommended 12 inches to achieve successful neuromuscular incapacitation. When successful, one Taser deployment “overrides the body’s sensory and motor nervous system for five seconds.” However, a person “may maintain muscle control, particularly in the arms and legs when probe spread is less than 12 inches.”

the first shot, Spratt fired a second shot at Kauvil's head. Kauvil stopped moving and partially slid off the bed.

After the second shot, which occurred at approximately 10:58 a.m., Officer Eichstedt notified DCC dispatch, "shots fired." Chief Boyne escorted Sergeant Crupi outside and directed the other officers to handcuff Kauvil. Officer Spratt and Officer Eichstedt handcuffed Kauvil, then Spratt also went outside.⁴⁴ Eichstedt saw Kauvil's firearm on the bed, which she passed to Officer Tiffany.⁴⁵ She moved in and out of the room, clearing the way for emergency services and shouting for an ambulance. She checked Kauvil, and turned him on his side for his breathing, speaking to him to hold on and stay with her. He was breathing heavily, but was not responsive.

At approximately 11:02 a.m. Emergency Medical Services entered the bedroom and began treating Kauvil. He was taken to Berkshire Medical Center where he died of the gunshot wound to his head.⁴⁶

⁴⁴ Officer Spratt ultimately drove Sergeant Crupi to Berkshire Medical Center via cruiser, where Crupi received treatment for gunshot injuries to his right index joint and right elbow. (Crupi, p. 37-38).

⁴⁵ Officer Tiffany took the firearm and made it safe by unloading any remaining cartridges in the bathroom sink and then secured the evidence in the trunk of his cruiser.

⁴⁶ The Office of the Chief Medical Examiner's Report of Autopsy identified the cause of death as complications of gunshot wound to the head. The gunshot entrance wound was located in the right frontal skull, almost three inches from the top of the head. "After perforating the skin and soft tissue of the right temple, the bullet perforates the right and frontal lobe of the brain and penetrates the left frontal lobe," and traveled "slightly downward, slightly front to back, and right to left." The Medical Officer recovered a bullet or bullet fragment, photographed it and submitted it to evidence.

Officer Eichstedt's Narrative – Two Taser Deployments⁴⁷

When Officer Eichstedt came into the room she saw Kauvil from the waist up, standing on the bed, saying “just kill me.” (p. 31). She tried to talk him down by saying that they were not going to kill him. (*Id.*) The other officers had gotten Kauvil on the bed, he was on his knees, and they were attempting to handcuff him. (*Id.*) Because Kauvil was surrounded by the other officers, and there was no other option, she jumped on the bed so she was above Kauvil. (*Id.*) And then she “heard a pop, and [she] heard a hit,” and she believed that “it sound[ed] identical to our tasers.” (*Id.*) At that moment, she believed that someone had been tased. (*Id.*) After the first “pop” she also heard someone say, “I was hit.” (p. 37).

On the bed, Officer Eichstedt had unholstered her Taser, and prepared to deploy it, by yelling “Taser, Taser.” (p. 32). She deployed her Taser once. (*Id.*) But Kauvil “wasn’t stopping,” so Eichstedt deployed her taser again. (*Id.*) Looking down the second time, she “saw Crupi’s hand had a hole in it,” and she “thought [her] taser went through his hand.” (*Id.*)

Officer Eichstedt heard Spratt shoot a gun and looked at him. She said, “No,” because she saw that there were several people on top of Kauvil, and the window for the shot, without hitting Chief Boyne, or her, was too small. (pp. 32-33, 38-39). In

The Department of State Police Forensics Services Division, Postmortem Toxicology Report states that a blood screening was negative for most drugs, but positive for benzodiazepines and cannabinoids. However, a targeted benzodiazepines panel did not detect anything specific.

⁴⁷ Eichstedt, pp. 30-42. This section is drawn from Officer Eichstedt’s interview.

the moment, Eichstedt did not understand why Spratt was firing his gun, because she did not see a weapon, and did not know that Kauvil had a firearm. (pp. 34-36, 38-39). By this time, she had dropped her Taser and drawn her firearm. (pp. 32).

Officer Eichstedt heard someone say, “Gun.” (pp. 35, 37). Then she heard and saw Officer Spratt shoot Kauvil in the head. (pp. 32, 37). Kauvil slid off the bed, partially leaning on it, and she put him on his side to help him breathe. (p.33). After he slid off the bed, she saw the gun on the bed next to him, which she took and handed to Officer Tiffany. (pp. 35, 42-43)

Officer Eichstedt was asked directly why she deployed her Taser. She stated:

I pulled my taser because he was fighting the officers and wasn’t complying. And then we were—I think I was saying, “Stop, Sam”⁴⁸ or we all were just like trying to reassure him, like, “We’re just trying to help.” Whatever we were yelling. I remember being like, help—like I was trying to help him in that moment.

And then he was flipped flat and then he was like pushing himself up and then trying to get then off, so I tased him so that he would stop doing that so we could cuff him. I don’t want him getting up again. And then I tased him again because it didn’t work the first time and he was still trying to get up. (pp. 39-40).

Officer Spratt’s Narrative – Two Firearm Discharges⁴⁹

⁴⁸ Officer Eichstedt knew Biagio Kauvil by the name of Sam.

⁴⁹ Spratt, pp. 34-46. This section is drawn from Officer Spratt’s interview.

When Officer Spratt entered the room, immediately after Sergeant Crupi, he had his Taser unholstered and ready. (p. 34). The first place Spratt looked was to the right, behind the door, to confirm that it was clear. (*Id.*). Then he looked to left, Taser ready, but Crupi and Kauvil were already tussling in the back left corner. (p. 34, 41). Kauvil looked Spratt right in the eyes and said, “I want you to kill me.” (p. 41). Crupi then got Kauvil on the bed—Crupi was on top of Kauvil, and they were both face down. (p. 34, 41-42).

Officer Spratt holstered his Taser and pulled out his handcuffs. (p. 35, 42). For a brief second Kauvil’s arm was out, but before Spratt could hook the handcuff on him, the arm had disappeared under him. (p. 35).

Within a few seconds, Officer Spratt heard Sergeant Crupi yelling, “Gun, gun, gun.” (p. 35, 44). Spratt took a step back, pulled out his firearm and started looking for a window. (pp. 35-36). Spratt did not know exactly what was happening and did not know if they were fighting for a gun. (*Id.*). At this point, with “gun” being yelled, Spratt was in fear for his safety and that of the other officers. (p. 36).

Then Officer Spratt “heard a pop, a muffled pop.” (p. 36, 42).⁵⁰ Sergeant Crupi said, “I’m hit.” (*Id.*).

⁵⁰ When he heard the muffled pop, Officer Spratt believed that he knew it was not Sergeant Crupi’s firearm, because he “had sight on Dom’s gun.” (p. 36.). Crupi was not carrying a firearm, but did have Chief Boyne’s Taser.

Officer Spratt fired one round toward Kauvil. (*Id.*). As soon as Spratt fired he saw Crupi's arm tuck back in, and Spratt thought that he may have hit Crupi. (p. 36).

At this point, Officer Spratt heard a Taser, and from the sound of the contact he thought that it was "a good hit." (pp. 36-37). He saw that Officer Eichstaedt had made her way onto the bed and had tased Kauvil from that position. (p. 46). Then Spratt heard another muffled shot, and Chief Boyne said, "I'm hit." (p.37, 42).

Officer Spratt described the moment before he fired the second shot:

I just specifically remember rolling to the right, and I saw his head, and I knew that if I—if I didn't press the trigger, that somebody else was going to get shot.⁵¹ So I fired one more round. Remember hitting him in the head. I remember—I don't know if I pushed right or something, where Dom and the Chief. I knew they were hit. So that was—I wanted to make sure they were getting out of the room. (p. 37).

When asked, Officer Spratt said that he did not see a firearm at any point, even after the struggle was over. (p. 42-43). He said that he handcuffed Kauvil and then went outside to throw up. (p. 38, 43). Following this Spratt brought Sergeant Crupi to the Berkshire Medical Center emergency room via cruiser. (pp. 39-40).

Part III – Law of Self-Defense and Use of Force

⁵¹ Officer Spratt explicitly stated he had fear for Chief Boyne, Sergeant Crupi and Officer Eichardt, who were in a potential line of fire. (p. 46).

In this case, the laws of self-defense and use of force used are those that apply to an individual who is acting in the role of a police officer. Generally, in Massachusetts, an individual may act in self-defense, using a dangerous weapon likely to cause serious injury or death, where there is evidence that they had a reasonable apprehension of great bodily harm or death, and a reasonable belief that no other means would suffice to prevent such harm. (*Commonwealth v. Jordan*, 464 Mass. 1004, 1005 (2012); *Commonwealth v. Cataldo*, 423 Mass. 318, 321 (1996)). A person is not guilty of a crime if they acted in proper self-defense. (*Commonwealth v. Rodgers*, 459 Mass. 249, 269-270 (2011), Supreme Judicial Court’s Model Jury Instructions on Homicide (updated March 30, 2026, III. A.)).

“Deadly force” is defined as force intended or likely to cause death or serious bodily harm. (*Commonwealth v. Noble*, 429 Mass. 44, 46 (1999)). In Massachusetts, “deadly force” tracks the definition of a dangerous weapon, which is an instrument likely to produce death or serious bodily injury. (*Commonwealth v. Klein*, 372 Mass. 823, 827 (1977)). The relevant inquiry regarding use of deadly force is what level of force was used, not what the resulting injuries were. (*Commonwealth v. Pike*, 428 Mass 393, 395 (1998)).

Under Federal constitutional principles, where the individual is a police officer, a “reasonableness” standard requires that “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.” (*Graham v. Connor* 490 U.S. 386, 396 (1989)). Also, it “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.” (*Id.* at 396-397). Finally, the required inquiry is “an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397).

In Massachusetts, when the individual who claims self-defense is an officer, and the victim is a civilian, the elements of justification take into account the officer’s lawful authority to use force as a part of their official duties. (See *Commonwealth v. Asher*, 471 Mass. 580, 588-589 (2015), citing *Commonwealth v. Young*, 326 Mass. 597, 601-602 (1950). In particular, while a civilian must avoid combat, an officer may have a duty to engage with a subject. (*C.f. Asher*, 471 Mass. at 589).

Under Massachusetts statutes and related regulations, for an officer to be acting within lawful authority and justified in the use of deadly force, three elements need to be present: 1) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; 2) the force is necessary to prevent imminent harm to the officer or another person and 3) the amount of force used is proportionate to the threat of imminent harm and is objectively reasonable. (G.L. c. 6E, § 14 (b); see 550 CMR 6.05 (1) (a) (b) (c)).

As to the first element, “de-escalation tactics” are defined as “proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force” (G.L. c. 6E, § 1; see

550 CMR 6.03). These tactics include, but are not limited to, 1) “verbal persuasion” and “warnings”; 2) “slowing down the pace of an incident” and “waiting out a person”; 3) “creating distance between the officer and a threat,” 3) “requesting additional resources to resolve the incident,” and; 4) “calling in medical or licensed mental health professionals . . . to address a potential medical or mental health crisis.” (G.L. c. 6E, § 1; see 550 CMR 6.03).

As to the second and third elements, the necessity and the proportionality of the use of force are viewed objectively.

Defense of Another

Massachusetts law further provides that an individual may legally act in defense of another. An individual is justified in using force against another to protect a third person when: 1) a reasonable person in the individual’s position would believe their intervention to be necessary for the protection of the third person, and 2) in the circumstances as that reasonable person would believe them to be, the third person would be justified in using such force to protect themselves. (*Commonwealth v. Allen*, 474 Mass. 162, 168 (2026)). The intervening individual must have had a reasonable belief that the third party was being unlawfully attacked, and the reasonableness of the belief may depend on the relationships among the persons involved. (*Id.* at 169).

Less Lethal Use of Force

The right to use non-deadly force arises at a somewhat lower level of danger than the right to use deadly force. (*Pike*, 428 Mass. at 395). The statutory and

regulatory restrictions on an officer's use of non-deadly force are similar to those for deadly force, but are more specific as to the legitimate law enforcement goal. (G.L. c. 6E, § 4 (a); see 555 CMR 6.04). Such force is lawful when an officer first attempts de-escalation, and the force is necessary and proportionate. (G.L. c. 6E, § 4 (a); see 555 CMR 6.04)). As relevant here, non-deadly force can be used to “effect the lawful arrest or detention of a person,” or “defend against an individual who initiates force against an officer.” (G.L. c. 6E, § 4 (a); see 555 CMR 6.04).

Part IV – Application of Law of Self-Defense and Use of Force

The findings in Part II show that once the door was breached and the five officers entered the bedroom, most de-escalation tactics were not feasible. The officers could not slow down, or create distance, and did not have the opportunity to request additional resources. The officers did attempt verbal commands and persuasion – telling and asking Kauvil to stop resisting – but this was unsuccessful.

Officer Eichstedt's use of a taser constituted non-deadly force because tasers are considered a less-lethal weapon. In most cases, when effective, a taser causes temporary pain and immobilization, allowing an officer to take a subject into custody.

Here, Officer Eichstedt, last in the room, got on the bed at Kauvil's head. (p. 31). She saw that three other officers were attempting to handcuff and gain control of Kauvil's arms, and he was face down on the bed, trying to get up on his knees. (*Id.*). Officer Eichardt deployed her Taser once, aiming for and striking Kauvil's back. (p. 32). But this did not stop Kauvil from struggling with the other officers. (*Id.*) She

deployed her Taser again, which was also ineffective for causing a temporary immobilization. (*Id.*).

Both deployments of the Taser were lawful. Non-deadly force can be used to effect the lawful detention of a person—here, to bring an individual into custody for a section 12 commitment. Subjectively, Officer Eichardt’s stated intent was to temporarily disable Kauvil so that the other officers could handcuff him, to bring him to the hospital for mental health treatment. Further, objectively, a less lethal Taser deployment is a lower level of force than the discharge of a gun. Officer Eichstedt’s Taser deployments were proportionate where Kauvil’s gun had already discharged, hitting Sergeant Crupi and Chief Boyne.

Officer Spratt’s use of a firearm constituted deadly force because a firearm is likely to cause serious injury or death. On entry, Officer Spratt had his Taser unholstered and ready. (p. 34). By the time he made sure it was clear behind the door, Crupi and Kauvil were already tussling in the back left corner. (p. 34, 41). Officer Spratt holstered his Taser and pulled out his handcuffs and attempted to catch Kauvil’s right wrist, but was unable to do so. (p. 35, 42).

Then Officer Spratt heard Sergeant Crupi yell, “Gun, gun, gun.” At this point he drew his firearm and pointed it at Kauvil. (pp.35-36). The pointing of a firearm in itself is considered a use of force. (See 555 CMR 6.04). At this point, with “gun” being yelled, Spratt was in fear for his safety and that of the other officers. (p. 36). Pointing the gun under these conditions was a proportionate use of force.

After this, Officer Spratt “heard a pop, a muffled pop.” (p. 36, 42). Sergeant Crupi said, “I’m hit.” (*Id.*). Officer Spratt fired one round toward Kauvil. (*Id.*). In these factual circumstances, Spratt had reason to believe that Kauvil had fired an unseen gun, and that Crupi had been hit by that gunshot. The first shot from Spratt’s firearm was necessary to prevent an imminent serious or deadly harm to himself or another, and, from an objective viewpoint, was a proportionate use of force.

Spratt believed that he heard another muffled shot, and Chief Boyne said, “I’m hit.” (p. 37, 42). Objectively, based on the body worn camera footage and the ballistics report, there was only one discharge from Kauvil’s gun. Officer Spratt also heard a Taser, and from the sound of the contact he thought that it was “a good hit.” (pp. 36-37). Spratt also would have been able to observe that Kauvil had not been temporarily disabled by the Taser deployment, and the other officers had not gained control of his arms. Officer Spratt also observed that Chief Boyne, Sergeant Crupi and Officer Eichstedt were all close and in potential range of another gunshot. (p. 46). The second shot from his firearm was also necessary to prevent an imminent serious or deadly harm to himself or another, and from an objective viewpoint, was a proportionate use of force.

Conclusion

When the Commonwealth prosecutes an individual where the facts could support the justification of self-defense, the Commonwealth bears the burden of disproving such facts beyond a reasonable doubt. (*Allen*, 474 Mass. at 177). Based upon all of the facts and circumstances in this case, the Commonwealth would be

unable to meet such a burden in a court of law. Rather, the facts and circumstances support the finding that Officers Spratt and Eichstedt acted in proper self-defense.

In all, considering the facts and circumstances I have reviewed, I find that Officer Spratt acted in lawful self-defense and defense of another when he shot his firearm at Biagio Kauvil. Officer Eichstedt was also acting in lawful self-defense when she deployed her Taser.