

Raymond Kelly Richardson
Superintendent

Deborah Friedl
Deputy Superintendent

Barry Golner
Deputy Superintendent

*See
1/28/19
FKR*

TO: Superintendent Raymond Kelly Richardson

FROM: Board of Inquiry Members
Captain Daniel R. Larocque – President
Captain James Hodgdon – Member
Captain Mark LeBlanc – Member

DATE: January 28, 2019

SUBJECT: Internal Investigation # 2018-0211

On Friday October 26, 2018 Superintendent Raymond Kelly Richardson formed a Board of Inquiry consisting of Captain Daniel R. Larocque - President, Captain James Hodgdon - Member, and Captain Mark LeBlanc - Member. The Board of Inquiry (BOI) was established to investigate Internal Investigation # 2018-0211. The internal investigation was a result of the Middlesex District Attorney's Office notifying Superintendent Richardson that an issue had come to light involving members of the Lowell Police Department Special Investigations Section (SIS).

The Middlesex District Attorney's Office reported that they had received information from a defense attorney as well as members of the US Attorney's Office in Concord, NH that inconsistencies had been revealed in court related to Lowell Police Arrest Report 18-0003891A and a resulting search warrant affidavit, submitted by personnel from the Lowell Police Department Special Investigations Section, pertaining to the arrest of Paul Aaron on March 7, 2018. Due to concerns raised by the inconsistencies the Middlesex District Attorney's Office filed a nolle prosequi on October 12, 2018 for all charges stemming from Mr. Aaron's arrest on March 7, 2018.

The investigative directive of the Board of Inquiry was to:

1. Investigate the discrepancies between the video of Paul Aaron's arrest and the arrest report and resulting search warrant affidavit.
2. Determine if members of the Special Investigations Section fabricated portions of the arrest report and search warrant affidavit in order to secure a search warrant for Paul Aaron.
3. Determine how the search warrant affidavit was allowed to be submitted in violation of acceptable standards.

BACKGROUND

To put the Paul Aaron arrest on March 7, 2018 in context, the following is a summary of Paul Aaron's involvement with the Drug Enforcement Agency's (DEA) wiretap investigation. Paul Aaron's phone number showed he was communicating with a known target of Trooper Vicente's DEA group. Paul Aaron was also communicating with a telephone number in Lawrence, MA, that was connected to a person who was being investigated by another DEA group. According to New Hampshire State Trooper Francisco Vicente, this was "a drug trafficking organization that was moving a large amount of fentanyl" (Federal Court testimony of Vicente).

On March 3, 2018, according to a DEA report of investigation submitted by New Hampshire State Trooper Francisco Vicente: Surveillance was initiated at a target's residence in New Hampshire by New Hampshire DEA Task Force Members (TFOs). The target was followed onto I-93 into Massachusetts. The surveillance continued to follow this vehicle into Lowell, MA. TFOs followed the vehicle as it traveled past Lowell General Hospital on East Merrimack Street and turned right onto High Street. This vehicle then parked on the left side of the street along a black fence by the church.

The troopers observed an African-American male approach the target vehicle and open the passenger front door. The African-American male leaned into the vehicle for a short period of time and then exited the vehicle. The African-American male then walked away towards East Merrimack Street. The male is described as having a short beard and moustache, and having clear colored rim glasses. The troopers then followed the target vehicle back to the New Hampshire residence. At this time surveillance was terminated.

On March 6, 2018, according to a DEA report of investigation submitted by New Hampshire State Police Trooper Francisco Vicente, TFOs along with DEA initiated surveillance of the target again. This time they followed the target to Fayette Street, Lowell, MA. The target parked his vehicle on Fayette Street. Trooper Vicente observed an African-American male at the corner of East Merrimack & High Street. This male then walked over to Fayette Street where the target vehicle was parked. The male entered the passenger side of the vehicle and closed the door. The target vehicle then proceeded to travel on East Merrimack Street and onto James Court. Upon arrival, the target vehicle was occupied only by the target and the African-American male was not located. Trooper Vicente states this unknown male was the same male he previously observed on March 3, 2018 conducting a drug transaction. The unknown male had the same clear framed glasses. This unknown male was later identified as Paul

Aaron. The troopers and S/A followed the vehicle to the residence in New Hampshire. Surveillance was terminated.

On March 7, 2018 members of the Lowell Police Department Special Investigations Section, Billerica Police Department, and Tewksbury Police Department became involved in an operation that was being conducted by a DEA Task Force from Portsmouth, New Hampshire.

Detectives and task force members met for a briefing in the parking lot of Lowell General Hospital - Saints Campus. Lowell Police Detective David Lavoie actively participated in the briefing and supplied information to detectives and task force members about the operation and the underlying investigation. Detectives and task force members took up various surveillance positions in and around the general area of East Merrimack St. at High St. Based on a totality of information from this investigation the BOI believes that New Hampshire State Police Trooper Francisco Vicente had the responsibility of primary surveillance (the eye) for the operation. Detectives and task force members are operating with cell phones and utilizing the LPD SIS channel of the LPD radio system.

According to a DEA report of investigation submitted by New Hampshire State Trooper Francisco Vicente, DEA Task Force members and Lowell PD observed Paul Aaron conduct an illegal drug transaction. As a result of Paul Aaron's arrest detectives recovered a kilo of fentanyl. Several hours after Paul Aaron's arrest Lowell Police SIS detectives executed a search warrant at his residence, locating another kilo of fentanyl.

According to Trooper Vicente's report, information was received by the Portsmouth TDS DEA Task Force that information from an active investigation learned that Paul Aaron was receiving one kilogram of fentanyl in the evening (March 7, 2018). Trooper Vicente's report goes on to say DEA Task Force members coordinated with the Lowell Police Department and jointly worked this investigation.

On October 9, 2018 Trooper Vicente testified in Concord, New Hampshire Federal Court. Trooper Vicente testified that on March 7, 2018 the DEA intercepted communication, between Aaron and a target, that Aaron was requesting a kilo of fentanyl to be delivered to him (Aaron) in Lowell, MA. Information received was the particular drug organization utilized taxi cabs that were possibly owned by a target of the DEA investigation.

According to Trooper Vicente's testimony, information from the wiretap revealed the meet with Aaron and a target was taking place on Fayette Street. Vicente further states he observed a taxicab pull up on the right side of Fayette Street and parked. Vicente states he was conducting surveillance and observed Aaron wearing a fluorescent reflective jacket. Aaron was walking on East Merrimack Street and crosses Fayette Street to meet the cab. Vicente testified, "He wasn't carrying anything." Vicente then observes Aaron lean in through the window of the taxi for 3-4 seconds. Aaron then walked away and crossed over to East Merrimack Street.

Vicente was asked by the AUSA during testimony, "based on prior surveillance that you had made, the telephone--the information you got from Special Agent Commander and what you observed, what do you--what did you believe you had seen happen between Mr.--Mr. Aaron and the taxicab?" Vicente stated, "I believe that's where Mr. Aaron was picking up the kilo that he had previously ordered that was--the communication that was intercepted." Vicente testifies that he recognized Mr. Aaron as the person he had seen on March 3rd and March 6th.

After meeting the occupant of the cab Paul Aaron is walking on Fayette Street towards East Merrimack Street. Paul Aaron is carrying a bag in his right hand. As Aaron approaches 177 East Merrimack St., Trooper Vicente exits his vehicle. At the same time other officers involved with the surveillance are approaching this location.

Trooper Vicente confronts Mr. Aaron and Mr. Aaron steps back and places his hands up to the front of his body and drops the plastic bag he was carrying. Trooper Vicente reaches out and grabs onto Mr. Aaron and takes him to the ground. At this point LPD SIS Detectives Kew and Rivera assist along with DEA SA David McGuckin. DEA SA McGuckin assists in the arrest by pinning down Mr. Aaron's shoulder area. Detective Rivera is seen grabbing onto Mr. Aaron's legs while Detective Kew secures the plastic bag containing Mr. Aaron's fentanyl. Within moments other detectives and task force members converge on the scene including LPD Detective David Lavoie. Detective Kew hands the plastic bag to Detective Lavoie which he then places in his unmarked vehicle. Mr. Aaron is handcuffed and brought to his feet. The bag dropped by Aaron was later determined to contain approximately one (1) kilo of fentanyl.

Shortly thereafter detectives and task force members clear the location. The DEA Task Force members head back to New Hampshire and LPD Detectives go back to the SIS offices to complete paperwork.

During the booking process, Aaron is seen wearing and dropping a ballistic vest to the floor.

At some point subsequent Mr. Aaron's arrest SIS Supervisor Sgt. Desmarais determines that SIS would be applying for a search warrant on Mr. Aaron's residence.

Detectives Lally and Dokos go to the Lowell Police Department and attempt to speak with Mr. Aaron. Mr. Aaron would not cooperate and appeared to get nervous when his address was brought up. He tells the detectives that he needs to lie down and the conversation ends.

Detectives Lally and Dokos go to 193 East Merrimack St. in an attempt to verify that Mr. Aaron lives there. The two press door bells and are let into the building. The detectives speak with a resident and ask [REDACTED] was familiar with a black male that lived in the building. This resident tells them that the man lives in apartment 5. This party also tells them that [REDACTED] saw the male two days ago. The two detectives walk up to the third floor, proceed to apartment 5 and knock on the door. After waiting

approximately five minutes and getting no response they went [REDACTED]
[REDACTED] invites the two in and [REDACTED] is familiar with the resident in
apartment 5. [REDACTED] "yes Paul lives there". [REDACTED] then tells the detectives that the
two have been neighbors for approximately [REDACTED] is then shown a booking photo of
Paul Aaron without any identifying information on it and states, "yes that's Paul my neighbor". [REDACTED]
[REDACTED] shows the detectives to the back porch of [REDACTED]
[REDACTED] tells the detectives that [REDACTED] and Paul were good friends and [REDACTED]
believed he lived alone.



Detectives Lally and Dokos go back to the SIS offices and Detective Dokos begins to write the
affidavit. At some point the ongoing snow storm causes a power failure in the area of the SIS offices.
Detective Dokos is able to transfer the affidavit so he can work on it at the main station. Detective Dokos
and Sgt. Desmarais drove to the police station and completed the application in the Sergeant's office.

The search warrant is granted and SIS members Lt. Penrose, Sgt. Desmarais, Detectives Lally, Dokos,
Rivera, Kew and Lavoie execute Search Warrant 1811SW0033 at 193 East Merrimack St. Apt 5.

As a result of the search the following items were seized from Mr. Aaron's apartment:

- 1- One Kel-Tec 380 Handgun Serial Number JNW46, loaded with six rounds of ammunition
- 2- One Hi-Point 9mm Luger Serial Number P1904968, Loaded with 7 rounds of ammunition
- 3- Three Cell Phones,
- 4- One Samsung Tablet
- 5- One Go Pro Camera
- 6- Four 380 caliber magazines- (3)10 round magazines, (1) 20 round magazine
- 7- Two fifty round boxes of 9mm ammunition
- 8- One sock containing (32) 380 caliber rounds and (1) 9mm round
- 9- \$10,615.00 in US Currency
- 10- Approximately 1018 grams of suspected fentanyl
- 11- Two boxes of sandwich bags
- 12- 1 digital scale color black,
- 13- 1 digital scale color silver
- 14- Numerous pieces of paperwork with Paul Aaron's name on it
- 15- One men's wallet with three picture IDs and bank card all bearing the name of Paul Aaron, one
Mercedes Benz key attached to wallet

On October 9, 2018 a Motion to Suppress Hearing was held at the United States District Court for the
District of New Hampshire in Concord, New Hampshire. During this hearing New Hampshire State Police
Trooper Francisco Vicente, who is assigned to a Portsmouth, NH DEA Task Force was testifying to the
arrest of Paul Aaron. Defense Attorney David Bownes produced a video recording of the arrest of Mr.

Aaron. The arrest report documenting the arrest of Mr. Aaron had actions noted as occurring that were not depicted on the video of the arrest.

A Lowell based defense attorney was in the court on this day and notified an Assistant District Attorney from the Middlesex District Attorney's Office of the happenings in the US District Court for the District of New Hampshire. As a result of this the MDAO contacted Lowell Police Captain Kevin Sullivan, who at the time was the Commanding Officer of Investigative Services. Captain Sullivan instructed his Executive Officer Lieutenant Steven Coyle to contact the MDAO as he was scheduled to attend training the next day.



Lieutenant Coyle spoke to the MDAO regarding what occurred in the US District Court for the District of New Hampshire on October 9, 2018. Lt. Coyle requested copies of the transcripts. On October 22, 2018 Lt. Coyle received the transcripts in an email from the MDAO.

Whereas Captain Sullivan had left the Investigative Services Bureau for a new assignment, Lt. Coyle notified Deputy Superintendent Barry Golner of the information he had received from the MDAO. Deputy Golner instructed Lt. Coyle to bring the information directly to Superintendent Richardson which Lt. Coyle did.

INVESTIGATION

The New Hampshire State Police were contacted regarding Trooper Vicente and our investigation. We were directed to contact Administrative Major John Marasco. Major Marasco is conducting an internal investigation along with other members of his department regarding the Paul Aaron arrest as well. Major Marasco acted as our point of contact early on in the investigation and when necessary directed us to Trooper Vicente's direct supervisor Lieutenant Christopher Roblee of the New Hampshire State Police Narcotic Investigations Unit. Lt. Roblee assisted with our attempts to interview Trooper Vicente.

As of this writing Trooper Vicente has chosen not to cooperate with our investigation. Due to the fact that Trooper Vicente works for another agency this Board of Inquiry could not compel him to cooperate. Furthermore, we forwarded a list of questions that the Board of Inquiry wanted Trooper Vicente to answer either in person or in writing but this request was declined.

The transcripts of the Motion to Suppress Hearing heard in the US District Court in Concord, New Hampshire on October 9, 2018 were given to the BOI at the time of the formation of the board. A review of the transcripts indicated that the surveillance camera used to capture video of the Paul Aaron arrest was attached to [REDACTED]

Knowing from experience that certain video systems retain stored footage the BOI was interested in seeing a full representation of the entire time frame of the Paul Aaron arrest and not just the version

shown in court. The footage that we possess ends shortly after the arrest. The BOI was interested in viewing the actions of those persons on scene during and after the arrest of Paul Aaron.

On October 29, 2018, at approximately 11:57 am, members of the BOI made our way [REDACTED]. We were introduced to [REDACTED], the owner of the store. [REDACTED] advised us that some months ago an individual came to [REDACTED] business looking to view video from [REDACTED] surveillance system. [REDACTED] stated that [REDACTED] assisted this individual as best as [REDACTED] could but was not sure of how to provide a copy of the video. This individual, as determined by the business card left [REDACTED] is Ryan Murphy. Mr. Murphy's card identifies him as an investigator for the Committee for Public Counsel Services. [REDACTED] advised us that Mr. Murphy returned along with another individual, at a subsequent date, to retrieve the video. [REDACTED] states that [REDACTED] gave this individual [REDACTED] password to the surveillance program / app to obtain the video. [REDACTED] advised us that the video no longer exists as the program / app erases or records over old videos after about 30 days. We thanked [REDACTED] for her cooperation.

During this investigation Captains LeBlanc and Larocque went to the apartment building [REDACTED] Merrimack St. [REDACTED]. We informed [REDACTED] of the BOI's investigation and asked him if [REDACTED] had any video from the building for March 7-8, 2018. [REDACTED] informed us that [REDACTED] does not store video that long in his system. While speaking with [REDACTED] told us that Paul Aaron had asked him to download video from the interior camera of the building shortly after his arrest. [REDACTED] then said [REDACTED] might still have the USB flash drive he used. [REDACTED] provided a USB flash drive from the table where [REDACTED] system is located and plugged it in for us. The video on the drive depicts the interior of 193 East Merrimack St. from the second floor. The video shows the stairs leading to the second floor landing as well as the landing itself. The video shows LPD Detectives Lally and Dokos in the building on March 7-8, 2018. We asked if we could take the USB flash drive with us and copy the pertinent videos from it. [REDACTED] id that we could as long as we brought the USB flash drive back to him.

We left 189 East Merrimack St. and returned to the station. Captain LeBlanc was able to download the videos from the USB flash drive that pertained to the Paul Aaron investigation. The USB flash drive was later returned to Mr. Pathan. The USB flash drive contained four separate video files from the pertinent time frame. Two of the videos show no persons or activity. They are 6 seconds and 78 seconds long, respectively. Two of the videos do show persons and activity. They are summarized by timeline below. Included timelines are for reference only and are not presented as forensic analysis.

Video 1

March 7, 2018:

23:56:19 Video begins. Detectives Lally and Dokos are seen entering the building and ascending the stairs to the first landing as a door (bottom right corner of video) begins to open shortly thereafter.

23:56:35 Detectives apparently speaking with person who opened door [REDACTED]

23:56:53 Detectives ascend up the stairs to their left.

March 8, 2018

(D)

00:11:38 Detectives descending to the first landing. Detective Dokos has what appears to be a piece of paper in his left hand.

00:11:44 Detectives have a brief conversation on the first landing. A white object can be seen (00:12:05 – 00:12:09) in Detective Dokos' left jacket pocket that may be a piece of paper.

00:12:13 Detectives begin descending stairs to exit. Have brief conversation on stairs.

00:12:32 Detectives exit building.

00:14:53 Video ends.

Video 2

March 8, 2018

03:15:17 Video begins.

03:15:50 Sergeant Desmarais, Detective Dokos, Detective Kew, Detective Lavoie, Detective Lally, Detective Rivera, and Lieutenant Penrose enter the building and ascend the stairways.

03:25:26 Lieutenant Penrose descends the stairways and exits building.

03:26:08 Lieutenant Penrose reenters the building and ascends the stairways carrying a tote bin.

03:48:34 Detectives Dokos, Kew, and Rivera descend the stairways and exit the building. Detective Dokos is carrying a tote bin filled with numerous items.

03:49:06 Video ends as Detective Rivera is exiting the building.

The BOI also sought to review video from Lowell General Hospital - Saints Campus which may have recorded any Lowell Police detectives meeting with Task Force members from the New Hampshire DEA group under the overhang of the Front Entrance / Emergency Room Entrance on March 7, 2018. We learned that the hospital's surveillance system does not store recorded video for long periods of time due to storage issues.

On November 20, 2018 members of the BOI traveled to the United States Attorney's Office in Concord, New Hampshire. While there we were provided with copies of reports furnished to the court for the Paul Aaron case by defense counsel. One of these reports is a "run sheet" from Investigator Ryan Murphy for the Committee for Public Counsel Services in Lowell, Massachusetts. This "run sheet" indicates that on March 14, 2018, at approximately 4:30 pm, Mr. Murphy went to the area where Paul Aaron was arrested on East Merrimack St. and located a camera [REDACTED]. Mr. Murphy then went back to [REDACTED] on March 15, 2018, at 11:20 am, to view and copy the video again. On March 23, 2018 Mr. Murphy went back to [REDACTED] with computer expert Joe Nichols who recorded the video from [REDACTED] cell phone.

The BOI has spoken with a representative from the Committee for Public Counsel Services and have been informed that the only footage of the Paul Aaron arrest that was collected is what was shown in court in Concord, New Hampshire.

A copy of the video from [REDACTED] was supplied to the Lowell Police Department by the MDAO. The video is summarized by timeline below. The timeline is for reference only and is not presented as forensic analysis.

- a. 21:28:41-Aaron walking inbound on East Merrimack Street while carrying bag in right hand
- b. 21:28:44- NHSP Trooper Vicente traveling south in his unmarked vehicle on Brown Street
- c. 21:28:46-Cab traveling south on Fayette Street
- d. 21:28:54-Cab parks on Fayette Street
- e. 21:29:00-Aaron walking north on Fayette Street
- f. 21:29:08- NHSP Trooper Vicente's unmarked vehicle turns left onto East Merrimack Street from Brown Street
- g. 21:29:28- NHSP Trooper Vicente traveling outbound on East Merrimack Street passing Fayette Street
- h. 21:29:31-Aaron (out of view) on Fayette Street
- i. 21:29:39- NHSP Trooper Vicente stops his vehicle on East Merrimack Street
- j. 21:29:46- NHSP Trooper Vicente turns off headlights while parked
- k. 21:29:49-Aaron walking (in view) on Fayette Street
- l. 21:29:50-Cab proceeds south on Fayette Street
- m. 21:30:02-Cab turns left (outbound) onto East Merrimack Street
- n. 21:30:33-Aaron walking (outbound) on East Merrimack Street
- o. 21:30:43-Detective David Lavoie traveling south on Fayette Street in his unmarked vehicle with Detectives Kew and Rivera
- p. 21:30:45- NHSP Trooper Vicente flashes headlights
- q. 21:30:55- Detective David Lavoie turns left on (out-bound) East Merrimack Street
- r. 21:30:58- NHSP Trooper Vicente exits vehicle and approaches Aaron
- s. 21:31:02-Lowell Detectives Kew & Rivera exit vehicle

- t. 21:31:04-Aaron Stopped by NH Trooper Vicente on sidewalk
- u. 21:31:05-Aaron drops bag on sidewalk
- v. 21:31:07-Aaron taken down by NH Trooper Vicente on sidewalk
- w. 21:31:08-Lowell Detectives Kew & Rivera assist with Aaron arrest
- x. 21:31:13-Lowell Detective Kew picks up bag dropped by Aaron
- y. 21:31:15-Detective Lavoie exits vehicle
- z. 21:31:22-Detective Lavoie is handed bag by Detective Kew
- aa. 21:31:33-Detective Lavoie opens door to his vehicle and places bag inside of vehicle
- bb. 21:31:46-Aaron is Standing up on sidewalk under arrest
- cc. 21:32:11-Detective Lavoie shuts door to his vehicle and walks back to sidewalk

During the course of this Board of Inquiry the members have collected reports, phone records, inter-agency paperwork, court documents, emails and video recordings. We have also conducted numerous interviews.

As part of the investigation the BOI had an opportunity to review an email that Detective Lavoie had received from New Hampshire State Police Trooper Vicente on the morning of March 7, 2018. Trooper Vicente had sent a group email in which Detective Lavoie's email address was included as a cc. The group email will be included in the file of this investigative report. The email contains confidential and sensitive law enforcement information that will not be discussed in this report.

A portion of this email relates to Trooper Vicente speaking about previous investigative operations that took place in the City of Lowell on March 3rd and 6th of 2018. The email details how a target of the federal investigation meets with a black male with clear framed glasses and facial hair; the two met on both dates. Trooper Vicente is looking to see if the store located at East Merrimack St. and High St. had surveillance cameras because the Task Force members believed that the unidentified black male had come from inside the store or a door next to the store. Trooper Vicente was inquiring if the owners of the store were known to cooperate with law enforcement. The emails include a request from Vicente to Lavoie asking for a text to Vicente's cell phone because Vicente did not have Lavoie's number. Vicente gives his cell number to Lavoie in the email. Trooper Vicente was hoping that coordinated surveillance could be done.

On March 7, 2018, at approximately 9:52 am, Detective Lavoie replies back to Trooper Vicente's email. In his reply Detective Lavoie sends his cell number to the group and tells Trooper Vicente that he will still send him a text. Detective Lavoie reports that he will go the store and attempt to see if they have footage of what Trooper Vicente was speaking of. Detective Lavoie then describes the building at High St. and East Merrimack St. [REDACTED] The legal address of the building is 189, 191, 193 and 195 East Merrimack St. This information will be discussed further in this report.

The BOI wanted to learn if the surveillance system in place at [REDACTED], maintained any videos from the dates that the DEA Task Force had previously observed

Paul Aaron involved in narcotic transactions. Video would also be useful from the night of March 7, 2018. While speaking with [REDACTED], it was learned that the video surveillance system for the [REDACTED] is managed by the landlord of the property. We know from this investigation that this complex's video recording system does not store video for long periods of time. [REDACTED] believes that [REDACTED] video is only stored for two weeks and then it is automatically removed from the system unless [REDACTED] asks for it to be saved.

On December 4, 2018 members of the BOI traveled to the Drug Enforcement Agency Portsmouth NH Office. While there we spoke with Supervisory Special Agent David McGuckin. SSA McGuckin was the supervising agent on scene during the Paul Aaron arrest. He informed us that his office was assisting another DEA Task Force on the evening of March 7, 2018. The group arrived in Lowell sometime after 7:30 pm. The group was working in conjunction with the case officer of the investigation who was located in the wire room located in New Hampshire. At some point Detective Lavoie arrived with other Lowell detectives. There was a quick briefing and officers took up surveillance positions. At some point a drug carrier arrives and he and Paul Aaron complete a narcotics transaction. The decision is made to stop Paul Aaron. The go call is given and Paul Aaron is first approached by Trooper Vicente. SSA McGuckin pulls up as Lowell Detectives Kew and Rivera are running up to assist Trooper Vicente. SSA McGuckin parks his unmarked vehicle on East Merrimack St. across from the arrest location and goes across the street and assists in securing Paul Aaron.

As the operation was wrapping up and Paul Aaron is being placed in the transport wagon SSA McGuckin speaks with an officer on scene who he believed at the time was a supervisor. The two discuss wrapping up the operation for the night. At some point SSA McGuckin decides to walk up East Merrimack St. to see if there is a mailbox with Paul Aaron's name on it. This was done based on the information from past operations where Paul Aaron is seen coming from the area of East Merrimack St. and High St.; specifically the time mentioned in Trooper Vicente's email about Paul Aaron coming out of PJ's Variety or a door next to the store. While SSA McGuckin was doing this another detective walked up with him that SSA McGuckin believed was a Lowell Police detective. The BOI believes that SA McGuckin walked up and checked mailboxes with an officer not assigned to a DEA Task Force. During this investigation we have been unable to identify the detective that walked up and checked mailboxes with SSA McGuckin.

The Drug Enforcement Administration learned that members of the Lowell Police SIS conducted a search warrant on Paul Aaron's apartment from a press item that went out over LPD Social Media. When SSA McGuckin first heard that the Lowell Police SIS had executed a search warrant on a target of their investigation, without notifying anyone from the DEA, he was taken aback. He felt that conducting the search warrant without notifying the DEA was inappropriate and a violation of standard interagency protocol.

During the course of this investigation several interviews were conducted by members of the BOI. The following is a review of those interviews. This review is not intended to be a verbatim transcript of

the interviews. Please refer to the audio recording of each interview for a complete detailed account of the interview.

On October 29, 2018, at approximately 11:04 am, Captain Kevin Sullivan appeared before the BOI. On March 7, 2018 Captain Sullivan was the Commanding Officer of Investigative Services for the Lowell Police Department. On October 17, 2018 Captain Sullivan received an email from Assistant District Attorney Suzanne Kontz assigned to the Middlesex District Attorney's Office. The email read:

"Hi Captain. I just wanted to touch base with you on a case, when you have a few minutes, can you please give me a call. Thanks, Suzanne."

Captain Sullivan replied to ADA Kontz that he was at a departmental training the next day so he would have his Executive Officer, Lieutenant Steven Coyle, contact her. Captain Sullivan also informed her that he would be available Friday October 19, 2018 to follow up.

Lt. Coyle did contact ADA Kontz and learned that there was some type of conflict with the case involving a Task Force Officer and another agency in an ongoing case in New Hampshire. The two spoke and thought it would be a good idea to get a copy of the courtroom transcripts to identify what the conflict involved.

As of this interview Captain Sullivan had not read the courtroom transcripts of New Hampshire State Police Trooper Vicente. Captain Sullivan had spoken with another member of the District Attorney's Office and learned that the Lowell case involving Paul Aaron was not going to be moving forward due to the conflicting information from the New Hampshire Motion to Suppress Hearing.

On October 29, 2018, at approximately 1:49 pm, Captain Matthew Penrose appeared before the BOI for an interview. On March 7, 2018 Captain Penrose was the Officer in Charge of the Special Investigations Section and his rank in the department, at that time, was Lieutenant.

Captain Penrose remembered the incident and arrest of Paul Aaron. He stated that the unit was conducting an investigation with the assistance of Billerica and Tewksbury Police detectives from their respective Special Investigations Sections. Captain Penrose stated that he got involved in the Aaron investigation when he received a phone call from Lowell Police Detective David Lavoie who was currently assigned to C.I.N.R.E.T.; a Task Force run out of Lawrence, MA. Captain Penrose was informed that, as a result of a long term investigation involving a wiretap, information was developed that a delivery of a kilo of fentanyl was going to be completed in the City of Lowell. Captain Penrose also learned that law enforcement officers involved in this long term investigation were already in the city and requesting assistance. Detective Lavoie also reported to Captain Penrose that assistance was being sought to protect the integrity of the wire.

Captain Penrose made arrangements to send detectives from his unit along with the detectives from Billerica and Tewksbury to meet with Detective Lavoie and assist in the operation being conducted in Lowell. Captain Penrose stated that the officers were sent to the area of Lower Belvidere as a specific address was not known by Captain Penrose.

At one point of the interview the recording was stopped so that Captain Penrose could watch the video of the arrest of Paul Aaron that was provided to the LPD by the MDAO. The audio was stopped at 1:57 pm and started again at 2:03 pm.

Captain Penrose first learned that the video of the arrest existed on October 9, 2018 when Detectives Rivera and Dokos came into work that evening. The two "appeared to be highly anxious in a sense agitated" according to Captain Penrose. Captain Penrose heard the two discussing between themselves that something went bad at Federal Court. The Captain learned that a New Hampshire State Police Trooper had testified about the Paul Aaron arrest and his testimony did not match the video. The detectives had concerns because the motion was called off and the two did not testify.

Captain Penrose had concerns with the information he had learned from the two. He did not notify his superiors of the incident and did not call the AUSA's connected to the case to find out what had happened. Captain Penrose stated that he spoke with Detectives Dokos and Rivera and they, in a sense, informed him that we should be getting contacted by the attorneys either from Middlesex or the case attorneys from the USAG's Office. No one ever contacted Captain Penrose. The following day Captain Penrose heard that the Middlesex District Attorney's Office had reached out to Captain Sullivan and heard that they had sent a packet over to the Chief's Office. Captain Penrose was unable to tell the BOI with certainty who had told him this information. He believes to the best of his recollection it was from "my guys".

At some point during the Paul Aaron arrest Captain Penrose did show up to the scene of the arrest. He believes it was around the time that the Lowell Police Prisoner Transport Wagon was arriving on scene. Captain Penrose reported that he was trying to coordinate efforts with others on scene. Captain Penrose reports that he wanted "everyone involved back at the office so we can discuss how we're going to write the report or construct the report." He then references the "wall off" and "trying to protect the integrity of the wire investigation". Captain Penrose further stated "we can develop probable cause based on what we had or we're going to have to blow up the wire in a sense or expose the wire in a sense but we need probable cause here moving forward."

Captain Penrose reports that once back at the office he was informed that Detective Lavoie would have the information needed on the incidents and, if needed, he had the ability to call back Trooper Vicente or a DEA Agent to get any information needed.

Captain Penrose reports that he expected all present at the scene of the arrest to show up at his office, but that only Lowell detectives and, possibly, two troopers had returned. He is unsure if the troopers were from Massachusetts or New Hampshire.

Captain Penrose reports that after the arrest was made, and search warrant served, his only involvement with the case was to deal with the forfeiture through the District Attorney's Office until the incident in court started unfolding.

①

Captain Penrose reports being all over the place the night of the Aaron arrest. He went to the scene to confirm that probable cause was there for the charge Aaron was arrested for. He reports that the conditions that night (snowstorm) made it a crazy night. According to Captain Penrose, Sgt. Desmarais was not present at the scene of the arrest.

After the arrest Captain Penrose reported that Detective Lally and Detective Dokos were sent to the station to speak with Paul Aaron. The purpose of this was to see if Aaron would cooperate with investigators. Captain Penrose was unsure how officers learned that Paul Aaron lived at 193 East Merrimack St.; it might have been during his interview. Captain Penrose stated, "if there's a potential if there's more, if he has a kilo of fentanyl, that's a safety issue for the community". Captain Penrose then stated, "We got to find out where he is, if we have enough apply for a search warrant and see if we can gain access."

It was a combination of information from the booking process, Detectives Lally and Dokos speaking with Aaron that led officers to confirm that Paul Aaron lived at 193 East Merrimack St.

At some point the SIS office lost power due to the ongoing snowstorm. As a result, Detectives Dokos and Lally reported to the police station to complete the search warrant affidavit and application.

Captain Penrose was not part of the pre-surveillance meeting of the operation and neither was Sgt. Desmarais, who according to the Captain was still involved in the previous operation conducted prior to the East Merrimack St. operation.

The interview ended at 2:43 pm.

On October 30, 2018, at approximately 9:10 am, Detective J Mercado came into the EOC for a scheduled interview with the BOI. Detective Mercado brought Officer Jose Rivera with her to the interview as her Union Representative.

On March 10, 2018 Detective J Mercado wrote report 18-0003891A supplement # 2. The report details her learning of Paul Aaron's arrest and providing Detective Rivera with information concerning a vehicle parked in the parking garage at Lowell General Hospital - Saints Campus.

On March 6, 2018, at approximately 9:00 am, then Officer J Mercado was assigned to Car 3 on Platoon 2. While patrolling the area of LGH Saints Campus Officer J Mercado was flagged down by a hospital security guard. While speaking with the guard Officer J Mercado learned that there was a suspicious car in the parking garage. The guard asked if she could run the plate to check on it. Upon running the plate, NH [REDACTED] it came back to a 2016 Mercedes 350 SUV black in color. The vehicle was registered to a Paul Aaron, a person known to her. Paul Aaron went to school with a family member of Officer J Mercado. She knew he lived in the area and she told the guard that she would attempt to notify him to remove the vehicle. Officer J Mercado knew that Paul Aaron lived at 193 East Merrimack St. after looking up Paul Aaron in Larimore. Officer J Mercado used phone numbers associated with Paul Aaron from previous Larimore reports in an attempt to contact Aaron. Officer J Mercado also attempted to contact a girlfriend of Paul Aaron.



On March 10, 2018 Officer J Mercado was assigned to Portable 7 on Platoon 2. While at the John St. Garage she was reading reports in Larimore when she learned that Paul Aaron had been arrested by SIS. Officer J Mercado contacted Detective Rafael Rivera and informed him about her dealings with Paul Aaron's vehicle. Shortly after speaking with Detective Rivera, Sgt. Desmarais called her and requested that she go to Aaron's vehicle, stay with it, until Paul Aaron's vehicle was towed. Officer J Mercado got a ride to the LGH - Saints Garage and had the vehicle towed. The vehicle was towed by an alternate tow company due to the vehicle being parked inside of a garage. The vehicle was then brought to Stuart's Towing on Tanner St. in Lowell.

This interview ended at 9:18 am.

On November 2, 2018, at approximately 5:44 pm, Detention Attendant Supervisor Brian Johnson came to the EOC for a scheduled interview with Captain LeBlanc and Captain Larocque regarding this ongoing investigation. DAS Johnson works the 5:00 pm - 1:00 am shift in the cell block of the Lowell Police Department.

On March 7, 2018 DAS Brian Johnson was working his regular shift for the department at the time of Paul Aaron's booking. DAS Johnson was shown the booking photographs and LPD Booking Sheet of Paul Aaron. When asked if he recalled the booking process of Paul Aaron DAS Johnson stated; "vaguely, but I do remember his face yes".

DAS Johnson makes it a point to ask prisoners their current address during each booking. He also went over the process of bookings in Larimore and if you put a name in the system it will give you a history of the individual. If the current address that they give to you matches the address currently in Larimore then you are able to save it to the new record without having to enter the address into the system manually. DAS Johnson repeated that he would ask their current address and general questions dealing with medical issues as well during his booking process.

The interview ended at 5:51 pm.

On October 30th, 2018 Detective David Lally came into the EOC at the Lowell Police Department for a scheduled interview. Detective Lally brought Police Officer Chris Smith with him as his Union Representation. The interview began at 11:53 am.

Detective Lally was working on March 7th, 2018 as a detective in the Special Investigations Section. During the night he was assigned as the case officer in an investigation being jointly conducted with the Billerica and Tewksbury Police Drug Units. This operation took place in the downtown section of the city. Shortly after the completion of this investigation Detective Lally and others were assigned to assist with the Aaron investigation.



Detective Lally was assigned in the Stackpole St. area. After the arrest of Paul Aaron was made Detective Lally had a conversation with Paul Aaron while he was still on scene. The gist of the conversation was to ask Paul Aaron if he was willing to cooperate with investigators. Detective Lally reports that this conversation did not lead anywhere.

While Paul Aaron was in the cell block of the police station Detective Lally and Detective Dokos went and spoke with him in the cell block. Detective Lally reports that the purpose of this was to attempt to get Aaron to cooperate. While speaking with Aaron one of the detectives brought up his address of 193 East Merrimack St. Detective Lally believes that Paul Aaron was trying to distance himself from the address. Detective Lally believes that the address came up during the booking process.

After leaving the cell block Lally and Dokos ended up traveling to 193 East Merrimack St. and after gaining entrance to the building they ended up speaking with two individuals and learning that Paul Aaron was living in apartment number five and had for some time. At some point detectives were sent to relieve Dokos and Lally and those two returned back to the SIS office. While there Detective Lally completed his arrest report from the previous investigation. The interview initially ended at 12:16 pm.

The interview was restarted and Detective Lally was asked to mark his location on a map showing his location during his surveillance on the night of the 7th. Detective Lally was also asked how long he was on scene during the pre-surveillance and then the arrest. Detective Lally believes it was 5-10 minutes, but he admits that this recollection could be off.

The interview was ended at 12:18 pm.

At 12:29 pm Detective Lally and Officer Smith asked to go back on the record to correct an answer given during the interview. This answer dealt with Detective Lally seeing DA Paul Hadley in the cell block. Detective Lally thought he was being asked if he had seen Paul Aaron in the cell block. Detective Lally did not recall if he had seen Hadley that night.

The interview ended at 12:31 pm.

On October 30, 2018, at approximately 11:31 am, Detention Attendant Paul Hadley appeared before the BOI in the EOC at the police station regarding the ongoing investigation.

DA Hadley is mentioned in the search warrant affidavit authored by Detective Dokos as being the detention attendant on duty when Paul Aaron was brought into the police station. The video of the booking process of Paul Aaron did not show DA Hadley being in the booking area or taking part in the booking during the processing of Paul Aaron.

DA Hadley was asked if he had worked on March 7, 2018 during the 5:00 pm - 1:00 am shift. DA Hadley stated that he had worked the day shift, 9:00am - 5:00 pm, on March 7, 2018 but did not work during the 5:00 pm-1:00 am shift. DA Hadley also stated that he did not remember coming into the police station after the completion of his day shift.

This interview ended at 11:37 am.

On November 2, 2018, at approximately 6:00 pm, Detention Attendant Danny Van came to the EOC for a scheduled interview with Captains Larocque and LeBlanc. DA Van works the 5:00 pm - 1:00 am shift for the Lowell Police Department.

On the night of Paul Aaron's arrest he was one of two detention attendants on duty at the time of the booking. DA Van was shown the two booking photographs of Paul Aaron along with Aaron's LPD Booking Sheet. DA Van remembers the booking of Paul Aaron but did not remember any specific questions asked of Paul Aaron.

The initial interview ended at 6:05 pm. While still in the EOC DA Van asked if he could clarify one of his answers that he gave to the BOI. The recording was restarted at 6:14pm. DA Van stated that he wanted to clarify an answer he gave to Captain LeBlanc. Captain LeBlanc asked DA Van if he had spoken to a detective or had been asked a question by a detective the night of March 7, 2018. During his interview he first answered the question by saying no. Now he wished to change his answer and say that he did not recall speaking to a detective on that night.

The interview ended at 6:15pm.

On November 7, 2018 Lt. Steve Coyle came in to the conference room on the second floor of the Lowell Police Station for a scheduled interview. The interview began at 3:06 pm.

Lt. Coyle was asked by Captain Sullivan to contact the Middlesex District Attorney's Office and speak with them about an issue on a case that was brought to the attention of that office. Lt. Coyle made contact with the office after several attempts. Lt. Coyle was notified that the case in question involved the Special Investigations Section and the MDAO needed to notify the LPD about the issue. Lt. Coyle

was informed that an Internal Investigation was needed to clear the officers. Lt. Coyle questioned the request due to it coming from the MDAO. He was told that it was solely to clear the officers of any wrongdoing so they have credibility to testify in court.



Lt. Coyle learned that it was a case that took place on East Merrimack St and that the MDAO would get more information from the US Attorney's Office out of New Hampshire and get the court transcripts.

By the time Lt. Coyle received the transcripts from the MDAO Captain Sullivan had transferred to another area of responsibility in the department. Lt. Coyle had an opportunity to speak with Deputy Superintendent Golner about the information he had received from the MDAO. Deputy Golner informed Lt. Coyle to pass the information along to Superintendent Richardson, which the lieutenant completed.

The interview ended at 3:13 pm.

On November 7, 2018 Officer Sean Callahan came into the conference room located on the second floor of the Lowell Police Station.

Officer Callahan was assigned to the wagon on the night of March 7, 2018. Officer S Callahan brought Paul Aaron from the scene of the arrest to the station for processing. During the interview Officer S Callahan was shown a copy of Paul Aaron's LPD Booking Sheet along with two booking photographs of Paul Aaron.

Officer S Callahan did not recall many specifics about Paul Aaron's booking. He did not recall that Aaron had on a ballistic vest prior to the interview. During the interview Officer S Callahan was shown a video recording of Paul Aaron's booking process. Officer S Callahan did not recall any conversations, if any, that he had with Paul Aaron. He also did not remember the officers present at the scene of the arrest when he arrived to transport Paul Aaron to the Station.

This interview ended at 4:12 pm.

On November 9, 2018, at approximately 10:09 am, Sergeant Daniel Desmarais came to the conference room on the second floor of the police station for a scheduled interview. Sgt. Desmarais brought with him Attorney Michael Akerson from Reardon, Joyce and Akerson as his Union Representation.

On March 7, 2018 Sgt. Desmarais was working as a supervisor in the SIS Unit. During the shift the unit was working on an operation in the area of 9 Central St. The SIS was working with detectives from the Billerica and Tewksbury Police Departments.

At some point during the Central St. operation, possibly right after the arrest of the suspect in that incident, Sgt. Desmarais learned that a DEA TFO needed assistance and detectives were sent. Sgt. Desmarais did not deploy to the scene of the Paul Aaron arrest.

While the detectives were back at the SIS office Sgt. Desmarais had a chance to review the arrest report while it was still in the process of being written. After the review he stated, "if we had shored up some information in terms of the address, we would have enough to at least apply for a search warrant to have a Clerk Magistrate review it". The sergeant spoke with Lt. Penrose and Detectives Lally and Dokos were assigned to conduct the follow up on the address. After shoring up the information on the address the two detectives returned to the SIS office.

④

At some point the SIS office location lost power due to the storm. The affidavit was transferred from the SIS office to the Sergeant's office at the Lowell Police station. Detective Dokos was the affiant of the application.

Sgt. Desmarais said that he reviewed the affidavit and had no concerns on the way it was written. Sgt. Desmarais stated "there was one section that as a supervisor I missed and it was when he transferred the probable cause from the arrest into his affidavit, he didn't put it in his own person writing, it was still in the person of Detective Rivera who wrote the arrest report. He didn't change it and I didn't catch it."

Sgt. Desmarais does not remember assisting the DEA Task Force on either March 3rd or 6th, 2018 while they were in the city.

On or about October 9th, 2018 Sgt. Desmarais walked into the SIS office for work and Detectives Dokos and Rivera were in the office speaking with Captain Penrose. He joined Captain Penrose at the table in the office and overheard some concerns the detectives had. He recalls that the officers had been summoned into Federal Court in Concord N.H. involving the Paul Aaron case. The detectives were made aware that there were "some inconsistencies in the trooper's testimony".

Sgt. Desmarais learned that a video was shown in court, but he did not believe the LPD Detectives were shown the video. During the proceedings the prosecutors stopped the testimony and that was a little bit disconcerting to them.

The interview ended at 10:42 am.

On November 14, 2018 Detective David Lavoie came to the EOC at the Lowell Police Department for a scheduled interview. Attorney Doug Louison accompanied Detective Lavoie to the interview and was his Union Representation for the interview.

Detective Lavoie is a thirteen year member of the Lowell Police Department. Prior to being assigned to a Massachusetts State Police Drug Task Force, Detective Lavoie spent eight years assigned to the Lowell Police Special Investigations Section.

Detective Lavoie was shown the video of the Paul Aaron arrest; he reported seeing this video once before when Captain Sullivan told him to view it. Lavoie went into Captains Sullivan's office and took the disk to another detective's desk to watch the video.

On March 7, 2018 Detective Lavoie was off duty when he received a call he believes came from a Mike Malloy, a DEA task force member from Manchester, New Hampshire. Detective Lavoie met Malloy in a parking lot in Lowell. The two discussed the kilo delivery that was going to be taking place in Lowell. When the two met, task force officers from the Portsmouth New Hampshire Group were already in Lowell in anticipation of the delivery.

The TDS group from Portsmouth N.H. were assisting the Manchester, NH DEA group. The suspect delivery vehicle [REDACTED] was being followed by personnel assigned to the wiretap in New Hampshire. Detective Lavoie had contact with DEA personnel [REDACTED]

Prior to initiating surveillance in the areas of East Merrimack St., Stackpole St., Fayette St., and Brown St. the DEA, Task Force Officers and LPD SIS Detectives met briefly at LGH Saints Campus under the front entrance overhang of the building.

After the meeting DEA Agents, Task Force Officers and Detectives set up in and around the area of Stackpole St. Detective Lavoie believes that NHSP Trooper Francisco Vicente had the eye. When the drug transaction was being done radio communication was utilized to keep all personnel up to date with the actions taking place. As Paul Aaron was returning to East Merrimack St. from Fayette St. a decision was made to approach Aaron. Personnel waited for the delivery vehicle to leave the area prior to approaching Aaron.

As Paul Aaron was walking up East Merrimack St. Trooper Vicente was approaching him and Detective Lavoie's vehicle turned onto East Merrimack St. from Fayette St. He had LPD Detectives Kew and Rivera with him. Rivera and Kew got out of Lavoie's vehicle because the snow was preventing him from driving up to the stop.

Paul Aaron was on the ground and handcuffed. Detectives located a cellophane wrapped kilo believed to be fentanyl. Due to this observation of the drug transaction and Aaron's refusal to cooperate the decision was made to place Paul Aaron under arrest. Aaron was transported to Lowell Police Headquarters via the LPD transport wagon and booked in. The arrest was taken by Lowell Police SIS Detectives.

A decision was made to use a wall off to protect the ongoing long term investigation. Detective Lavoie drove to the SIS office, no DEA Agent or Task Force Officer went back to the SIS office. The only officers at the SIS were Lowell Police SIS detectives.

④

Detective Lavoie reports that he and Trooper Vicente spoke on scene about the report and how the report was going to have to name Trooper Vicente but not the other DEA Task Force members because of the wall off. At the time of the arrest Trooper Vicente did not review the arrest report and Detective Lavoie does not believe he ever sent it to Trooper Vicente. Detective Lavoie never heard of any concerns about the arrest report or the search warrant from Trooper Vicente. The two did communicate via text messages sometime in April concerning fingerprint cards that were needed by Vicente.

Detective Rivera and Lavoie sat down to write the arrest report on Paul Aaron. Detective Lavoie states that due to the wall off being used and the fact that he brought "this" to them "I had more knowledge of the basis between the two parties". Detective Lavoie stated that Detective Rivera started writing the report. After writing two or three sentences of the body of the report the two switched seats. Detective Lavoie then wrote the remainder of the report. This was done, Lavoie stated, because "I'm a better typer and I had better knowledge of this investigation and seeing that he was with me pretty much the entire time, we would, we would do it that way." Detective Lavoie reports that this is an acceptable practice by the "AUSA Office". He also acknowledged that when this is done the AUSA connected to the case is informed of the "wall off".

When Detective Lavoie was asked if there was a reason the report wasn't submitted under his own name as author of the report Detective Lavoie stated "we wanted to hide my involvement with court when it came time to go to court with this, like arraignment wise. If they, if the persons found out that I was actually in a Task Force it could tip off where the target, or his lawyer or someone who could potentially contact another person and divulge the fact that hey they're on your phones". He goes on to say that "I can't say I didn't even change the first three sentences but I, I know I typed the report, it's my report".

After completing the report Detective Lavoie submitted the report for approval. He believes he sent the report to Sgt. Desmarais who was in the office when Detective Lavoie was writing the report and believes he knew that Lavoie had written the report.

When asked where he got the information for the report Lavoie stated, "The information would have come from my known knowledge of the investigation as it started, my observations of, well on the report I don't think I had that much observation but the beginning was shortly about how the investigation became and then it came to that night and it also involved the information that Trooper Vincente told me about the previous on-going investigation that he had coupled with the fact of the information of interaction with Paul Aaron that I would have gotten from Trooper Vincente."

Detective Lavoie agreed that there was some information in the report that was not seen in the video. Specifically the actions of Detective Kew as shown in the video do not match the described actions of Detective Kew as written by Detective Lavoie in the arrest report.

During the interview Detective Lavoie agreed to provide the BOI with his phone records of his private phone used on the night of March 7, 2018.

Detective Lavoie was involved in a second arrest of Paul Aaron when the federal investigation came to a close. Aaron was taken into custody. As a result of this arrest Detective Lavoie applied for a Federal Search Warrant for a cell phone located during the arrest inside of Aaron's home.

Detective Lavoie believes that he became aware of some issues in court in Concord NH on October 9, 2018. Detective Rivera called Detective Lavoie and told him "somethings weird, somethings not right, somethings going on with New Hampshire". Rivera was upset because there was no case prep and they (Rivera and Dokos) were upset because the AUSAs did not talk to them. The two have spoken two or three more times prior to this interview.

Detective Lavoie stated that he has not typed a report and had it submitted by another officer before this incident. He also reported that the decision to do the search warrant was made collectively by the SIS Detectives, Detective Lavoie and the supervisors of SIS. Detective Lavoie also stated that the New Hampshire Task Forces did not know the search warrant was being done.

The interview ended at 12:12 pm.

On November 14, 2018 Detective David Kew came into the EOC at the Lowell Police Department for a scheduled interview. Detective Kew brought Attorney Doug Louison with him as his Union Representative to the interview.

Detective Kew's current assignment is with the Special Investigations Section of the Lowell Police Department. He was working on March 7, 2018 along with his unit and was present at the arrest of Paul Aaron.

Detective Kew along with other members of the unit had been working a previous investigation earlier in the night. He remembers being called to assist Detective Lavoie and he reported to LGH - Saints Campus for a briefing on what was going to be happening. Members of the Lowell Police SIS, Tewksbury, Billerica and DEA Agents were at the briefing.

During his interview Detective Kew was shown the Paul Aaron video. Detective Kew stated that he was in Detective Lavoie's unmarked cruiser along with Lavoie and Detective Rivera. The three detectives

were stationed in the area of Stackpole St. by the housing units waiting for the buy to occur. Detective Kew reports that he was not able to view down Fayette St. from their location.

After leaving Detective Lavoie's unmarked vehicle, Detective Kew ran up to the scene of the arrest. Detective Kew picked up the plastic bag, looked into it and saw what he believed to be a kilo of narcotics. Detective Kew then hands the bag to Detective Lavoie he believes.

At some point Detective Kew believes he searched Paul Aaron while on scene. Detective Kew went back to the SIS office after clearing the scene. Detective Kew did not recall seeing any DEA or Task Force officers back at the SIS offices. Detective Kew does not recall if the DEA had provided an address from where Paul Aaron may have been coming from. Detective Kew stayed at the office until he was directed to go to 193 East Merrimack St. and secure the front of the building.

Detective Kew was shown the Paul Aaron arrest report. His attention was directed to the paragraph that reads, Trooper Vicente approached Paul Aaron with assistance from Detective Kew and myself simultaneously, and it says Detective Kew grabbed a hold of Paul Aaron's arm that was carrying the grey Puma shopping bag which proceeded to fall to the ground. Detective Kew was asked if the video of his actions were comparable to what was written in the arrest report, he answered no. Detective Kew was then asked if he had told anybody that's what happened, Detective Kew answered no. When asked if he knew who had written the arrest report Detective Kew stated, "Detective Lavoie."

Detective Kew was asked if he was in the SIS office when Detectives Dokos and Rivera had come back from court in Concord, New Hampshire on October 9, 2018. He stated that he was in the office at the time. Detective Kew stated that the two detectives brought up what had happened and reported that they had not ended up testifying. Over the next few weeks Detective Kew stated that the incident was talked about frequently in the office. Kew said detectives were trying to wrap their hands around what went wrong and what happened. He said they spoke about ways they could fix it so "something like this wouldn't happen again". Detective Kew reports that a lack of communication during the whole operation is what went wrong.

This interview ended at 3:39 pm.

On November 26, 2018 Detective Lavoie came to the EOC inside of the Lowell Police Department for a scheduled second interview at 11:03 am. Detective Lavoie brought Attorney Doug Louison with him as his Union Representative. At the time of this interview Detective Lavoie stipulated to his rights that were read to him during his first interview. During his first interview Detective Lavoie advised that he wrote the Paul Aaron arrest report. He stated that he did this as a wall off to protect an ongoing drug investigation.

During the interview Detective Lavoie was asked who had given him information that he used to write the arrest report of Paul Aaron. Detective Lavoie stated that he believed he would have gotten information from New Hampshire State Police Trooper Vicente because he, Lavoie, did not have the eye on the drug transaction. Detective Lavoie did not know if Trooper Vicente had eyes on the deal. He was able to state that no Lowell Police officers had the eye on the deal.

3

Detective Lavoie was read part of paragraph two on page two of the Paul Aaron arrest report, it should be noted that Paul Aaron was now walking with a gray Puma shopping bag that he was not observed carrying before he initially walked up to the van. Lavoie stated, "I see on the video that he did have a bag with him, again I'm going to almost say that's probably Cisco Vicente who told me. As I didn't talk to anyone else in the New Hampshire group about the investigation or dealings of what really happened on that night. I don't remember talking to anyone else besides him". Lavoie continued with "it would have come, the information would have come from him because I did not have the eye of that".

While going over the third paragraph, Trooper Vicente exited his unmarked cruiser while announcing police to Paul Aaron. Paul Aaron suddenly turned and began to walk towards a doorway of 193 East Merrimack St. Aaron looked directly at Trooper Vicente and attempted to enter into the doorway. When told that the stop was in front of 177 East Merrimack St. and not 193 East Merrimack St., he was asked if he knew that at the time he wrote the arrest report and Lavoie responded, "I did not at the time I wrote the report."

He did agree that the stop was closer to 177 East Merrimack St. than 193 East Merrimack St. While doing so he stated, "I would agree that it's in the, in the area but at the same time I didn't know the exact numbers on the doorways."

Regarding the third page of Aaron's arrest report that reads, "Detective Kew grabbed a hold of Paul Aaron's arm that was carrying the grey Puma shopping bag which proceeded to fall to the ground" Lavoie was asked if Kew told him that had happened. Lavoie stated, "I don't believe he told me that I believe I got the information from Detective, from Trooper Vicente." He continued with, "only because well that and I knew Detective Kew was on the right hand side, even when I walked up Detective Kew was on the right hand side of Paul Aaron" and "I, I don't believe Detective Kew told me, he told me that as the information gathered from I think Trooper Vicente as well as when I walked up he was on the right hand side".

Detective Lavoie was asked about what he had written in paragraph three of Aaron's arrest report. The arrest report states that "Paul Aaron then turned his body in an aggressive manner to again try to get into the doorway of 193 East Merrimack St. During this time, Aaron tensed his body up and was not listening to Detectives as they told him not to move. Detective Kew then observed the contents of the bag that fell to the ground and saw that it was consistent with a large amount of packaged narcotics. Trooper Vicente and I were attempting to secure Paul Aaron when Paul Aaron continued his attempts to get away from detectives and enter into the building. Trooper Vicente was able to secure Aaron." Lavoie

was asked if he would agree that the video did not show what had been described in the report and he was asked if he would like to see the video prior to answering. Lavoie stated, "No I don't, I wouldn't like to see it again but I, I understand it that's a lot to say on that, for instance I just want to say one thing that I, he definitely was resisting and his, his attempts from what the, Trooper Vicente and Detective Rivera. I know that because Detective Rivera did tell me that." He continued with, "As well as Trooper Vicente told me that as well. As far as the earlier part about going into the 193 East Merrimack Street, I'll, I'll agree it doesn't."

ⓐ

When asked if he agreed that the video shows only Trooper Vicente taking down Paul Aaron, Lavoie agreed with this statement. When told that it appeared that Aaron was secured on the ground by the Trooper, Lavoie disagreed with this. When told that Aaron was face down on the ground Lavoie stated, "I'm going to say I, I don't believe he was, I don't think the video shows." When asked if he was able to see what had transpired while he was walking up from his vehicle Lavoie stated, "I, I was not, I was able to see Detective Rivera and Detective Kew, I told them to go assist him." When asked who told him the part that he was trying to get away into the doorway when he was still down on the ground Lavoie stated, "If anything it would have been Trooper Vicente who would have told me that, if anything, I don't want, I don't remember him specifically telling me that, but I know Detective Rivera only told me that." Lavoie was asked if Detectives Kew and Rivera had spoken to him when they were back in the SIS offices, after the Aaron arrest, and Lavoie stated that he only spoke with Detective Rivera about Aaron resisting on the ground and fighting with officers.

When told that the issue is that Aaron is reported to be attempting to get away and into the building, but the video shows that he is clearly face down on the ground and not going anywhere, Lavoie stated, "Well he's not going anywhere but I understand that and I said it doesn't attempt, it doesn't show him trying to get into the building...It doesn't show him attempting trying to get into the building."

The video was replayed showing the take down of Paul Aaron at this point in the interview. When asked if he was the person walking up to the area of the arrest Detective Lavoie stated that he was. The video depicts Detective Lavoie walking up towards Detective Kew and Kew hands Lavoie the bag of suspected fentanyl. Detective Lavoie was asked if he was in his car when the take down was occurring and he stated that was correct. When asked how he compiled the information for the report and who he spoke with Lavoie stated, "I would have spoken with Detective, I mean I'm sorry Trooper Cisco Vicente about the, of the goings on of the actions that happened at the, the takedown location as well as I know, coupled with the fact of, of booking information. As stated before Paul Aaron didn't want to talk to us so while going back (???) I attempted to write the report I spoke with Detective Vicente I believe on scene as well as I submitted phone records, I talked to him for like brief moment of time before I began my report. So I would have spoke to him about the goings on again of the initial contact with him. As far as the knowing what number at the time of the report of where the incident took place, coupled with the information that he gave at booking, I believe that's the, that's where the mix up came where we thought we were in front of 193. As there was, I know there was a doorway where we stood him up because we put him in the doorway, I don't know if that's the door that Trooper Vicente thought

that he was trying to get into it, that we inadvertently thought 193 was that's the only thing I can say on that part."

Lavoie stated that he was present when the search warrant was executed. He was asked if at that point he knew there was a mix up with the doorway. He stated that he did not believe the group did. When told that there is 79 feet between 193 East Merrimack St. and 177 East Merrimack St. he stated that he did not realize that. During this answer Detective Lavoie was shown photographs of the area of the take down and 193 East Merrimack St. When told that this incident was fraught with mistakes Lavoie stated that he understood that and understood the errors.

After looking at the photographs of the area of the take down and 193 East Merrimack St. Detective Lavoie stated "I want to stay with to my best memory thinking like the Captain said, I had, didn't even realize that the two happened, one so far away, two I didn't realize the buildings if they were separate or if that was all one large apartment building I would say that there were multiple doors that lead to that apartment building. I've never been in there but I understand the difference here, I see the difference".

When told that the number 177 is on the door where the take down happens and the door to 193 East Merrimack St. is marked with the numbers 93 on the doorway to that building Lavoie remarks that the 93 marked doors were missing the number 1. Detective Lavoie stated, "I have no, I've never been in there but again and I will say I didn't even realize that upon even though I did not write the search warrant but I was there at the execution of it and going there I didn't realize it was that door compared to that door what happened."

Detective Lavoie stated that he has not read Trooper Vicente's report on the incident that night. He was shown the report and informed that the redactions were done by the DEA and not the BOI. Trooper Vicente's report has the buy taking place on Fayette St. and not at the corner of Fayette St. and East Merrimack St. as written in Lavoie's report. When asked if he had told Detective Lavoie something different, like the buy took place on East Merrimack St. and Fayette St., Lavoie stated, "Yeah I wouldn't have, I wouldn't have wrote it down at that specific corner if I wasn't told that information there again no Lowell Detectives had an eye. I knew he was on Fayette but I didn't know how close he would have got to East Merrimack again did not have the eye."

Detective Lavoie was told that in his last interview he spoke about writing the arrest report in the general area of the SIS office where everyone was sitting. He replied correct to that statement. When told that there were supervisors there and asked if he specifically told Sgt. Desmarais or Lt. Penrose that he had written the report Detective Lavoie stated he did not remember telling them he wrote the report. Detective Lavoie was asked if he had heard that the two knew since the start of this investigation, he stated that he had not. When asked if Detective Rivera had ever pointed out any aspects of the report that was incorrect Detective Lavoie answered, "I don't believe, I mean if he, if he had would of questioned anything that was written I definitely would have adhered to it and, and wrote

what he thought if, or I would have wrote what we would collectively would have talked about but he never brought anything up". Detective Lavoie did not recall if Detective Rivera reviewed the report prior to it being submitted to Sgt. Desmarais.

When then asked if he had written any reports for other officers Detective Lavoie stated, "no, no this is again this is my first wall off, I've never had to been put in that position to do that nor would I. I would assist if someone again I assist everyone else but that's more so along the lines of what, what took place, what was your part so that's probably the only thing I could say where hey you may want to, give a suggestion rather than write it. But I would, I've never written before."

(2)

The BOI notes the following for reference: A wall off is a tactic used by law enforcement where there is an ongoing investigation and there is a desire to seize drugs, money, illegal weapons or other contraband while attempting not to reveal an investigation or confidential source. The typical wall off uses a traffic violation based on probable cause or reasonable suspicion that a traffic violation has occurred. The wall off has been described as a tip or where police officers pass information along to other law enforcement partners. Wall offs are used mostly in motor vehicle stop situations. The officer making a wall off stop is still required to build their own reasonable suspicion or independent probable cause to continue the stop. Wall offs are taught that stops should be done independently from the main investigation.

When asked if he had embellished parts of this report in order to secure a search warrant Detective Lavoie answered no. When asked if he believed he had probable cause, at the time the search warrant was granted, to get into the house he answered yes.

When asked if he realized that writing somebody else's report and then having that report submitted can be a problem Detective Lavoie stated, "I see it's a problem 100 percent and I just you know want the Board to see that Rafael Rivera knew 2 hours before this happened about the investigation and while I was sitting with him, even though I understand it, Raff initially was, Rafael Rivera was initially going to write as I was going to sit with him and talk about it. Again just to hide the Task Enforcement involvement with this. Upon him writing, I'm going to say maybe there was a, or speaking to him and he's typing I said no say this, write this or write, and that whole aspect frustration, do just want to write it because he was a little overwhelmed and I understood that. I said yes but sit with me and we sat together and wrote that. Understanding that yes, with this whole investigation, yes I do understand that."

When asked if he took over writing the report after Rivera had written three lines Detective Lavoie stated that it was "somewhere around the first 3 lines". He went on to say that "he was a little overwhelmed right off the bat". When asked about saying Rivera was overwhelmed, he was asked if Rivera was overwhelmed because he did not want to write the report the way it was going to be written or just the speed in which it had to be written, Detective Lavoie stated that there was no rush on writing

the report at that point in time. He went on to say that at that time there was not an inclination that a search warrant was going to be attempted.

④

Detective Lavoie was present when part of the search warrant application was being written. Detective Dokos was the author of the search warrant application. Detective Lavoie believes that Sgt. Desmarais was with him. At some point the SIS office had a power outage and the application was written in a different location. When asked if he had spoken to any of the task force officers out of New Hampshire about the search warrant being applied for, Detective Lavoie stated the following, "No, they did call and they were upset about a press release that was done the next day. That I understood, we tried to stop it, it was put on Twitter. That was the only thing, everyone else was, Trooper Vicente's boss I heard was super stoked that it was done and the DEA case agent who I believe was Mike Malloy was praising us, great job. Again because of the whole wall off situation Lowell Police would have done an investigation on their own if they found narcotics of that level afterwards and that did not; I did not feel that that heated up the wire investigation because Lowell would have done that anyway. That's their practice to further an investigation." Detective Lavoie never knew anybody was upset about the search warrant being done.

When asked how he would characterize the report compared to what is on the video, Detective Lavoie stated that, "The debriefing was done wrong, it; that scene the amount, the weather itself and the guys coming from Portsmouth set the debrief to a phone call, a quick phone call and to what happened. I have a lot of issues with that after seeing the video. One about Trooper Vicente and his takedown of the person who could have been easily approached, that being said aside the debrief should have been better, longer. The debrief would have solved it all and I understand the domino effect that that would have led to. But the debrief itself is (???) key."

When asked if it was fair to say that there was sloppiness involved in his report, Detective Lavoie stated, "Yes there was sloppiness or more it was just if sloppiness is mistakes, 100 percent. And I, I take that on the debrief, if we, we slowed down, slowed down talk about it and yes you would; the correct information could have been relayed." When asked if his report compared to the video and what happened out on the street, if there was laziness involved, sloppiness, cutting corners as far as how the operation was put together and played out on video Detective Lavoie stated, "I just agreed about that it was, it's also the uniqueness to wall offs and a need to preserve the investigation and (???) that and try to marry that investigation. I agree with you yes it was sloppy. I can't say it more. Compared to that video it's definitely sloppy. The simple knowledge of knowing where that happened and where we were walking to the, to the building for the search warrant, I understand that yes." Detective Lavoie was also told that if you read the arrest report and watch the video, the report is not accurate. He was asked if he agreed with that statement and he stated that he agreed with that.

Detective Lavoie went on to say, "Yes I agree with that, I'd like to add also that maybe for my own self that the streamline of this is that we knew the idea of a wall off with this investigation, no one here had was there on a hunch. It wasn't some investigation we came across we knew what, what was to happen,

did we want to write the search warrant in that location of 193, and I understand the doorway did not happen that way. But again at the time I wrote that I was not seeking to serve, it was afterwards but even to go back that we knew what was going to happen. That person met the cab driver that I've watched numerous times sell drugs out of, and there was no one else on the road. Could have that of streamlined 100 percent we know this, (???) storms we understand that, that could have led to also that mistakes and I agree." He was asked if he believed accuracy was important in the arrest report, Lavoie stated he did.



The interview ended at 10:37 am.

On November 21, 2018 Captain Kevin Sullivan came in to the Lowell Police EOC for a scheduled second interview at 10:03 am.

Captain Sullivan was informed that during a previous interview with the BOI Detective Lavoie informed the board that he had watched the Paul Aaron arrest video at the request of Captain Sullivan. Captain Sullivan went over the series of events of how he was contacted by the Middlesex District Attorney's Office via email on October 17th, 2018 about a case that needed to be discussed. Captain Sullivan had Lt. Coyle reach out and speak to the MDAO because he was going to a scheduled training. At some point during the following week the Captain was informed by Lt. Coyle that there was some type of issue with a case up in Federal Court in N.H. involving a Task Force Officer and the Lowell Police SIS Unit. Lt. Coyle also informed the Captain that a video had been shown in court depicting a problem incident. Captain Sullivan asked Lt. Coyle to get copies of the video and court room transcripts.

When Lt. Coyle got a copy of the video and the transcripts he left them on the captain's desk. Captain Sullivan stated that he did not have a video player on his desk PC so he never watched the video in his office. At some point Lt. Coyle was watching the video at his desk when Captain Sullivan walked in and saw a portion of the video for approximately one minute. The portion he viewed showed the arrest of Paul Aaron.

At some point Captain Sullivan saw Detective Lavoie in the parking lot of the police station. The two spoke of the video. Captain Sullivan does not remember the exact verbiage of the conversation but he believes Detective Lavoie asked to see the video and Captain Sullivan told him that he could. Later, Captain Sullivan received a call from the head of the Lowell Middlesex DA's Office informing him that their office would not be going forward with the state criminal charges on Paul Aaron. Captain Sullivan was informed that the problem with the case stemmed from the testimony of a New Hampshire State Police Trooper. Captain Sullivan stated that at that point he had no reason or information that would have lead him to believe that Detective Lavoie could not see the video. Captain Sullivan and Detective Lavoie did not speak about the video after Lavoie had viewed it.

This interview ended at 10:10 am.

On November 26, 2018 Detective Rivera came to the Lowell Police Department EOC at 12:07 pm for a scheduled interview with his Union Representative Attorney Doug Louison.

Detective Rivera is a thirteen year member of the Lowell Police Department. He is currently assigned to the Special Investigations Section and has been a member of this unit for eight years.

Detective Rivera was shown the video of Paul Aaron's arrest on March 7, 2018. ②

Detective Rivera was shown a copy of the Paul Aaron arrest report that was submitted using his name in the Larimore Report System. He was then made aware that we have been told that Detective Lavoie had written the report and that he, Detective Rivera, had only typed three lines of the arrest report. Detective Rivera replied that that was correct. When asked if he helped Detective Lavoie while he was compiling the report Detective Rivera stated, "No sir." When asked if Lavoie "wrote everything" Rivera replied, "He wrote it", meaning Lavoie had written the report. Rivera did say that "he add what I told him that I did." When asked what that was Detective Rivera stated "I secured him and I handcuffed him." When asked if he had read the report once it was written he stated, "Yes I glanced it over, I looked it over and I submitted it yes I did." He was then asked if he submitted it to Sgt. Desmarais and Rivera stated that he had.

Detective Rivera reported that the unit was helping out the Tewksbury Police Department in the downtown area. After making an arrest in that incident they were notified to assist Detective Lavoie and his group as part of a wire investigation. Detective Rivera stated that he had knowledge of the wire investigation. The information he received was that a "kilo" was going to be delivered in the area of Stackpole St. or High St. Detective Rivera got into a car with Detective Kew and Detective Lavoie. Detective Rivera was made aware of the operation by Detective Lavoie.

Detective Rivera was asked to read paragraph 3 on page 2 of the Paul Aaron arrest report. After indicating that he had read it he was asked if the paragraph was accurate as he remembered that night.

Detective Rivera stated, "Well you have to remember when this report was written, I didn't know Paul Aaron, I didn't know where 193 East Merrimack was located so when this was written by Detective Lavoie I assumed it all to be 100 percent accurate." When asked if he knew now that it was not accurate he stated, "That is correct." Detective Rivera was informed that the BOI believes from the video that Paul Aaron was approached in the area of 177 East Merrimack St. When shown photographs of that area Detective Rivera agreed with that assessment.

When asked about him and Detective Kew approaching the defendant with Trooper Vicente, Detective Rivera explained how it happened very fast and that everyone was running up to the scene of the arrest once the go command was given over the radio, but he does not know who gave the command.

Detective Rivera was asked about page 3 paragraph 1 of the Aaron arrest report which reads, "Detective Kew grabbed a hold of Paul Aaron's arm that was carrying the grey Puma shopping bag which proceeded to fall to the ground. Paul Aaron then turned his body in an aggressive manner and tried to get into the doorway of 193 East Merrimack St". Detective Rivera was asked if he told Detective Lavoie that's what happened, Detective Rivera stated, "No sir."

Ⓟ

When asked why Detective Lavoie wrote the arrest report under Detective Rivera's name Detective Rivera stated, "I can't write something I don't know. I was just trying to help out; he said oh somebody's got to write this, I said ok. Probably the worst mistake I ever made, saying hey I'll help out. When I was putting this together, I was writing verbatim to what he's was telling me. I never spoke to Trooper Vicente, I didn't even know his name. I didn't know where 193 East Merrimack Street was, I had no background in the investigation. I was doing something else and I got called to assist here. So when I'm writing I said Dave you're going to have to do this because I don't know what's going on here, and I want to dot my I's and cross my T's."

When asked why Detective Lavoie did not write the report under his own name, Detective Rivera stated that he did not know. He then stated, "as far as I know it was to hide the Wire, the Task Force, that angle".

Detective Rivera submitted the arrest report that was written by Detective Lavoie to Sergeant Desmarais for approval. When asked if he knew the sergeant had known that he did not write the report, Rivera stated "I assumed he knew because he saw; he must have seen Dave Lavoie at my computer." Detective Rivera was unable to verify that the sergeant had definitely known. When asked if he told then Lt. Penrose that he had not written the report Rivera stated that he did not at the time. When asked if he had ever told Lt. Penrose, Rivera stated that "yes it, it came up in conversation. It all came up in conversation when all this was happening and all this was coming out." He continued his response, "remember this, this started when I initially was going to, got called to the, to the AUSA when I spoke about this is in the office. This conversation with the AUSA, I told the AUSA when she called me, I said to her, I said I have nothing for you in this investigation call Detective Lavoie. I said those exact words to her, she never did. So from that point on, I didn't mention this." When asked if he told the AUSA that he did not write the report Rivera stated that he had not.

Detective Rivera believes that he spoke with an AUSA assigned to the investigations on two occasions before going to Federal Court in Concord, New Hampshire on October 9, 2018. Rivera stated that the AUSA had never called Detective Lavoie, he knows this because he had asked Detective Lavoie if she had. When he received the second call with the AUSA he was informed that he was being called by the defense attorney for Paul Aaron and not the AUSA's assigned to the case. Rivera stated that he told the AUSA "all I have for you is that I cuffed this guy". The AUSA told him not to worry about it and show up for court.

Detective Rivera went on to say that on October 9, 2018 he and Detective Dokos went to US District Court in Concord, New Hampshire. When Rivera arrives at court Dokos and Trooper Vicente are there. Rivera signs into court. The two are waiting in a room to testify. After quite a while Detective Dokos approaches Trooper Vicente as he is leaving the court room and Trooper Vicente tells him that he cannot talk to him. Rivera was not there to witness this but is told about it by Detective Dokos.

The AUSA came into the room where Dokos and Rivera were waiting to testify and told them that they could go to lunch and then come back. Detective Rivera was already back at court when he learned that the same AUSA had texted Detective Dokos and said that the two were not needed back at court.

When Detectives Rivera and Dokos reported for duty that night the two were discussing what happened, at US District Court, in the SIS office. According to Detective Rivera all members working that night were in the area where they were discussing the happenings in court. When asked directly if Lt. Penrose and Sgt. Desmarais were there while the discussion was happening he stated, "They were all there." When asked if the two had a direct conversation with him about the issues in court he stated that they did not. The discussion was being had while the SIS members were in a group in the office.

When asked if he understood the reason he was called into court was due to the report being submitted under his name and that it is an arrest report he stated that he did. When asked directly if the report, to the best of his knowledge, was embellished to secure a search warrant for the actual address of 193 East Merrimack St. Rivera stated no. He went on to say that at that time he believed the information was correct. Detective Rivera stated that he felt terrible about the incident.

When asked if he had told a boss or had a conversation about the report since the court date Detective Rivera stated that "I said it to kind of both of them because I've probably saying it for the past month since I got called". He went to say "so they both knew" since the day of the court hearing.

Detective Rivera did not have a discussion with Detective Dokos as Dokos was writing the search warrant application. He did know that the arrest report was cut and pasted into the application. He also knew that the information was left in the first person.

When asked if he had ever let anybody write any other reports of his Rivera stated, "Well this is the thing, I play in the vice world where they could potentially be 2, 2 and 3 scenes at a time. I can't be everywhere at once, so I have in the past have let people sit at my computer and write what they did to get it right, cause everything I do goes to a motion."

Detective Rivera stated that recently he was assisting Detective Kew with an investigation on Appleton St. While there "I observed every single interaction that the kid made so I said Dave I will help with you this and I write my part so it is absolutely 100 percent correct because Dave did not make those observations." Detective Rivera confirmed that the information was attributed to him and various

individuals. When asked if he knew what the collective knowledge doctrine was Rivera stated yes. When asked if that is how he writes reports, he stated yes. When asked how many times he had done this he stated a few times. When asked if he makes it a point to make sure the person who saw the observations testifies to that information Rivera stated, "That is correct, I cannot testify that's testifying 101, I don't testify to what I don't do or what I don't observe." In this case the investigation led to an arrest and the issuance of a search warrant.

The interview ended at 12:37 pm.

3

On November 27, 2018, at approximately 10:06 am, Detective Dokos came to the EOC at the Lowell Police Department for a scheduled interview. Detective Dokos brought Attorney Doug Louison with him to the interview as his Union Representation.

Detective Dokos has been a member of the Lowell Police Department since June of 2011. He has been assigned to the Special Investigations Section for two years and eight months.

Detective Dokos was working on March 7, 2018. Detective Dokos was shown a copy of a search warrant application that he authored on that night. When asked how he came up with the content to numbers two, three and four Detective Dokos stated, "That was a direct copy and paste from the arrest report from the previous incident." When asked if he knew who wrote the arrest report Detective Dokos stated Detective Lavoie. Detective Dokos was not on scene for the Paul Aaron arrest.

Detective Dokos believes that they were parked on Bartlett St., facing towards Fayette St. Detective Dokos and the two Tewksbury officers missed the take down due to a miscommunication. The three never heard the go for the takedown. After waiting approximately five minutes the three drove over and Paul Aaron was already in handcuffs on the sidewalk.

After the arrest was completed the Special Investigations Section detectives went back to the SIS office. Detective Dokos goes on to state, "Myself Detective Lally and Detective Kew I believe and I believe Sergeant Desmarais was there at this point, we were all kind of kicking around you know the kilo of fentanyl that we had and at some point I don't exactly recall if it was myself or Detective Lally or or Sergeant Desmarais, someone mentioned, someone mentioned hey he gave the address of 193 East Merrimack Street at booking, that's right where we were so at that point I think it may have been myself, I'm not quite sure, like hey should we go and try and talk to him at the cell block. (???) you know yeah I think we should and me and Lally decided we were going to, come down to the police station and talk to him in the cellblock."

Detectives Dokos and Lally then drove to the station. Once at booking Detective Dokos believes he confirmed the address that Paul Aaron had given. The two detectives then went into the cell block to speak with Paul Aaron.

At this point Detective Dokos was asked about section 5 of his search warrant affidavit and how he wrote that he spoke with DA Paul Hadley. Detective Dokos informed the BOI that at that point he thought that Brian Johnson's name was Paul Hadley. He believes it was during this past summer that he learned Brian Johnson's name. He recalled being shocked when he found out. Detective Dokos told the BOI that on that night in the cell block he believes he spoke with Brian Johnson.

After clearing the cell block the two detectives drove to 193 East Merrimack St. Once there the two entered the apartment building. Detective Dokos reports believing that they went to [REDACTED] and spoke with an individual there and asked [REDACTED] if a black man with glasses lived in this building. Dokos reports that the [REDACTED] pointed up towards the third floor. Dokos did not believe that the [REDACTED] wanted to be involved with the detectives. The detectives then went upstairs and knocked [REDACTED] for probably like three or four minutes. After not receiving an answer Detective Dokos knocked on the door [REDACTED]. The door was answered [REDACTED]. Detective Dokos stated "we spoke to [REDACTED] identified Paul, Paul Aaron as [REDACTED] neighbor and that [REDACTED] knew him well. [REDACTED] had recently seen him and that he had lived there for quite sometime." Detective Dokos believes he gathered the [REDACTED] information before he and Detective Lally left the building and drove back to the SIS office.

When they returned to the SIS offices Detective Dokos believes that Detectives Lavoie, Rivera, Kew, and Lally were there and he believes Lt. Penrose and Sgt. Desmarais. He was unsure if the two came after Dokos and Lally returned or if the two were already in the office prior to their arrival. Dokos did not remember seeing Sgt. Desmarais at the arrest scene, and he could not recall seeing Lt. Penrose at the scene. He did not remember seeing any DEA Task Force members in the SIS office either. Detective Dokos did not believe that the DEA knew that a search warrant application was being written. He did not know if Detective Lavoie alerted his boss. When asked if he thought it was a good practice to notify a unit conducting the investigation that the search warrant could impact, he stated that he believed it would and this has been done in the past. On this occasion, though, a deconfliction on the search warrant was not done through HIDTA.

Detective Dokos volunteered to write the search warrant application. Detective Dokos started to write the search warrant application at his desk in the SIS office. While typing the search warrant the SIS office lost power. Detective Dokos believes it was while he was in the middle of typing. He and Sgt. Desmarais drove to the Lowell Police station and went to the Sergeant's office to finish the application.

While talking to Detective Dokos about section number 2 of the applications appears to be a cut and paste from the arrest report. Detective Dokos reports that he received this information from Trooper Vicente while at LGH Saints Campus. When asked who else was present he stated "so we were, the Vice Unit we were involved in a, a different investigation involving the Vice Unit, Billerica Drug Unit and Tewksbury Drug Unit, we were doing a Lowell investigation I believe it was Central Street and we received a call from either Sergeant Desmarais or Lieutenant Penrose that Dave Lavoie and, and his group and DEA they had a kilo coming down to Lowell and we were to assist with them when we were done with our arrest."

Detective Dokos also told the BOI that section number 3 was also a direct cut and paste. When asked about the surveillance he did on Bartlett St. he stated, "We were parked on Bartlett Street and we were parked on Bartlett Street and the livery van that had the Lawrence target in it that dropped the fentanyl off, he actually pulled parallel to us on Bartlett Street so he was right next to us and it was a snow storm so it was kind of awkward that we were, three guys are sitting in one truck and he's parked right next to us. So we decided to move to Fayette facing East Merrimack, then he, he turned around and he parked on Fayette. I don't know if he turned around or if he went a different street but he ended up parking on Fayette and we were facing each other, I believe we were facing each other. He was in front of us towards East Merrimack, I could see his motor vehicle. At that point we thought we might have been too close again because there were no other, not many other cars on the street so we went and parked back on Fayette, ah on Bartlett Street facing Fayette." When asked if they were able to see the livery van when they went back onto Bartlett St., Detective Dokos believed they were able to at a certain point and then it was out of their sight. Detective Dokos did not have the eye during the deal.



When asked if the information in paragraph 3 was observed directly by him Detective Dokos stated that it was a direct copy and paste from the arrest report. When asked about the information in paragraph 4 and if it was a direct cut and paste from the arrest report Detective Dokos stated yes that it was. Detective Dokos was asked if he had proofread the search warrant affidavit. Detective Dokos stated, "To be honest as I explained earlier the power went out, I would like to think that I would proof read it and catch these, the three errors where I put myself and I twice, however I'm not 100 percent sure if what happened when the power went out." Detective Dokos relayed that after the power went out neither he nor Sgt. Desmarais caught the mistakes in the report.

While going over various parts of the affidavit that implied that Detective Dokos witnessed something or did something before and during the take down and arrest of Paul Aaron is wrong. These portions of the affidavit came from the report submitted by Detective Rivera. This information is inaccurate.

When asked if he had cut and paste from incident or arrest reports into search warrants affidavits prior to this incident Detective Dokos stated, "Yeah I mean pretty much every search warrant you copy and paste your first paragraph, typically your last paragraph, you're changing ah you know, what the, what the drugs you're looking for are, what the address is but typically depending on what type of search warrant you're using a template and you know if you done a two buy search warrant or a phone warrant or anything, use a template and all you're changing is the actual you know how it went down, what drugs, the facts but the you know the meat of it is all roughly the same."

When asked if he ever knew there were errors in his search warrant affidavit Detective Dokos stated, "So the day that I went to Federal Court for the case I was reviewing my report prior to entering the court and I was reading it and I said, I said this doesn't sound right so I read it a couple times and I realized that even though I had known that I copied and pasted I realized oh you know what that should say Rivera." While in court he notified the AUSA's of the errors and she told him "don't even worry about it that's not a big deal. If they ask you that on the stand, testify correctly. And I said ok."

When asked if he had any other conversations with the AUSA Detective Dokos stated, "yeah when I first arrived and there was no trial prep, there was no nothing, they, she called me on, Raff actually probably like the week prior maybe I believe it was something roughly close, Detective Rivera asked me if I was going to Federal Court and I said not that I know of, and he said well they want to know if you're, you know, if you can go or whatever, I said well you know what tell them to send Sergeant Boyle a summons or don't call me. So sure enough they call Sergeant Boyle, send him a summons..."

At some point prior to court Detective Dokos received a call from the AUSA's supervisor or partner and he was asked if he remembered the case. He informed the male that he would need to review his reports of the incident. While in court he was told that the defense was calling him as a witness. He was also asked if he knew why the defense had pictures of a nail salon.

During the interview Detective Dokos stated that he was waiting in a room with Detective Kew, but it is believed he meant to say Detective Rivera. Also in the room was NHSP Trooper Vicente. He did tell the AUSA that a salon was near the area of the arrest. Trooper Vicente went in to testify first. Detective Dokos stated that he felt the trooper was gone for two to three hours. When the trooper came out of the court room he told Detective Dokos that he could not talk to him. Dokos reports texting the AUSA and inquiring how long it would be before he went in to testify; he was told the two could go to lunch. At some point Detective Dokos either got a call or received a text from the AUSA and was told they could leave. The two detectives left after lunch.

On the way to work that afternoon Detective Dokos received a call from the AUSA he believes. During the conversation the AUSA told Detective Dokos that she could not tell him what happened in the court. The AUSA went on to say that, "they saved me and Rivera's career". Detective Dokos stated, "I really don't know what you're talking about." He was informed that there was a video and Detective Dokos told the AUSA, "all I can tell you right now, I didn't lie, Rivera didn't lie, nobody in my unit lied that night." Dokos told the AUSA he did not know what they were talking about; that the incident was approximately twenty seconds long. He told her that he would testify "whenever for you". Dokos reports being confident in his affidavit and the arrest report. Dokos told the AUSA, "I was there that night you know unless there's some untruthfulness that I don't know about, I said I don't know what to tell you but I do know that I told the truth, I did not lie about anything, I don't believe Rivera did and I don't believe anyone else in my unit would. And that's all I can speak for."

As the conversation continued Dokos was told that the "video didn't look as how the report read." Dokos told the AUSA "I wasn't there physically to see the takedown so I can't tell you what exactly happened but you know I was going off the word of someone else and, and I have no reason to believe that anyone lied." Dokos believes that due to the number of law enforcement on scene that if anything crazy happened they would all know.

When asked at some point did he become aware that where Paul Aaron had been taken into custody was not in front of 193 East Merrimack St. he said that he realized it when he spoke with the AUSA on

the phone after being in court. He stated he did not realize it when he was serving the warrant. When asked if while he was at the scene of the arrest and he saw Paul Aaron in handcuffs if he had looked up to see the number 177 on the doorway he said no. Dokos stated, "so at the time now we're talking about in a snow storm, powers out you know, we just got a kilo and it was my belief that what you know based on everything that happened, yeah he must have been right in front of 193, I would have no reason to believe he was in front of another building."

8

Dokos stated that when he and Detective Lally traveled to 193 East Merrimack St. neither detective made reference to them being at a different location where the arrest took place. When asked if anybody noticed the camera outside he said no. He went on to say, "to be honest even when, when I found out there was a video it's no concern to me because I was under the impression that it was, everything was done correctly."

Detective Dokos stated that "I think" I called or texted Detective Kew to get the description of the building for the search warrant affidavit or it could be Detective Rivera that he called / texted.

Detective Dokos did not speak with Trooper Vicente other than the time he saw him in Federal Court and at the briefing on the night of the arrest. Detective Dokos has not read the report filed by Trooper Vicente. When asked how he got such a clear description of 193 East Merrimack St for the search warrant application itself he stated that he knew it from actually going up to the apartment.

Detective Dokos did know prior to the search warrant application that Detective Lavøie wrote Detective Rivera's report. When asked if he thought that this is an acceptable practice Detective Dokos stated, "My opinion on it is that it was done instead of for example instead of me typing a report and you're going to tell me what another guy said and this and that and prior information, it's just it's easier for you to type it, type it in your words and if I review it and it looks correct to me and accurate and not I don't recognize any lies or untruthfulness then I'm ok with it, then I'm ok with it."

When asked about the inaccuracies in the search warrant affidavit, and the issues caused by those inaccuracies Detective Dokos stated, "I fully understand the, I fully understand that and like I said as soon as I noticed it cause I would have no reason to review this report once the investigation is done unless it was for court. And as soon as I noticed it at court I immediately notified the US Attorney and as I stated previously she stated yeah Nick don't worry about it, not a big deal she's like if they ask you testify correctly and tell them you inadvertently forgot to change it, and I said ok."

When asked if he had notified Sgt. Desmarais Detective Dokos stated, "Yes so once myself and Detective Rivera were dismissed from court, I went home changed got ready for work, I was on my way in I talked to the US Attorney on the phone and when I was kind of like briefed of it, we walked in the office and I said hey you're not going to believe what this US Attorney just told me. And we started talking about it and everyone was kind of under the consensus like yeah this sounds you know crazy like it is, it is what it is but it's just like no one believed, no one thought it was anything."

At the time the search warrant application was submitted Detective Dokos believed that all the information included was correct. When asked why the search warrant was delayed in being returned Detective Dokos did not recall.

The interview ended at 10:53AM.

Detective Dokos was asked to provide the BOI with a copy of his phone records so we could verify information that he had provided. Detective Dokos provide the BOI with the telephone number to the AUSA out of Concord, New Hampshire.

On November 27, 2018 Detective David Kew came into the EOC at the Lowell Police Department for a second interview. Attorney Doug Louison accompanied Detective Kew as his Union Representative. The interview began at 11:17 am.

Detective Kew was asked when he first knew that the Paul Aaron arrest report was wrong as it pertained to Kew grabbing Aaron's arm. Detective Kew stated that, "I think when the whole thing came about." At first Detective Kew stated that he did not know because he had never read the arrest report. He stated that he remembered reading the affidavit, but was unsure when. He did recall that it was after the search warrant had been done.

Detective Kew never spoke with anyone about the report being inaccurate. When asked why he had not Detective Kew stated, "I think we were kind of in this situation already when it, when it took place."

Detective Kew was asked about a recent SIS investigation where an arrest and a search warrant were conducted on Appleton St. Detective Rivera typed out what he had done for the investigation. Detective Kew stated that he then took the word document typed by Rivera and then cut and paste the information into his affidavit. Detective Kew stated he has never written or submitted a report under another officer's name.

Detective Kew did not remember any TFO being in the SIS offices after the Paul Aaron arrest. He also could not remember if Lt. Penrose or Sgt. Desmarais had sent him back to secure the scene of 193 East Merrimack St. pending the application for the search warrant.

The interview ended at 11:27 am.

On November 28, 2018 Sgt. Daniel Desmarais came to the EOC for a scheduled interview. Sgt. Desmarais brought Attorney Michael Ackerson from the Law Firm of Reardon, Joyce and Ackerson with him as his Union Representative. The interview began at 1:05 pm.

Sgt. Desmarais was asked if he had gone to the scene of the Paul Aaron arrest either before or shortly after the arrest took place, he replied no. When he was asked if he had spoken with any supervisors from the DEA that night he stated he had not gone to the scene.

2

When asked if he knew that the arrest report that he approved, submitted by Detective Rivera, was actually written by Detective Lavoie he stated, "I knew that they were working in a cooperative effort, there was only information that Detective Lavoie had that he received from New Hampshire Trooper Vicente, so I knew that they were working in a cooperative effort to do that. And one of the things you know my understanding was that Lavoie was typing some of that."

When asked if it was normal for SIS detectives to type on other persons reports or under other persons names, Sgt. Desmarais stated "it's rare, there may be a specific instance where somebody observed something and maybe they just can't articulate it properly, verbally to that officer so it, it may be written that way but it's, it's rare. It does happen though."

When asked if he thought that was a good practice, Sgt. Desmarais stated, "I think in the end as long as the, all the information is proper and the reporting detectives who's signing off on it is aware of it then I think you know some of these, some of the, not everybody has the same observations, different people have different responsibilities. Sometimes as long as the end is met and the observations are put into that report properly, then I don't see a huge issue with it."

When told that Detective Lavoie basically wrote the entire report, except for three lines, then the report was submitted and signed off on, sent to court as if it was written by Detective Rivera and then it turns out it's not written by Detective Rivera, the sergeant was asked if he had an issue with that. Sgt. Desmarais stated that he did not because SIS was asked to assist the New Hampshire DEA with an ongoing investigation involving a wiretap. Putting an arrest report under a New Hampshire DEA or Detective Lavoie may have alerted individuals involved in the investigation that "there is a larger scale investigation ongoing." The sergeant continued his answer, "I think is based upon the fact that we believed a large amount of fentanyl is coming into the city with potential for overdoses. We believe we had a duty to act, a responsibility to act and as long as we could have the probable cause to do what we did and that's what we did."

Sgt. Desmarais came into work on October 9, 2018 and members of the SIS were already discussing what had occurred in court in New Hampshire that day. He reports that some of the members were sitting around the table in the office. The tone of the conversation was one of concern. There was not a lot of information received by the detectives. Sergeant Desmarais learned that a trooper had testified and that the two SIS detectives had not. He also knew that a video had been shown in court.

The interview ended at 1:13 pm.

On November 28th, 2018 Captain Matthew Penrose came into the EOC for a second scheduled interview. Captain Penrose brought Attorney Michael Akerson with him as his Union Representation. This interview began at 11:44am.

8

Captain Penrose was asked why a supervisor was not dispatched to the location of the operation when both he and Sgt. Desmarais were on duty the night of March 7, 2018. He stated, "Because they operate in the city at all times and there was no concrete, concrete information that something was going to happen." Eventually Captain Penrose did go to the scene after the arrest was made. He believes that the prisoner was in handcuffs and the wagon pulled up while he was on scene.

Captain Penrose was shown a photograph of the area of 177 East Merrimack St. and told that the BOI believes this is the area where the arrest of Paul Aaron took place. Captain Penrose was shown photographs of 193 East Merrimack St. and 177 East Merrimack St.

When asked if he had reviewed the search warrant affidavit Captain Penrose stated that he did not recall that. When asked if he realized when he went to serve the search warrant that he was at a different place from where the arrest took place Captain Penrose stated that he did not know he was not at the same location as the arrest. Captain Penrose did make the point that when people are placed in handcuffs they can be moved from the original location. So as far as he realized he was in the same general area. He was unable to tell us where the wagon parked while he was at the scene of the arrest. Neither Sgt. Desmarais nor any SIS detectives notified Captain Penrose of the location change.

When asked if he knew Detective Lavoie had written the arrest report submitted by Detective Rivera Captain Penrose stated that he knew Lavoie was assisting Rivera in the "composition of the report". When he was told that Detective Lavoie had written practically the entire report Captain Penrose said he did not know that. When asked if he knew, at the time it was written, that the arrest report contained inaccuracies when compared to the video Captain Penrose stated "no".

When told that the BOI had been advised that some of the detectives in SIS would go over to other detective's computers and add to their report and that the officers would type what they had done themselves or observed themselves as if the noted author of the report had written the information into the report Captain Penrose asked for clarification and stated, "So, so we're clear you mean somebody would go onto somebody's computer and their desk, somebody different than the officer that wrote the report." After learning that his clarification was correct, Captain Penrose stated that he did not know that.

When told that it has been suggested to the BOI that when the arrest was being written by Detective Lavoie that the supervisors were in the general area and aware of what Lavoie was doing Captain Penrose stated, "I was aware that Detective Lavoie and Raff Rivera were in the area, of in Raff's, at Raff's desk and they were both discussing and discussing the, the composition of that report." When asked if

he remembered who was actually writing the report at that time, Captain Penrose stated, "I did not pay attention in that, in that great detail to actually see who was actually composing the report."

During the interview Captain Penrose gave a general description on the set up of the SIS office and even drew a picture of the office and how it was set up. He also told us that Detective Rivera's desk is located outside of Captain Penrose's old office. While Captain Penrose was in his office he did not hear any specific conversations by the detectives. Captain Penrose took over the Special Investigations Section as a Lieutenant in the middle of 2016.

Q

When asked why the search warrant return was done late Captain Penrose did not know why. He relayed that it is the responsibility of the case detective to complete the return. He stated that either he or Sgt. Desmarais verify that the returns are done on time. Captain Penrose did not know why the return was done late.

The Captain has never seen a copy of Trooper Vicente's report. Captain Penrose did not have any contact with the DEA over the search warrant being done. When asked why he did not notify the DEA when SIS served a search warrant on a federal target Captain Penrose responded that he thought it was done through Detective Lavoie.

Captain Penrose did not take part in the briefing at LGH - Saints Campus prior to the operation. When asked where he and Sgt. Desmarais were at that time Captain Penrose stated that the two "were tied up on another, another call, another investigation." When told that a big issue we question is why a supervisor was not detailed to this operation, Captain Penrose stated, "So the explanation of that is its, it's a Federal Investigation."

When asked about his members being involved in the investigation, Captain Penrose said, "My members weren't involved until, until we got the call that so if I can, if I can backtrack so we can understand or I can convey what a, I receive a phone call from Detective Lavoie indicating that the DEA had an operation going on within the City of Lowell. Now in my time in the Vice Unit I was aware that there were several investigations going on within the City of Lowell from the State Police, and the DEA from the FBI that my, one of my purposes in that unit was to develop relations with these different units so we could know what was going on. A lot of times they did not provide information to us because of operational security. In this case I received information from Detective Lavoie while we were currently involved in another investigation within the City of Lowell. He informed me that they had information from the Wire that somebody may possibly be coming into Lowell with a quantity, a large quantity of narcotics. At that point in time I asked him do you need our assistance or is this a separate investigation, is this a DEA investigation, he informed me not and I'm not quoting him but he informed me, he goes we are all set we have plenty of help. Meaning and what my understanding was is his unit, the DEA Unit he was assigned to had plenty of help, then I said do you need us. like do you need our help. And he goes maybe. If we need to cover the wire, what covering the wire means is the wire is an active and on-going investigation. If they show their hand meaning if the DEA shows that their involved in an

investigation that the bigger target of that investigation would be tipped off, so and this, and I've been involved in investigations like this before so they would, he would request if in fact this was occurring that we assist, the Lowell Police Department Vice Unit assist him with the arrest to mask the bigger investigation."

When redirected to answer the question asked by Captain Hodgdon, Captain Penrose stated, "Because at so as you're aware when this information came in, it, it's coming in fast." When told that we were still trying to figure out why a supervisor did not go to the scene when his detectives were there, Captain Penrose stated, "So we're, we're out with investigation and I have to make sure the one we're actively involved with is covered properly. So after that I said do you have your help, he said yes I do, I said ok. We're involved, I, I have an investigation I need bodies on this investigation I believe we were working with an outside agency Billerica."

Captain Penrose was told that the BOI was trying to figure out if he or Sgt. Desmarais were tied up and that is why a boss was not sent. Captain Penrose stated, "I like to be involved in everything that's going in the city and again like I mentioned earlier my purpose in that unit because there have been fractured relationships between outside agencies and the Vice Unit so anytime I can meet with an outside agency, I'm gonna, I'm gonna jump on it. From in after our first interview after that I, I was reflecting on this an awful lot for obvious reasons and, and with that I was trying to remember to the best I can to the best of my ability how that went on that night and you explained it perfect. It was very fluent and it was happening fast. My focus was on our initial investigator I had when we started the initial investigation, the Lally's investigation with Tewksbury and Billerica."

This interview ended at 12:17 pm.

On December 18, 2018 Detective David Lavoie came into the EOC at the Lowell Police Department for a scheduled third interview. Detective Lavoie brought Attorney Doug Louison with him as his Union Representative to the interview. The interview started at 9:02 am.

During the interview Detective Lavoie was given [REDACTED], and asked if that belonged to TFO Malloy. Detective Lavoie checked his phone and told us that the number belonged to DEA Agent Jeff Commander assigned to the DEA in New Hampshire. Detective Lavoie was then asked if Jeff Commander could have been the contact that called him while he was off duty to which he replied that that was a possibility.

Detective Lavoie was then asked if he still had the text messages from Trooper Francisco Vicente from the night of March 7, 2018. Detective Lavoie informed the BOI that he had since gotten a new phone but had some screen shots of the texts between the two. Detective Lavoie reports that he got the new phone on October 23, 2018. He then went over the text messages between he and Trooper Vicente, [REDACTED] good hit bro I didn't know you were going to roll into the house we would have stayed but great hit, I said laughing out loud we didn't either. I'll look at the totals of everything later on

and this is all at 7:14AM the next morning.” Detective Lavoie continued “he said sounds good, I said 200 grams of, grams of coke we believe could be fentanyl or or the next one says fentanyl, over 200 grams may; I left before they counted the money fully maybe 3 grand maybe total guess. And he says awesome thank you just briefing the boss, he’s stoked at how it all went down minus the accident reports, I laughed ha ha. I said he was born in 87 and it looks like the stuff located in the house tested positive for fentanyl and it was just over a thousand grams so another kilo of that and it was 10 grand in cash. He said holy shit wow. Yes they, they did field and then it’s the next one, yes they did field test kits on it came back positive for fentanyl. Now I got to go back to this one. Then I have this one that says I think this one is maybe later on, hey this is from Cisco hey bud I would like to see if we can check Aarons phone for messages with my New Hampshire target, did you guys have access to the phone. It was locked and he wouldn’t unlock it, there was a, it’s in a faraday bag and put on the airplane mode, maybe shut down now but we couldn’t get into it. Ok thanks, was trying to see how much my customer was getting and doing a reverse with him, but I think, I’ll think of something thanks again.”

Detective Lavoie was asked if he had any texts from the night of March 7, 2018 on his phone. He believes that the texts quoted above are the only texts he had exchanged with Trooper Vicente. Detective Lavoie was unsure if he and Trooper Vicente had been texting on the night of March 7, 2018, he believes he was talking to him on the phone. Detective Lavoie thinks that if he had had more, he would have screen shot the texts as he did with the ones discussed above.

Detective Lavoie was told that a review of his phone records showed that he had tried to call Trooper Vicente a number of times on March 7th between 5:30pm and 7:00pm. Detective Lavoie stated that this was the time period that he was out to dinner. Detective Lavoie was then explained that during this period his records indicate that Sgt. Desmarais had tried to call him around 7:18pm, Lavoie calls Sgt. Desmarais back, Lavoie then tries to call Vicente back and then he and Sgt. Desmarais text back and forth with each other. At approximately 8:30 pm Detective Lavoie and Trooper Vicente have a text conversation back and forth. Detective Lavoie did not recall the content of those texts. Detective Lavoie was not 100% sure on this but believes this is when the DEA Task Force members were either in Lowell or heading down to the city.

Detective Lavoie believes that he arrived for the operation approximately one hour before the arrest occurred. The time of the arrest was 21:35 hrs. Detective Lavoie is not sure at what time the Lowell SIS detectives arrived on scene, he called them so he knows they were there.

Detective Lavoie did not remember if he was given any information indicating that an operation was being planned for the night of March 7, 2018. He did not know Paul Aaron’s past practices as it pertained to his order patterns. Detective Lavoie did not believe that Trooper Vicente would have prior knowledge on the investigation being conducted by a different New Hampshire DEA Task Force.

Detective Lavoie was not clear why he was trying to call Trooper Vicente, he stated that. “I probably would have been informed through the DEA guys and then after that trying to call him, I believe, I

don't, I don't know." It should be noted that DEA Agent Commander and Task Force Officer Malloy are on a different task force than Trooper Vicente.

Detective Lavoie was asked about a description that he gave of the apartment building. In his email he describes the layout of the apartments and how it has apartments on High St. and on the front side of the building. It should be noted that in his email Detective Lavoie does not refer to the building address by number. Detective Lavoie was shown a photograph of the building the BOI was speaking of as well. Detective Lavoie agreed that the description he gave in the email was that of the area we were speaking of.

The surveillance tape that Trooper Vicente requested Detective Lavoie attempt to recover was never gotten. Detective Lavoie remembers asking someone if the store owners were friendly towards the police and the person did not know so he never went to the store. When asked who had told him this Detective Lavoie could not remember who gave him the information. When pressed on if it could have been someone from SIS he said it could have been but it also could have been the area car officer.

Detective Lavoie was asked if he had shared the information that was in the Vicente email to either of the SIS supervisors or SIS detectives. Detective Lavoie stated that he did not remember providing this information, but "I don't know". When asked if he or anyone had gone up to the area of the store where Vicente commented on the camera Detective Lavoie stated, "No because they were watching that area, for some reason they thought that it was going to be delivered on Stackpole Street that's why I was on Stackpole Street. Because I believe on the phone conversation the main targets talking Stackpole, Stackpole so I was on Stackpole Street." When asked if anyone had checked the area of the store after Paul Aaron's arrest, Detective Lavoie did not believe so.

When asked if he could recall the name of the DEA supervisor on scene Detective Lavoie said no. When asked if the name Dave McGuckin would refresh his memory Detective Lavoie stated that he knew Dave McGuckin was a supervisor from New Hampshire but he would not be able to tell us what he looked like. When told he was the operator of the Durango that pulled up to the scene of the arrest and parked on the right-hand side of East Merrimack St, Detective Lavoie stated he had no idea that McGuckin was even at the scene.

Detective Lavoie was told that members of the BOI had spoken with Dave McGuckin and he had told us that he had had a conversation with an officer not from his task force and the two had walked up East Merrimack St. to check and see if Paul Aaron's name was on a mailbox. Detective Lavoie was asked if he was the officer talking to Dave McGuckin and Detective Lavoie said no. When asked if he knew who the detective was that did Detective Lavoie said no.

When told that during his previous interviews he attributes getting information on the arrest from Trooper Vicente, but could not remember Trooper Vicente telling him the information in the report that was incorrect, Detective Lavoie stated, "I can't specifically remember him specifically telling me exact

words or I just cannot". Detective Lavoie states, "I don't remember verbatim of a lot of things of day to day basis stuff like that but you know with regards to this I would have asked." He also knows from his own past practice that he would have talked with Trooper Vicente about what had occurred at the scene.

D

Detective Lavoie was asked about a one minute phone conversation he had with Trooper Vicente shortly after the operation ended. Members of the BOI believed this call was possibly to Trooper Vicente asking for directions back to Interstate 93. Detective Lavoie stated, "I vaguely remember something given them directions the best way but I would have I think I would have told him on scene because they were just leaving on scene and they were going towards the rotary that way. I don't remember a phone conversation with that being said."

The interview ended at 9:23 am.

A review of the Lowell Police Department's internal video from the night of March 7, 2018 and the early morning hours of March 8, 2018 shows members of SIS entering the offices of the Criminal Investigations Section. As a result of this a determination was made that members of the Criminal Investigation Bureau would be interviewed to determine if they had information that could assist in this investigation. The following is a review of those interviews. This review is not intended to be a verbatim transcript of the interviews. Please refer to the audio recording of each interview for a complete detailed account of the interview.

On December 14, 2018, at 7:55 pm, Sgt. Joseph Murray was interviewed in Criminal Investigation Bureau offices where he works. Sgt. Murray has been employed with the Lowell Police Department for 26 years. Sgt. Murray was assigned to work March 7, 2018. When asked if he remembered any members of the SIS coming into the office that night he answered no. When asked if he recalled the evening at all, he stated no. When asked if he recalled SIS detectives asking for his help with a search warrant or arrest report he said no. While speaking to Captains Hodgdon and LeBlanc, Sgt. Murray stated that SIS members would come in every now and then mostly to use an interview room but he did not remember them doing so on this specific date. He had no recollection of ever helping them with a search warrant. He stated that if they had asked to use the office they would have been allowed to.

The interview ended at 7:56 pm.

On December 14, 2018, at 8:06 pm, Detective Nathan Bowler was interviewed in the Criminal Investigation Bureau offices where he is assigned. Detective Bowler has been employed with the Lowell Police Department for 17 years. Detective Bowler was assigned to work on March 7, 2018. Detective Bowler was asked if he recalled any members of SIS coming into the Criminal Bureau that night, he replied he did not remember seeing any of the SIS members. He was then asked if he recalled assisting any members of the SIS with either a report or a search warrant that was being written and he said he did not.

The interview ended at 8:07 pm.

On December 14, 2018, at 8:14 pm, Detective Christopher Gonsalves was interviewed in the Criminal Investigation Bureau offices where he is assigned. Detective Gonsalves has been with the Lowell Police Department for five years. Detective Gonsalves was working on March 7, 2018 in the Bureau. He was asked if he recalled any member of the Special Investigations Section coming into the Criminal Bureau, he stated no. He was then asked if he recalled assisting any members of SIS with either writing a report or search warrant or assisting them in anyway, he stated no.

8

The interview ended at 8:15 pm.

On December 14, 2018, at 8:22 pm, Detective Joseph Borodawka was interviewed in the Criminal Investigation Bureau offices where he works. Detective Borodawka has been employed with the Lowell Police Department for 3 years.

On March 7, 2018 he was assigned to work the Criminal Investigation Bureau. He was asked if during the night he remembered any detectives of the Special Investigation Section coming into the Criminal Bureau. Detective Borodawka stated that he did not remember that happening. He was then asked if he had recalled assisting any SIS detectives with either writing an arrest report or a search warrant or just assisting in any way with an arrest report or search warrant and he said he did not recall.

The interview ended at 8:15 pm.

On March 7, 2018 Tewksbury and Billerica narcotics detectives assisted the Lowell Police SIS detectives in two operations. As a result of this a determination was made to interview the four detectives to learn if they had any information that could be useful to this investigation. The following is a review of those interviews. This review is not intended to be a verbatim transcript of the interviews. Please refer to the audio recording of each interview for a complete detailed account of the interview.

On 12/18/2018, at approximately 5:05 pm, Tewksbury Narcotics Detective Patrick Connor was interviewed at the Tewksbury Police Department's Criminal Bureau. Tewksbury Detective Sergeant Robert Field sat in on the interview.

On March 7, 2018 Tewksbury Detective Patrick Connor and his partner Detective McLaughlin came to Lowell to work a joint investigation with information TPD had supplied to LPD SIS members regarding a drug supplier.

As a result of this investigation [REDACTED] was arrested on narcotics charges. As this operation is wrapping up Detective Connor and his partner are asked by Sgt. Desmarais if they can assist in an

operation. The two detectives agree to the request. Detective Connor did not know the time, but he reports it was dark out.

The two detectives travel to Lowell General Hospital - Saints Campus and meet LPD SIS who were there. Detective Connor reports that Detectives Dokos, Lally, Lavoie and a few other LPD Detectives were there as well. There were also two Billerica Police Detectives there as well. New Hampshire DEA members arrived at some point. Detective Dokos ended up joining the two Tewksbury detectives in their vehicle. The detectives were in a [REDACTED] Detective Connor did not know any of the DEA members or where they were from. There was a briefing held at the hospital by Detective Dave Lavoie. The detectives cleared the hospital approximately 5-10 minutes after they had gotten there.

When the two Tewksbury Detectives and LPD Detective Dokos left they were monitoring the operation via Detective Dokos' portable radio. Detective Connor reports that they drove to a side street in the area of the hospital. He does not know the name of it, but he believes it was a one way. The street had a church and an apartment building on it. The three detectives tried to get observations on the transaction. They did not know from where the target was coming from, but they knew he would be on foot. From the briefing they knew a taxicab was coming. The three ran a "running observation" to see if they could identify somebody walking or a taxi cab.

Detective Connor did not know who was calling out the operation on the radio. At some point they hear that someone had an eye on the taxi cab. The three waited in the area for approximately five minutes and then head down the street that they were parked on. They came upon the others involved in the operation stopped at the scene on East Merrimack St.

The truck was parked and they walk up East Merrimack St. towards the scene. Upon arriving there Detective Connor sees a black male in custody, he was in handcuffs with a number of officers around him. Detective Connor guesses that he was on the scene five – ten minutes before the LPD Wagon arrived on scene. Shortly after the wagon was on scene the two Tewksbury detectives cleared the scene and returned to Tewksbury.

Detective Connor did not hear anyone talking about a search warrant while he was on scene. When asked if he or Detective McLaughlin walked up the hill on East Merrimack St. with a member of the DEA Task Force, he said no.

On 12/19/2018, at approximately 5:31 pm, Tewksbury Police Narcotics Detective Michael McLaughlin was interviewed at the Tewksbury Police Criminal Bureau.

On March 7, 2018 Detective McLaughlin and his partner, Detective Pat Connor were assisting in a controlled buy in Lowell with detectives from Lowell and Tewksbury. Detective McLaughlin said that SIS Detectives Dokos, Kew, O'Donnell, Lally and Sgt. Desmarais were at the operation. He did not recall if Lt.

Penrose was there. After this operation was completed the two Tewksbury detectives were asked to assist in a second investigation that was going to be a Kilo rip.

Detective McLaughlin reports meeting with Lowell SIS Detectives and DEA Task Force members at Saints Memorial Hospital, (LGH Saints Campus). Once at Saints Campus Detective McLaughlin reports LPD Detective Lavoie being on scene as well as LPD Detective Rivera. He also believes that Sgt. Desmarais was on scene. Detective McLaughlin said that the briefing took approximately ten minutes.

The Tewksbury detectives and LPD Detective Dokos were riding together. They took up a pre-surveillance position near a church; he does not know the name of the street. Detective McLaughlin did not know who had the eye during the operation.

At some point the taxi cab had driven by their location. The three waited for the call on the stop, but they never heard it. At some point they cleared their surveillance location and took a left. They pulled into a side street and walked around the corner up to the arrest location. When they arrived at the location Detective McLaughlin saw a black male in handcuffs standing on his feet. Detective McLaughlin did not know the name of the man in handcuffs.

When asked if a DEA Supervisor identified himself to Detective McLaughlin he stated no. Detective McLaughlin did not check to locate an apartment of the male under arrest. He did not know if anyone did.

The Tewksbury detectives cleared the scene and returned to Tewksbury.

The interview ended at 5:40 pm.

On December 21, 2018 Billerica Police Detective Ian Taylor was interviewed at the Billerica Police Department, Criminal Bureau. The interview began at 2:08pm.

Detective Taylor is a detective who specializes in narcotic investigations. On March 7, 2018 he was working a joint investigation with another Billerica Police Detective Daniel O'Leary, along with Tewksbury Police and Lowell Police SIS Detectives in Lowell. Later in the night he assisted with the DEA in the city as well. Detective Taylor reports that Tewksbury detectives had received information about a potential narcotics dealer that they notified Lowell about. After an arrest was made in that investigation Sgt. Desmarais asked the Billerica detectives if they could stick around and help with another ongoing operation. The two Billerica detectives agreed to stay.

Detective Taylor reported that there was a period of time from the end of the first operation ending and the other operation beginning. After a waiting the group met at Saints Campus (LGH). Detective Taylor stated that the snowstorm was beginning, he called it an incredibly severe storm. While at Saints

Campus there was a briefing on the operation but he does not remember the specifics; he did know that it was a DEA operation. Detective Taylor believes that LPD Detective Lavoie participated in giving the briefing. Detective Taylor reports that there was another man participating in the briefing as well but he did not know his name. The two Billerica detectives were operating an unmarked cruiser. When the pre-surveillance started they went with LPD Detective Lally, in his vehicle, for the operation.

Detective Taylor is unsure of their exact location but he knew it was across from the hospital parking garage, a side street possibly off of East Merrimack St. Detective Taylor thinks that they were briefed on a taxi being involved in the operation. The three detectives sat in the area for about a half hour, maybe under an hour he thought. Detective Taylor did not know who had the eye of the operation. The detective remembers something about someone with glasses being involved, but he did not remember if they were talking about "the actual person arriving or the person meeting."

When he arrived on scene the arrest was completed. He remembers people being under cover of the building overhang because of the weather. He thought a crash involving an unmarked cruiser had taken place. He was concerned with the weather, and their vehicle being parked facing down the hill of East Merrimack St. with commuters driving down the hill as well.

Detective Taylor was uncertain if the LPD Wagon arrived, he was not sure if he was there when that occurred. He did not look at any mailboxes himself, and he did not recall anyone else doing that.

The interview ended at 2:20 pm.

On January 10, 2019, at approximately 2:10 pm, Billerica Police Narcotics Detective Dan O'Leary was interviewed at the Lowell Police Training Center.

On March 7, 2018 Detective Dan O'Leary and his partner Ian Taylor were working the 4:00 pm-12:00 am shift. The two were working with the Lowell Police SIS Detectives and the Tewksbury Police Departments Narcotics Detectives on an operation in Lowell. The Tewksbury Detectives, Pat Connor and Mike McLaughlin, had developed information that a [REDACTED] was selling drugs in the Back Central area in Lowell.

Detectives O'Leary and Taylor met up with Lowell Detectives Lally, Rivera, Dokos, and Sgt. Desmarais at approximately 7:00 pm he believes. The operation was conducted and an arrest was made. He believes the arrest was made between 7:30 pm and 8:30 pm. The detectives drove back to the parking lot of the SIS offices and were told that Lowell SIS had information that someone was making a delivery in Lowell. They were asked if they were willing to help out.

The detectives drove to the LGH - Saints Campus and met up with Lowell Police Detective Lavoie, SIS detectives and some others that he did not know. He believes that Sgt. Desmarais was there, but he is

unsure. During the meeting intelligence was given on what they should be looking for. The drug involved was reported to be fentanyl. Detective O'Leary believes that they were told the information was coming from a wiretap. When he asked if anyone identified themselves as DEA or a DEA Supervisor, he said no. He did say that he knew one of the DEA agents from attending trainings with him in the past.

After the briefing the two Billerica detectives drove with Detective Lally in his unmarked cruiser. Detective O'Leary believes they took up a surveillance position on Stackpole St. across from the hospital. The trio's assignment was to watch to see if the cab arrived. At some point someone said that the cab had arrived, he did not know who.

8

Detective O'Leary did not see the cab travel to any specific location. He reports that the defroster in the unmarked cruiser was not working and it was a blizzard outside. Detective O'Leary did not have the eye on the deal; neither did the others he was with. At some point the cab did drive by them.

Detective O'Leary never saw the hand to hand transaction. The group eventually looped around and came down East Merrimack St. Detective O'Leary stated that "the road was horrible ". They parked up towards the Immaculate Conception School and walked down to the scene.

Detective O'Leary reports upon arriving at the scene he saw the others from the debriefing as well as Detectives Lavoie, Rivera, and the DEA agent he knows there. He also saw a person in handcuffs standing in the entryway of a building, out of the weather. The arrest was done prior to his arrival at the scene.

Detective O'Leary never heard a conversation about a search warrant or where the prisoner lived. He did not walk with any task force member looking at mailboxes for names.

The interview ended at 2:20 pm.

On January 4, 2019 Captains Hodgdon and LeBlanc drove over to [REDACTED]
[REDACTED] who informed detectives, when they went to 193 East Merrimack St., that Paul Aaron lived in apartment 5 at that location. Detective Dokos reports showing [REDACTED] a Booking Photo of Paul Aaron without any identifying markings on it. [REDACTED] views the photograph and identifies Paul Aaron and states, "yes that's Paul my neighbor. [REDACTED] went on to tell the detectives that Paul Aaron was a good friend of [REDACTED] believed that Paul Aaron lived alone in the apartment.

While speaking with [REDACTED] verified most of the information supplied in Detective Dokos' affidavit except [REDACTED] denies that the detectives showed [REDACTED] a photograph of Paul Aaron. When asked if [REDACTED] was sure, [REDACTED] A decision was made to interview Detective Lally and Dokos on the

inconsistency between the affidavit and [REDACTED]. A decision was also made to ask [REDACTED] to give a recorded interview to Captains LeBlanc and Hodgdon.

On January 7, 2019, at approximately 5:19 pm, Detective Lally came into the EOC of the Lowell Police Department for a scheduled second interview. Detective Lally brought LPD Officer Chris Smith with him as his Union Representative.

①

Detective Lally was asked if after speaking with Paul Aaron in the cellblock on the night of his arrest, he and Detective Dokos traveled to the building Paul Aaron lived. Detective Lally stated, "Yes" to this question. He was handed a copy of the search warrant affidavit and read the portion of the affidavit labeled number six. After reading it Detective Lally was asked about his interactions with [REDACTED]. Detective Lally reports that he remembers [REDACTED] being very cooperative. [REDACTED] invites the two into [REDACTED] apartment. [REDACTED] brings the two to the back of [REDACTED] apartment and showed the two detectives the [REDACTED] with Paul Aaron's apartment. Detective Lally had an impression that the two knew each other very well. He also believes that [REDACTED] said Paul Aaron acted as a handyman in the building.

When asked if he remembered if either he or Detective Dokos showed [REDACTED] a photograph of Paul Aaron, Detective Lally stated that, "I don't have an exact recollection but it's something we would typically do." When asked if they would have used a paper photo or a cell phone Detective Lally stated, "It could be either way you know if we had an iPad, it would be on the iPad, if it was the booking photo from that night, it's the booking photo from that night but I don't recall."

Detective Lally was asked if he knew [REDACTED] prior to that night he stated, "If I did know [REDACTED] I don't remember meeting [REDACTED] but I have no recollection of dealing with [REDACTED] before that night."

The interview ended at 5:23 pm.

On January 9, 2019, at approximately 5:17 pm, Detective Dokos came into the conference room on the second floor of the police station for a scheduled second interview with the BOI. Detective Dokos brought LPD Officer Chris Smith with him as his union representative.

Prior to starting the interview Detective Dokos was given a copy of his search warrant affidavit for Paul Aaron's apartment for review. He was asked what he recalled from his interaction with [REDACTED] to which he stated, "On that night myself and Detective Lally we traveled to 193 East Merrimack Street, we were able to enter the main entrance of the building when we were there we then proceeded up the stairwell, we were greeted by a person in another apartment. From there we traveled upstairs, we knocked on apartment 5 for approximately 5 minutes after receiving no response we then knocked [REDACTED] and we, me and Detective Lally were greeted by [REDACTED]."

Detective Dokos went on to state, "While speaking with [REDACTED]"

knew who lived in apartment 5 [redacted] stated yes it was Paul. [redacted] stated he lived there for some years. Then at some point detective showed [redacted] a picture of Paul Aaron with no identifying information, [redacted] identified that that was Paul Aaron and then we left there afterward. I forget how long we were there exactly."

(8)

When asked if he remembered who showed her the picture Detective Dokos stated he believed it was him. When asked if he remembered how he showed [redacted] the picture, if it was printed, Detective Dokos did not recall but he believed it was either on an iPad or phone. He did not believe it was a printed photograph. Detective Dokos stated, "I just don't recall if it was my iPad, Laily's iPad, my phone, his phone I really don't remember." He did believe that it was a booking photo. When asked if it was definitely not a printed photo he stated, "I can't say 100% sure but I, I don't believe it was."

When asked if once he went back to the office he printed the photograph from a phone or iPad and placed it into any type of file, Dokos believed he did not do that. He was even unsure if there was a case file for the Paul Aaron arrest.

The interview ended at 5:20 pm.

Prior to leaving the conference room Detective Dokos, in the presence of his union representative, told Captains Hodgdon and LeBlanc of another encounter he had with [redacted]. The recording was restarted, at 5:22 pm, and Detective Dokos stated, "Approximately a month and half after the search warrant, we the SIS Unit along with other Law Enforcement Agencies executed a wire takedown. On that given day we went to 193 East Merrimack Street, we had to breach Paul Aaron's residence, when we secured that residence for another search warrant [redacted] exited [redacted] residence and expressed [redacted] displeasure towards myself and I believe other detectives were there as well with [redacted]. [redacted]" When asked if it was fair to say [redacted] was upset with the detectives, Dokos stated, "Yeah [redacted] definitely upset and it just became apparent to me that [redacted] was aware that [redacted] did not have access to the affidavit. So I was, lead me to believe that Paul had [redacted] Detective Dokos has not seen [redacted] since that day."

The interview ended at 5:23 pm.

On January 11, 2019, at approximately 3:34 pm, [redacted]

[redacted] this interview was audio recorded using an LPD iPad.

[redacted] was asked to bring [redacted] attention back to the night of March 7, 2018 and the early morning hours of March 8, 2018. [redacted] was asked what [redacted] recalled from that evening and early morning. [redacted] reports getting a knock on [redacted] door. [redacted] "I'd answered the door and so the guys had introduced themselves and said do you know the [redacted] said yeah Paul, I said he's lived [redacted] Do you know if he's home or when, when he works and basically had asked me a couple questions of I knew of his comings and goings or, or where he works

and I said I don't but you know him and [REDACTED] you know so we know [REDACTED]

[REDACTED] reports telling the detectives that Paul Aaron was never home because he worked all the time. When asked where Paul Aaron worked [REDACTED] reports them telling her that Paul Aaron was a wanted fugitive that was being investigated. When asked about the building [REDACTED] invited the two in. As they were walking in [REDACTED] for their identification. [REDACTED] reports that the two [REDACTED] they were wondering when [REDACTED] was going to ask for them. (e)

[REDACTED] showed the two detectives [REDACTED] showed them the back porch that [REDACTED] told the detectives that [REDACTED] did not want to know what Paul Aaron had done, he had [REDACTED] in the building for many years. The detectives left the building.

Later that evening they came back. [REDACTED] stated, "After showing them around later on that night it was like 3 o'clock in the morning when they came and they did the search, search warrant and so then at that point I was trying to get ahold of Paul but from every time I had encountered one of them they had said he's a wanted fugitive, he's guilty of all of this and I said that to me you know what I mean it's not proof you know it's an accusation but."

When told that it sound like [REDACTED] had talked to them (detectives) a previous time [REDACTED] stated, "Well the thing was that they I had spoken to them that time and then I can't remember exactly afterwards but if it was the day of the swat team or what not or prior to because they had come a couple of times and said is he home and I said no you know I have no idea it's not like I watch his comings and goings. I only know when he's home because I can hear his boots you know. So I know that had encountered them after that but I don't, don't recall exactly how much." When asked if it was the same two detectives from the first night [REDACTED] was unsure.

When asked if [REDACTED] was shown a photograph, she stated, "I never saw a photograph." When asked on a piece of paper, phone, or iPad she said no. [REDACTED] was "absolutely sure about that." [REDACTED] believes they came back with the swat team on the same night.

[REDACTED] reports assisting Paul Aaron after he had been released from jail. [REDACTED] helped Paul Aaron upload videos from the interior of their apartment building that had been given to him from the landlord. The videos were from the night of his arrest.

When asked if [REDACTED] had any conversations with Paul Aaron or any detectives about [REDACTED] being upset because [REDACTED] was named in a report [REDACTED] stated, "No because I would have stood up for him anyway and I had a feeling at that point after talking to his father once the search team, the search warrant or whatever there was a time last between the time that he had gotten arrested we had figured out we were being listened to or whatever but that never bothered me cause again you know there was anything I saw as being wrong."

The interview ended at 3:40 pm.

In Detective Dokos' affidavit, for the search warrant of Paul Aaron's apartment, he makes note of showing ██████████ a booking photo of Paul Aaron. He does not note if it was a paper photograph or a photograph shown on a department issued iPad or a cell phone. ⑧

██████████ was not shown a photograph on the night of March 7, 2018.

Detective David Lally stated he does not have an exact recollection if a photograph was shown to ██████████ but stated "it's something we would typically do." Detective Lally did not know if he and ██████████ had met before. He did get the impression that ██████████ and Paul Aaron knew each other very well. Detective Lally also noted that ██████████ was cooperative towards him.

Detective Dokos stated that ██████████ was shown a picture. He did not remember if it was a printed photograph or from an iPad or iPhone. He did not know if it was from his phone or iPad or Detective Lally's phone or iPad. Detective Dokos stated he could not be completely sure that it was not a printed photograph, but he does not believe it was.

A review of the video from the interior of 193 East Merrimack St. shows Detectives Lally and Dokos arriving there at 11:56 pm on March 7, 2018. The video follows the actions written in Detective Dokos' affidavit. When they ascend the staircase to their left they go out of view of the camera. The detectives are seen coming down the stairs to the landing and back in full camera view at 12:11 am. Detective Dokos has what appears to be a piece of paper in his left hand. The two appear to have a brief conversation. A white object can be seen in Detective Dokos' left jacket pocket that may also be a piece of paper. They begin walking down the stairs. The two appear to have a conversation while on the stairs and then walk out of the building at 12:12 am.

It should be noted that ██████████ was charged with Assault and Battery on a Police Officer ██████████. On this date the owner, ██████████, called officers to ██████████ had a locksmith on site attempting to change the locks to vacant apartment 5. While in the process of completing this ██████████ began yelling at the two. When the police arrived ██████████ told the officer that ██████████ had a key to the former tenant's apartment but was refusing to return it. It should be noted this vacant apartment was that of Paul Aaron, and ██████████ had a key to it. When an officer went to ask ██████████ to return the key. While in the apartment ██████████ was uncooperative. At one point ██████████ pushes past the officer and in doing so caused him to fall down stairs of the building. ██████████ was taken into custody ██████████ was running out of the building.

The BOI attempted to verify if a photograph was printed or viewed electronically but are unable to do so. The printing of photographs to LPD printers is not specifically tracked in the Larimore System. The use of electronic devices, such as phones and iPads, remotely accessing the LPD system, show the user logged on but not what was viewed. The logs don't show when the user logs out.

FINDINGS

This Board of Inquiry has reviewed the Lowell Police arrest report, search warrant, court testimony (NHSP Trooper Vicente), reports filed with the Drug Enforcement Agency, and other pertinent documents. The Board of Inquiry has also conducted numerous interviews as to the actions taken by personnel on scene and reviewed video. The Board of Inquiry believes that Lowell Police SIS Detectives had the necessary probable cause to arrest Paul Aaron on the night of March 7, 2018.

The Board of Inquiry found the following issues related to the Paul Aaron arrest report and search warrant affidavit:

- 1- Detective David Lavoie acted as a ghost writer for Lowell Police Arrest Report 2018-003891A that was submitted under Detective Rafael Rivera's name. Detective Lavoie authored the report in a misguided attempt to protect the existence of an ongoing multi-jurisdictional narcotics investigation that was utilizing a wiretap to further the investigation of a major fentanyl distribution network. The detective / officer under whose name the report was submitted should have written the arrest report and verified all of the facts of the arrest with NHSP Trooper Vicente and other assisting detectives / officers.
- 2- In both the arrest report and search warrant affidavit the taxi delivering the fentanyl is noted as being on East Merrimack St. @ Fayette St. This information is inaccurate; the taxi was parked on Fayette St. by the Immaculate Conception Church. This is where Aaron conducts the drug transaction with the taxi. This should have been verified with NHSP Trooper Vicente.
- 3- When New Hampshire Trooper Vicente first approached Paul Aaron, Aaron did not turn around and walk towards the doorway of 193 East Merrimack St. This is inaccurate information in the arrest report. Paul Aaron turns and moves towards the doorway of 177 East Merrimack St. This should have been verified with NHSP Trooper Vicente or other assisting detectives / officers who were present.
- 4- The arrest/search warrant affidavit states that Trooper Vicente approached Paul Aaron simultaneously with Detective Kew and Rivera. This information is inaccurate, Trooper Vicente is alone when he approaches Paul Aaron and takes him to the ground. This should have been verified with NHSP Trooper Vicente and / or SIS Detectives Kew and Rivera.
- 5- The arrest/search warrant affidavit states that Detective Kew grabbed Paul Aaron's arm and the bag then fell to the ground. This is inaccurate; the bag was dropped by Paul Aaron just prior to Detective Kew coming in contact with him. This should have been verified with NHSP Trooper Vicente and Detective Kew.

- 6- The arrest/search warrant refers to Paul Aaron turning his body in an aggressive manner to again try to get into the doorway of 193 East Merrimack St. This statement is inaccurate; Paul Aaron was on the ground when Detectives Kew and Rivera reached the arrest scene. This should have been verified with NHSP Trooper Vicente and / or SIS Detectives Kew and Rivera.
- 7- The arrest report states Trooper Vicente and I were attempting to secure Paul Aaron when Paul Aaron continued his attempts to get away from detectives and enter into the building. Trooper Vicente was able to secure Paul Aaron. This statement is inaccurate, Paul Aaron was already down and the video disputes this information. Detective Rivera is the detective that placed Aaron into handcuffs. This should have been verified with NHSP Trooper Vicente and / or Detective Rivera.
- 8- While writing his search warrant affidavit Detective Dokos cut and pasted portions of the arrest report narrative. In doing so he never changes the tense of the person in the arrest report from first person to third person. This mistake makes the affidavit read as if Detective Dokos is the person in the arrest report assisting on scene. Detective Dokos was with two Billerica narcotics detectives during surveillance. The three detectives missed the takedown signal. As a result, Detective Dokos arrived at the arrest well after Paul Aaron was taken into custody and took no part in the actual arrest. This should have been reviewed properly by an SIS supervisor.
- 9- In his search warrant affidavit Detective Dokos writes that he spoke with Detention Attendant Paul Hadley while he and Detective Lally were in the cellblock. This is inaccurate; DA Paul Hadley was not working on March 7, 2018 on the 5:00pm-1:00 am shift. The investigation has determined that Detective Dokos spoke with SDA Brian Johnson that night. This should have been verified by reviewing the Lowell Police booking sheet to verify the detention attendant.
- 10- Sgt. Daniel Desmarais did not review the search warrant affidavit properly prior to the application being submitted. The sergeant had a duty to ensure that it was accurate and established probable cause. Sgt. Desmarais failed to complete this duty to acceptable standards. A reading of the affidavit clearly identifies that the portions that were "cut and pasted" were indicating Detective Dokos as the officer involved in the arrest instead of Detective Rivera.
- 11- The return of the search warrant for Paul Aaron's apartment was returned to the Lowell District Court Clerk's Office on March 16, 2018. The return was required to be brought back on March 15, 2018. An SIS supervisor should have followed up with Detective Dokos to ensure timely return to the Lowell District Court Clerk Magistrate's Office.

On the night of March 7, 2018 a Nor'easter snowstorm dumped heavy snow in the City of Lowell. Then Police Superintendent Taylor issued a parking ban for the city that took effect at 4:00 pm. The

storm caused power outages throughout the city including the SIS offices. The storm appears to have played a role in the mistakes made by detectives and supervisors of the SIS during the Paul Aaron incident. Communication issues also played a role in the night's outcome. The fact that three detectives assigned to the surveillance did not hear the "go" signal is evidence of the communication failure. The pre-operation briefing was noted by some detectives as being inadequate. The complete nature of the operation was not known to some detectives on scene. Had an SIS supervisor been on scene for the debriefing, surveillance and arrest of Mr. Aaron they could have identified the noted deficiencies, corrected them prior to the operation commencing and ensured that the operation was in accordance with Lowell Police Department General Orders and Rules and Regulations.

The Board of Inquiry has determined through their investigation that the following Special Investigations Section members violated noted Rules and Regulations of the Lowell Police Department.

Captain Matthew Penrose

On March 7, 2018 Captain Penrose was a Lieutenant assigned as the Officer in Charge of the Lowell Police Special Investigation Section. Then Lt. Penrose was responsible for assigning his detectives to the Paul Aaron operation. Captain Penrose knew the scope of the multi-agency narcotics investigation being directed by the US Drug Enforcement Administration. As such he should have assigned Sgt. Desmarais to assist and supervise the SIS Detectives and act as a liaison for the Task Force Officers working in the city that night. A supervisor should have ensured that the SIS Detectives received a proper briefing as is required per LPD General Order 340-12 under section VI. Contingency Plans for the Special Investigations Section. If Sgt. Desmarais was unavailable to do so, as Captain Penrose states in his interview, then Captain Penrose should have taken on the role and responsibility. As it was, Captain Penrose delegated supervisory responsibility to detectives who do not hold official supervisory rank in the Lowell Police Chain of Command.

Captain Penrose knew that detectives were going to attempt to protect the integrity of the wire. As such, when he learned that DEA Task Force members did not return to the SIS office, as he requested, the Captain should have made the call to a DEA Task Force Supervisor and arranged for at least Trooper Vicente to return and given a proper debriefing on his actions during the arrest of Paul Aaron. As a result of this Trooper Vicente was not at the SIS office. The lack of accurate first-hand knowledge, which Trooper Vicente could have provided, resulted in inaccurate information being written into the arrest report narrative, which was then carried over into the search warrant affidavit.

Captain Penrose spoke in his interview about the night being very busy and being pre-occupied with the investigation from Central St involving SIS, Billerica PD, and Tewksbury PD. This investigation led to the arrest on Central St of [REDACTED]

[REDACTED] The operation resulted in approximately [REDACTED] This arrest is documented in Larimore and the report [REDACTED]

A review of Captain Penrose's emails for March 7, 2018 shows the following email activity between 7:00pm-8:00 pm.

- At 7:13 pm Captain Penrose sent an email to an LPD MIS employee regarding the installation [REDACTED]
- At 7:52 pm Captain Penrose sent an email to Captain Kevin Sullivan regarding [REDACTED] being conducted [REDACTED].
- At 8:12 pm Captain Penrose sent an email to LPD Detective Jason Burd acknowledging his hard work while in the SIS.

It must be noted that at the time of this incident the LPD program for emails could not determine which computer, iPhone, or iPad emails were either read or sent on. It also should be noted that the department issued iPhones and iPads are capable of being set so that the Sent from my iPhone or the Sent from my iPad tab at the bottom of emails does not appear.

Captain Penrose stressed during his interviews that on the night of March 7, 2018 he was concerned with the operation on Central St. and focused on that operation. The Larimore Reporting System's CAD History indicates that members of SIS called for the police wagon to [REDACTED]. The CAD also indicates that Paul Aaron was arrested at approximately 9:35 pm on East Merrimack St.

The Board of Inquiry has found that there was a report writing culture in the SIS that allowed officers to type their actions and observations in reports that were being created by other detectives in the unit. As in the Paul Aaron arrest report this type of report writing leads to confusion for police supervisors, the courts, prosecutors and defense attorneys. When one sees an officer's name under the "Submitted by Officer ID" they should be able to rely on and believe that officer is the author the report. As a result of the issues with the arrest report the MDAO was forced to nolle prosequi all charges against Paul Aaron.

Massachusetts General Law Chapter 276 Section 3A states, "Every officer whom a warrant to search is issued shall return the same to the court by which it was issued as soon as it has served and in any event not later than seven days from the date of issuance therefore, with a return of his doings thereon, provided, however, that a justice of superior court may at any time receive complaints and issue search warrants returnable in seven days before a district court named in such warrant and in the event the officer shall make his return to such district court as directed".

The search warrant served on Paul Aaron's apartment was due back in court on March 15, 2018. The warrant was in fact returned on March 16, 2018; one day late. A search warrant that resulted in the type of evidence recovered as this one demands that it be returned on time, if not earlier. Captain Penrose reported that it is the responsibility of the case officer to return the warrant and superiors

ensure that it is completed. In this case, that was not done. The supervisors did not know that the warrant was returned late.

The actions of SIS members on March 7, 2018 brought disrepute to the Lowell Police Department. At the time Captain Penrose failed to conduct a basic part of the Lieutenant job description of the Lowell Police Department specifically, "They are responsible for the proficiency, conduct, appearance, discipline and strict attention to duty of officers and supervisors under their command and supervision". In doing so Captain Penrose has been found to be in violation of the following Lowell Police Department Policy and Procedures:

4

The Board of Inquiry finds Captain Matthew Penrose responsible for the following violations of the Rules and Regulations of the Lowell Police Department:

1- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

4. Conduct Unbecoming an Officer - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department and/or officer.

As the OIC, then Lt. Penrose had a responsibility to ensure that his subordinates conducted themselves to acceptable standards that were in compliance with the Lowell Police Department Rules and Regulations. Captain Penrose did not do this.

The outcome of the Motion to Suppress Hearing in Federal District Court in Concord, New Hampshire on October 9, 2018 and conduct of the SIS Unit on March 7 and 8, 2018 brought discredit upon members of the SIS and disrepute upon the Lowell Police Department.

2- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

17. Gross Incompetence - No officer or employee will perform any act or duty in such a manner as to be construed as blatantly incompetent or misfeasant.

Then Lt. Penrose failed to assign a supervisor to a federal investigation involving officers and federal agents from the State of New Hampshire that were conducting an ongoing investigation in Lowell. Lt. Penrose knew the details of the investigation and that it was connected to a larger scale investigation being conducted in multiple states and involving multiple agencies from each state. Lt. Penrose stated that he wanted everyone involved back at the office. He did not ensure that this occurred. As a result of this Trooper Vicente was not at the SIS office. The lack of accurate first-hand knowledge, which Trooper Vicente could have provided, resulted in inaccurate information being written into the arrest report narrative, which was then carried

P

over into the search warrant affidavit. Lt. Penrose did not notify the DEA that his unit was going to conduct a search warrant on a DEA target. Lt. Penrose believed at the time that Detective Lavoie would contact them. As the OIC of the SIS it was Lt. Penrose's responsibility to either contact the DEA directly or ensure that it was done that night, Lt. Penrose did not do either. Then Lt. Penrose knew that the detectives were going to attempt to protect the integrity of the wire investigation. Knowing this, Penrose had an obligation to make sure it was done in a manner that was proper and within acceptable standards. Lt. Penrose did not do this. The job description of the Lowell Police Department for the position of Lieutenants requires that Lieutenants "are responsible for the proficiency, conduct, appearance, discipline and strict attention to duty of officers and supervisors under their command and supervision". Lt. Penrose allowed officers to perform in an unsatisfactory manner. Lt. Penrose failed to ensure that the search warrant return was completed in time. Lieutenant Penrose was in the SIS office when Detectives Dokos and Rivera were discussing the events of October 9, 2018 while at Federal District Court. He participated in the discussion and references the detectives being highly anxious in a sense of agitation. Lieutenant Penrose knew that something went wrong at federal court. Lieutenant Penrose had concerns with the information he had learned but failed to notify his commanding officer at the time, Captain Kevin Sullivan. Lieutenant Penrose stated that on the following day he heard that the MDAO had contacted Captain Sullivan about the incident and sent a packet over to the Chief's Office. While being interviewed Captain Penrose told the BOI that he had heard it in the office that day. Captain Penrose stated he was not able to tell us with certainty who told him this information but he believed it was "from my guys". In fact, Captain Sullivan was not contacted by the MDAO until October 17, 2018. The Chief's Office received the packet from Lt. Coyle. Lt. Coyle did not receive the information until October 22, 2018. Several avoidable actions occurred on March 7, 2018. Captain Penrose had a responsibility to ensure proper supervision was given so those actions did not occur.

Detective David Lavoie

Detective Lavoie wrote the arrest report under the notion that he was writing a wall off; his first, as he stated in his interview. The attempt to write a wall off failed and did not conform to acceptable standards. Knowing that a wall off was going to be used Detective Lavoie needed to ensure that it was done both properly; he did not do that. Detective Lavoie stated in his interviews that he wrote the Paul Aaron arrest report under Detective Rivera's name because, "we wanted to hide my involvement with court when it came time to go to court with this, like arraignment wise." Officers are not allowed to hide their involvement to the court.

The actions of Detective Lavoie brought disrepute to the Lowell Police Department. His actions assisted in the decision that the criminal charges against Paul Aaron, a major fentanyl dealer in Lowell, were dropped. Detective Lavoie initiated the involvement of the Lowell Police SIS in the Paul Aaron investigation.

The arrest report written by Detective Lavoie has inaccurate information in it. The video clearly shows that Detective Lavoie was still operating his motor vehicle when Trooper Vicente takes down Paul Aaron. Even as Detectives Kew and Rivera bail out of Lavoie's truck and run up to the arrest scene to assist Trooper Vicente, Detective Lavoie is still driving his vehicle as it slides in the snow as he attempts to drive up the incline of East Merrimack St. When Lavoie does arrive at the arrest scene he walks up and does not assist in the arrest of Aaron. Detective Kew hands the bag containing the kilo of fentanyl to Detective Lavoie who brings it back to his pickup truck.

Detective Lavoie takes it upon himself to write the arrest report when Detective Rivera was struggling with his initial attempt at writing the report. Detective Lavoie reports in his interviews that most of the information in the report came from Trooper Vicente. When asked about specific inaccurate information in the report Detective Lavoie says that he would have only gotten that information from Trooper Vicente, but admits that he does not remember Trooper Vicente telling him certain aspects in the report.

Detective Lavoie had the responsibility to ensure that the report was accurate. But, he did not do that. The report is inaccurate to a level that is far beyond simple mistakes. Detective Lavoie is a 13 year member of the police department. Prior to his assignment to a State Police Task Force he was a member of the SIS for eight years. As such he should have known that a report needs to be accurate, specifically his writing that Paul Aaron was trying to get into 193 East Merrimack St. when the video clearly shows the arrest taking place further down. This is a mistake that has resulted in questions of his honesty and integrity. This board finds that Detective Lavoie did not intentionally lie in his report as it pertains to this issue. No evidence has been discovered that would support a determination of untruthfulness on this issue. Trooper Vicente is the only person that could have provided refuting testimony as to what he and Detective Lavoie spoke about. At this time Trooper Vicente has declined to cooperate with this board. The board believes that Detective Lavoie performed his duty in an unsatisfactory manner as it pertains to the documentation of the arrest of Paul Aaron.

Detective Lavoie's submittal of a report under Detective Rivera's name, so as to hide his involvement from the court, in and of itself is deceiving. Detective Lavoie made the conscious decision to deceive the court so as not to jeopardize the ongoing federal investigation.

This Board of Inquiry finds Detective David Lavoie in violation of the following Rules and Regulations of the Lowell Police Department:

1- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

4. Conduct Unbecoming an Officer - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department and/or officer.

The outcome of the Motion to Suppress Hearing in Federal District Court in Concord, New Hampshire on October 9, 2018 and conduct of the SIS Unit on March 7 and 8, 2018 brought discredit upon members of the SIS and disrepute upon the Lowell Police Department.

2- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

14. False Information of Records - An officer or employee shall not make or submit any false or inaccurate reports or knowingly enter or cause to be entered into any departmental books, records or reports, any inaccurate, false or improper information. (2 Counts)

8

1. **Count 1-** Detective Lavoie submitted a report that he had written under Detective Rivera's name. This was done to intentionally hide his involvement from the court in a mistaken attempt to hide the existence of an ongoing wiretap investigation.
2. **Count 2-** Detective Lavoie wrote and submitted the arrest report of Paul Aaron. The arrest report contains several inaccurate statements. Detective Lavoie had a duty to produce an accurate report.

3- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

17. Gross Incompetence - No officer or employee will perform any act or duty in such a manner as to be construed as blatantly incompetent or misfeasant.

Detective Lavoie's submittal of a police report under Detective Rivera's name with the intent to hide his involvement in the arrest from the court is misleading. His attempt at a wall off, his first, was a failure. The wall off did not conform to acceptable standards. Detective Lavoie's submission of an inaccurate report, on such a serious arrest, is not within the accepted standards for a Lowell Police officer. His direct actions in this case played a major role in the criminal charges against Paul Aaron being dismissed. His use of an improper wall off, the submission of an inaccurate report and the attempt to hide his involvement in the investigation and arrest of Paul Aaron were clearly unsatisfactory and not within the highest standards of the Lowell Police Department.

Detective Rafael Rivera

Detective Rivera allowed the Paul Aaron arrest report to be submitted under his name, by Detective Lavoie, for approval by a supervisor despite the fact that he did not write the report. In fact, this Board of Inquiry learned that Detective Rivera was writing the report at first but, due to concerns and a

difficulty in the writing the report in such a way as to protect the integrity of the wire, he allowed Detective Lavoie to write the report. Detective Rivera believed that his supervisors knew that Detective Lavoie was actually writing the arrest report. Even with this assumption Detective Rivera still submitted an arrest report to the court under his name that he knew he did not write. The consequences of his actions caused confusion and assisted in the decision to drop the charges against Paul Aaron. In an interview, Detective Rivera spoke of a time that he went into another detective's report and typed in the role he played in that investigation. In that instance, however, Detective Rivera attributes the work to himself. Detective Rivera was involved in the submission of an inaccurate report when he allowed Detective Lavoie to submit the arrest report under Detective Rivera's name.



This Board of Inquiry has found Detective Rivera to be in violation of the following Rules and Regulations of the Lowell Police Department:

1- Rules and Regulations of the Lowell Police Department Section J- **PROHIBITED CONDUCT**

4. **Conduct Unbecoming an Officer** - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department and/or officer.

The outcome of the Motion to Suppress Hearing in Federal District Court in Concord, New Hampshire on October 9, 2018 and conduct of the SIS Unit on March 7 and 8, 2018 brought discredit upon members of the SIS and disrepute upon the Lowell Police Department.

2- Rules and Regulations of the Lowell Police Department Section J- **PROHIBITED CONDUCT**

14. **False Information of Records** - An officer or employee shall not make or submit any false or inaccurate reports or knowingly enter or cause to be entered into any departmental books, records or reports, any inaccurate, false or improper information.

Detective Rivera allowed another officer to write a report as if it were written by Detective Rivera. The BOI finds this to be a submittal of inaccurate information in an arrest report.

3- Rules and Regulations of the Lowell Police Department Section J- **PROHIBITED CONDUCT**

55. **Unsatisfactory Performance (Officers)** - Officers shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards

established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following, will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, directives, or orders of the Department.

Detective Rivera allowing Detective Lavoie to write the arrest report with the intention of hiding Lavoie's involvement from the court is wrong. Detective Rivera then allowed the report to go in under his name. The confusion caused by this action contributed to the decision that serious criminal charges be dismissed against Paul Aaron. Detective Rivera's actions failed to maintain the highest standards of the Lowell Police Department as well as indicating an unsatisfactory performance of his duties.

Detective Nicholas Dokos

Detective Dokos was the affiant on the search warrant that was issued for Paul Aaron's apartment at 193 East Merrimack St. apartment number 5. A majority of the search warrant affidavit was constructed by using the technique of cut and paste from the Paul Aaron Arrest report. Detective Dokos did not arrive at the arrest location until Paul Aaron was already in custody. Upon Detective Dokos' arrival on scene Paul Aaron was standing up and in handcuffs. Dokos did not witness any part of the arrest.

When Dokos was writing the search warrant affidavit and used portions from the narrative he believed that the information was correct. He had no knowledge of the inaccuracies in the report. He did however fail to edit the information in the narrative in such a manner as to show Detective Rivera had done the work in the narrative and not Detective Dokos as some of the search warrant affidavit reads.

The affidavit is inaccurate when Detective Dokos writes about speaking with DA Hadley. The board has found that Hadley was not on duty that night and, as he stated in his interview, Detective Dokos believed SDA Johnson was in fact DA Hadley. Though not a fatal error, it speaks to the sloppiness and lack of detail taken in the writing of the search warrant application.

Detective Dokos failed to return the warrant on time to the court. There is a long standing practice in the Lowell Police Department that the affiant of a search warrant returns the warrant to the court unless there is a reason they cannot, in this instance the Board did not discover a reason for Detective Dokos not completing the return on time.

The discrepancies in the actions of Dokos and Lally in the search warrant application and that of the actions told to members of the BDI could have possibly been explained if Detective Dokos had created a proper case file on the Paul Aaron investigation. The photographs shown to Ms. Hamilton should have

been saved if a paper copy was used or, in the case of an electronic device being used, the image should have been printed and / or transferred to a case file with a time stamp to show that the image was used. This was not done.

③

The Board of Inquiry finds that, at the time of the submission of the search warrant affidavit, Detective Dokos believed that the information copied from the arrest report was accurate.

The Board of Inquiry had found Detective Nicholas Dokos responsible for the following violations of the Rules and Regulations of the Lowell Police Department:

1- Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT

4. Conduct Unbecoming an Officer - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department and/or officer.

The outcome of the Motion to Suppress Hearing in Federal District Court in Concord, New Hampshire on October 9, 2018 and conduct of the SIS Unit on March 7 and 8, 2018 brought discredit upon members of the SIS and disrepute upon the Lowell Police Department.

2- Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT

14. False Information of Records - An officer or employee shall not make or submit any false or inaccurate reports or knowingly enter or cause to be entered into any departmental books, records or reports, any inaccurate, false or improper information.

Detective Dokos' search warrant affidavit is inaccurate. The use of cut and paste on the affidavit and the failure of Detective Dokos to edit the information from the use of cut and pasted sections of the arrest report causes the affidavit to be inaccurate.

3- Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT

55. Unsatisfactory Performance (Officers) - Officers shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence

without leave. In addition to other indicators of unsatisfactory performance, the following, will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, directives, or orders of the Department.

⑥

Detective Dokos wrote the affidavit for the search warrant of Paul Aaron's apartment. In writing the affidavit, Detective Dokos cut and pasted sections of the arrest report into the document. He did not edit the cut and pasted sections that remained in the first person. As a result the affidavit was submitted with inaccurate information. Detective Dokos also failed to accurately identify a detention attendant he had spoken with in the cell block on the night of Paul Aaron's arrest. Detective Dokos failed to maintain a case file on the Aaron arrest.

Sgt. Daniel Desmarais

Sgt. Desmarais was assigned to the Special Investigations Section as a supervisor on March 7, 2018. He did not participate or go to the scene of the Paul Aaron investigation. Sgt. Desmarais' involvement in the Paul Aaron investigation began when officers returned to the SIS office to complete paperwork.

Sgt. Desmarais was aware that the Paul Aaron arrest was connected to an ongoing federal investigation. After speaking with then Lt. Penrose, Sgt Desmarais made the determination that the unit would attempt to get a search warrant for Paul Aaron's apartment. Despite the fact that he had knowledge that Paul Aaron was a target of a federal investigation in narcotics trafficking Sgt. Desmarais did not contact the DEA Task Force to inform them that a warrant was being sought, nor that it had been executed.

Once issued and served, Sgt. Desmarais failed to follow up with Detective Dokos to ensure that the warrant was returned in time to the court.

Sgt. Desmarais was aware that Detective Lavoie and Detective Rivera were writing the arrest report. He stated that he knew that they had been, "working in a cooperative effort, there was only information that Detective Lavoie had that he received from New Hampshire Trooper Vicente, so I knew that they were working in a cooperative effort to do that. And one of the things you know my understanding was that Lavoie was typing some of that". When asked if it was "normal" for SIS Detectives to type on other detective's reports Sgt. Desmarais stated that it was "rare" and went on to say, that "it does happen" These statements suggest that Sgt. Desmarais knew this type of behavior was being done by SIS personnel. The sergeant spoke of the need to assist the New Hampshire DEA by, "all means to keep the integrity of the wiretap intact".

The Board of Inquiry finds Sgt. Daniel Desmarais responsible for the following violations of the Rules and Regulations of the Lowell Police Department:

1- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

4. Conduct Unbecoming an Officer - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department and/or officer.

①

Sgt. Desmarais was the SIS supervisor for the SIS detectives on March 7, 2018. He was required to ensure that the search warrant affidavit was accurate, and that officers under his supervision performed their duties properly.

The outcome of the Motion to Suppress Hearing in Federal District Court in Concord, New Hampshire on October 9, 2018 and conduct of the SIS Unit on March 7 and 8, 2018 brought discredit upon members of the SIS and disrepute upon the Lowell Police Department.

2- **Rules and Regulations of the Lowell Police Department Section J- PROHIBITED CONDUCT**

55. Unsatisfactory Performance (Officers) - Officers shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following, will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, directives, or orders of the Department.

Sgt. Desmarais was responsible for the review of the affidavit submitted by Detective Dokos. Sgt. Desmarais did not review the affidavit properly; he missed the cut and pasted sections that were left in the first person. This mistake makes the affidavit read as if Detective Dokos was on scene for the arrest and involved in the arrest of Paul Aaron; he was not. The sergeant's failure to thoroughly read the affidavit is a failure to properly perform his duties. The BOI notes that Sergeant Desmarais took responsibility for his failure in this area during his interview. The sergeant also had some level of knowledge that Detectives Rivera and Lavoie were working together on the Paul Aaron arrest report. When informed that Detective Lavoie had basically written the entire arrest report and asked if he had an issue with that, the sergeant relayed that as long as in the end the information is proper and the reporting detective that is signing off on it is aware of it, he does not see an issue with it. When an officer submits a report to a

supervisor or the court the person reading it needs to know that it was written by the officer that submitted it.

③

The Board of Inquiry finds the following in regards to the listed Lowell Special Investigations Section Detectives:

Detective David Lally

This Board of Inquiry has found no violations of policy or violations of Lowell Police Department Rules and Regulations on the part of Detective Lally with regards to his involvement in the Paul Aaron investigation. As such Detective David Lally is **EXONERATED** by this Board of Inquiry.

Detective David Kew

This Board of Inquiry has found no violations of policy or violations of Lowell Police Department Rules and Regulations on the part of Detective David Kew with regards to his involvement in the Paul Aaron investigation. As such Detective David Kew is **EXONEORATED** by this Board of Inquiry.

The Board of inquiry has not found any improper behavior on the part of the Billerica or Tewksbury Narcotics Detectives who assist the Lowell Police Special Investigations Section during the night of March 7, 2018.

This Board of Inquiry investigation and the resulting report have been a collaborative effort by the members of the Board. The undersigned members of the Board are in agreement with the report and findings.


Captain Daniel R. Larocque


Captain James Hodgdon


Captain Mark LeBlanc

LOWELL POLICE DEPARTMENT
ARREST REPORT

Case No **2018-0003891A**
Supp No **000**

<input type="checkbox"/> Additional Reports	<input checked="" type="checkbox"/> Arrest Report	<input type="checkbox"/> Accident	<input type="checkbox"/> Domestic	<input type="checkbox"/> Stolen Bike	<input type="checkbox"/> Juvenile Involved	<input type="checkbox"/> Alcohol Involved	<input type="checkbox"/> Prints	Adults 1
	<input checked="" type="checkbox"/> Complaint App	<input type="checkbox"/> Housing	<input type="checkbox"/> Bias		<input checked="" type="checkbox"/> Drugs Involved	<input type="checkbox"/> Gang Involved	<input type="checkbox"/> Photos	Juveniles 0

Incident		Cnts	Offense Code	Reported Date	Time	Day
TRAFFICKING IN HERION-200 GRAMS OR MORE [HEROIN]		01	94C-32E	03/07/2018	21:35	WED
				Occrd From Date	Time	Day
				03/07/2018	21:35	WED
				Occrd To Date	Time	Day
				03/07/2018	21:35	WED

Reporting Officer 1, I.D. RIVERA, RAFAEL A 5672	Reporting Officer 2, I.D. KEW, DAVID L 12130
---	--

Location of Occurrence E MERRIMACK ST / FAYETTE ST	Sector B2	Type of Premise HIGHWAY/ROAD/ALLEY
--	---------------------	--

Reporting Person	Phone	How Received OFCR INITI	Status ACTIVE CASE
Reporting Person Address	Weather SNOW	Weapon / Tools	

VEHICLES / PROPERTY

Property Type EVIDENCE	Property Category DRUGS/HEROIN	Quantity 1,031.10	Qty. Type GRAM
Brand	Model	Color	Caliber
Value	Value Recovered	OCA Active	OCA Cancel
Description 1031.1 GRAMS OF HEROIN		Tracking No.	Disposition

Property Type EVIDENCE	Property Category PROPERTY OTHER	Quantity 1.00	Qty. Type UNIT
Brand	Model	Color	Caliber
Value	Value Recovered	OCA Active	OCA Cancel
Description Black Ballistic Vest		Tracking No.	Disposition

INVOLVED PERSONS

Name Type ADULT	PCF No	Last Name / Business / State of AARON	First Name PAUL	Middle Name WILLIAM
Race	Sex	Age	Date of Birth	Place of Birth - City, State
Height	Weight	Build	Complexion	Eyes
Involvement: DEFEN/ARRESTEE ADULT TRAFFICKING IN HEROIN-200 GRAMS OR MORE		Soc Sec No.	Operator's License No.	State

Residence Address 1	Phone
Residence Address 2	Phone
Employer and Address NONE	Phone

Submitted By Officer, I.D. RIVERA, RAFAEL A 5672	Approving Officer's Name, I.D. DESMARIS, DANIEL THOMAS 4640	Page 1
--	---	------------------

p1 Case No. 2018-0003891A	p2 Supp No. 000	p10 Reported Date 03/07/2018	p11 Time 21:35
-------------------------------------	---------------------------	--	--------------------------

VEHICLES / PROPERTY

p1 Property Type EVIDENCE	p2 Property Category CELL PHONE	p3 Quantity	p4 Qty Type
p5 Brand	p6 Model	p7 Color	p8 Caliber
		p9 Serial No or OAN	
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
		p14 Tracking No	p15 Disposition

p20 Description
Black Cellphone

NARRATIVE

On March 7, 2018 SIS Detectives along with Detectives from Tewksbury and Billerica police received information from New Hampshire State Police Trooper Francisco Vicente about a heroin distributor in New Hampshire that meets an unknown Black male in Lowell who is a source of supply for their target. Trooper Vicente states that in the past week their target had come to Lowell to meet its source for re-supply of heroin twice. Each time Trooper Vicente stated that the target would go to the area of Lower Belvidere to meet this black male. The target would meet the unknown Black male near the corner of East Merrimack St and High St or Fayette St area. The Black male would then walk up to the NY target and conduct a quick hand to hand transaction and the unknown Black male would walk away from the NY and the target would drive off and head back to NY. The last time the target met with the unknown Black male was at 1800 hours on 3/06/18. The unknown black male is described as a young black male with a receding hairline, approximately 5'11" with a short thin beard and often wears a knit cap. Additionally, the Black male wears very distinctive clear, thick rimmed eye glasses. Based upon this recent information, Lowell SIS Detectives along with Tewksbury and Billerica detectives and NH State Police decided to conduct surveillance of this area on this date (3/07/2018) to further this investigation.

Detectives set up in and around the area of Fayette St and East Merrimack St. While conducting surveillance Trooper Vicente observed a yellow fully marked livery minivan taxi cab stop at the corner of East Merrimack Street and Fayette Street. Trooper Vicente further observed the same unknown Black male that he observed on two separate occasions within the past week now walking on East Merrimack St directly toward this livery minivan taxi cab that was now stopped on Fayette St at East Merrimack St. The Black male, later positively identified as Paul Aaron (DOB [REDACTED]) approached the passenger side of the yellow livery minivan extending his hands inside the passenger window during a quick interaction with the front seat passenger that lasted no longer than three (3) seconds. Paul Aaron then proceeded to walk away from the livery minivan up East Merrimack towards High Street. It should be noted that Paul Aaron was now walking with a gray Puma shopping bag that he was not observed carrying before he initially walked up to the van.

Based on the quick meet and recent ongoing investigation it was decided that detectives would approach Paul Aaron in furtherance of this investigation. While Paul Aaron was walking on East Merrimack St, Trooper Vicente exited his unmarked cruiser while announcing "Police" to Paul Aaron. Paul Aaron suddenly turned and began to walk towards a doorway of 193 East Merrimack St. Aaron looked directly at Trooper Vicente and attempted to enter into the doorway. Fearing that Aaron did in fact conduct a narcotic transaction with the male in the livery minivan taxi cab and that after being approached by law enforcement was now attempting to get into a building and into a potential location to either conceal or destroy narcotics, Trooper Vicente approached Paul Aaron with assistance from Detective Kew and myself simultaneously.

p1 Submitted By Officer, I.D. RIVERA, RAFAEL A	p2 Approving Officer's Name, I.D. 5672 DESMARAIS, DANIEL THOMAS	Page 4640 2
--	---	-----------------------

c1 Case No 2018-0003891A	c2 Supp No 000		c10 Reported Date 03/07/2018	c11 Time 21:35
------------------------------------	--------------------------	--	--	--------------------------

NARRATIVE

Detective Kew grabbed a hold of Paul Aaron's arm that was carrying the grey Puma shopping bag which proceeded to fall to the ground. Paul Aaron then turned his body in an aggressive manner to again try to get into the doorway of 193 East Merrimack St. During this time, Aaron tensed his body up and was not listening to Detectives as they told him not to move. Detective Kew then observed the contents of the bag that fell to the ground and saw that it was consistent with a large amount of packaged narcotics. Trooper Vicente and I were attempting to secure Paul Aaron when Paul Aaron continued his attempts to get away from detectives and enter into the building. Trooper Vicente was able to secure Aaron on the ground as Detective Kew was announcing to fellow detectives on scene that narcotics were located in the gray Puma shopping bag. Once Paul Aaron was secured, I was able to place Paul Aaron under arrest and handcuff him (DL). During a search incident to arrest, located on Paul Aaron, in his right jacket pocket was a folding knife. In his left pants pocket was a cell phone. Under his jacket, Paul Aaron was observed to be wearing a ballistic vest/body armor, designed to prevent or deflect penetration by ammunition, knives or other weapons. Paul Aaron was subsequently transported to LPD via the LPD transport wagon for booking and holding pending bail or arraignment.

Detective Kew later weighed the packaged narcotics located in the gray Puma shopping bag with a Lowell Police Department issued digital calibrated weight scale which revealed a total of weight of 1031.1 grams of suspected Heroin. It should be noted that the scale was calibrated prior to use with a 100 gram counterweight. Upon closer inspection, I observed the packaged narcotics to be packaged in compressed cylindrical form consistent with Class A Heroin. Paul Aaron will be charged with Trafficking Heroin over 200 grams (94C/32E). Due to the fact that Paul Aaron was wearing ballistic vest, he will be additionally charged with Wearing Body Armor during a Commission of a Felony 269-10D.

All items seized were tagged into evidence per departmental policy. Due to the seriousness of the charges a bail request will also be submitted with this report. A criminal application was completed for submittal to Lowell District Court. Investigation is active and ongoing.

Respectfully Submitted,

c1 Submitted By Officer, I.D. RIVERA, RAFAEL A	c2 Approving Officer's Name, I.D. 5672 DESMARAIS, DANIEL THOMAS	Page 4640 3 END
--	---	---------------------------

LOWELL POLICE DEPARTMENT
SUPPLEMENTAL REPORT

Case No **2018-0003891A**

Supp No **001**

Additional Reports: Arrest Report Accident Domestic Stolen Bike Juvenile Involved Alcohol Involved Prints Adults **1**
 Complaint App Housing Bias Drugs Involved Gang Involved Photos Juvenies **0**

POSS OF FIREARM W/OUT LICENSE	Cnts 02	Offense Code 269-10	Reported Date 03/08/2018	Time 03:57	Day THU
UNLAW POSS AMMUNITION	01	269:10A	Occrd From Date 03/08/2018	Time 03:02	Day THU
SEARCH WARRANT	01	8881	Occrd To Date 03/08/2018	Time 04:14	Day THU
FIREARM-IMPROPER STORAGE(FELONY)	01	140:131L	A		
UNLAW POSS LARGE CAP FEEDING DEVICE	04	269:10	K		
FENTANYL - MFG,TRAFF,DIST,POSS,DISP +10	01	94C:32E	D		
ILL POSS.OF FIREARM/COMMIT FELONY	01	265:18B			

Reporting Officer 1, I.D. **DOKOS, NICHOLAS JAMES** 11707 Reporting Officer 2, I.D. **KEW, DAVID L** 12130

VEHICLES / PROPERTY

EVIDENCE Property Category **HANDGUNS** Quantity **1.00** Qty. Type **UNIT**
 Brand **KEL-TEC** Model **380** Color **BLK** Caliber **380** Serial No or OAN **JNW46**
 Value Value Recovered OCA Active OCA Cancel Tracking No Disposition

Description: Loaded with 6 live rounds of ammunition.

EVIDENCE Property Category **HANDGUNS** Quantity **1.00** Qty. Type **UNIT**
 Brand **HI-POINT** Model **C9 9MM LUGER** Color **BLK** Caliber **9MM** Serial No or OAN **P1904968**
 Value Value Recovered OCA Active OCA Cancel Tracking No Disposition

Description: loaded with 7 rounds of ammunition.

INVOLVED PERSONS

Name Type **ADULT** PCF No. Last Name / Business / State of **AARON** First Name **PAUL** Middle Name **WILLIAM**
 Race Sex Age Date of Birth Place of Birth - City, State Soc Sec No Operator's License No State
 Height Weight Build Complexion Eyes Hair Facial Hair Marital Status

Involvement:
DEFEN/ARRESTEE ADULT UNLAWFUL POSSESSION OF FIREARM
DEFEN/ARRESTEE ADULT FENTANYL MFG,TRAFF,DIST,POSS OR DIST +10
DEFEN/ARRESTEE ADULT IMPROPER STORAGE OF FIREARM(S)
DEFEN/ARRESTEE ADULT UNLAWFUL POSSESSION OF FIREARM
DEFEN/ARRESTEE ADULT UNLAWFUL POSSESSION OF FIREARM / AMMO
DEFEN/ARRESTEE ADULT USE OF FIREARM WHILE COMMITTING FELONY

Residence Address 1 Phone
 Residence Address 2 Phone

Submitted By Officer, I.D. **DOKOS, NICHOLAS JAMES** 11707 Approving Officer's Name, I.D. **DESMARIS, DANIEL THOMAS** 4640 Page **1**

c1 Case No 2018-0003891A	c2 Supp No 001		c10 Reported Date 03/08/2018	c11 Time 03:57
------------------------------------	--------------------------	--	--	--------------------------

INVOLVED PERSONS

n31 Employer and Address NONE	n32 Phone
---	-----------

VEHICLES / PROPERTY

p1 Property Type EVIDENCE	p2 Property Category CASH/NOTES	p3 Quantity	p4 Qty. Type
p5 Brand	p6 Model	p7 Color	p8 Caliber
p9 Serial No. or OAN			
p10 Value \$10,615.00	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
\$10,615 in US currency located in residence.

p1 Property Type EVIDENCE	p2 Property Category DRUG/OTHER	p3 Quantity 1,018.00	p4 Qty. Type GRAM
p5 Brand	p6 Model	p7 Color	p8 Caliber
p9 Serial No. or OAN			
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
approximately 1018 grams of suspected fentanyl.

p1 Property Type EVIDENCE	p2 Property Category DRUG/PARAPHENALIA	p3 Quantity 2.00	p4 Qty. Type BOX
p5 Brand MARKET BASKET	p6 Model	p7 Color	p8 Caliber
p9 Serial No. or OAN			
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
2 boxes of sandwich bags

p1 Property Type EVIDENCE	p2 Property Category SCALES/DIGITAL SCALES	p3 Quantity 2.00	p4 Qty. Type UNIT
p5 Brand	p6 Model	p7 Color BLK SLV	p8 Caliber
p9 Serial No. or OAN			
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
1 black digital scale and 1 silver digital scale

p1 Property Type EVIDENCE	p2 Property Category DOCUMENTS/PAPERWORK/UTILITY BILLS	p3 Quantity	p4 Qty. Type
p5 Brand	p6 Model	p7 Color	p8 Caliber
p9 Serial No. or OAN			
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
numerous paperwork and documents in Paul Aaron name

p1 Property Type EVIDENCE	p2 Property Category WALLET-MENS	p3 Quantity	p4 Qty. Type
p5 Brand	p6 Model	p7 Color	p8 Caliber
p9 Serial No. or OAN			
p10 Value	p11 Value Recovered	p12 OCA Active	p13 OCA Cancel
p14 Tracking No		p15 Disposition	

p20 Description
mens wallet with 3 picture ID and bank card inside for Paul Aaron, Mercedes key attached to wallet

f1 Submitted By Officer, I.D. DOKOS, NICHOLAS JAMES	11707	f2 Approving Officer's Name, I.D. DESMARIS, DANIEL THOMAS	4640	Page 2
---	--------------	---	-------------	------------------

<p>p1 Case No 2018-0003891A</p>		<p>p2 Supp No 001</p>		<p>p10 Reported Date 03/08/2018</p>		<p>p11 Time 03:57</p>			
<p>VEHICLES / PROPERTY</p>									
<p>p1 Property Type EVIDENCE</p>		<p>p2 Property Category CELL PHONE</p>			<p>p3 Quantity 3.00</p>		<p>p4 Qty. Type UNIT</p>		
<p>p5 Brand</p>		<p>p6 Model</p>		<p>p7 Color</p>		<p>p8 Caliber</p>		<p>p9 Serial No. or OAN</p>	
<p>p10 Value</p>		<p>p11 Value Recovered</p>		<p>p12 OCA Active</p>		<p>p13 OCA Cancel</p>		<p>p14 Tracking No</p>	
<p>p15 Disposition</p>		<p>p20 Description 3 cell phones</p>							
<p>p1 Property Type EVIDENCE</p>		<p>p2 Property Category ELECTRONICS OTHER</p>			<p>p3 Quantity 1.00</p>		<p>p4 Qty. Type</p>		
<p>p5 Brand SAMSUNG</p>		<p>p6 Model</p>		<p>p7 Color BLK</p>		<p>p8 Caliber</p>		<p>p9 Serial No. or OAN</p>	
<p>p10 Value</p>		<p>p11 Value Recovered</p>		<p>p12 OCA Active</p>		<p>p13 OCA Cancel</p>		<p>p14 Tracking No</p>	
<p>p15 Disposition</p>		<p>p20 Description 1 samsung tablet</p>							
<p>p1 Property Type EVIDENCE</p>		<p>p2 Property Category ELECTRONICS OTHER</p>			<p>p3 Quantity 1.00</p>		<p>p4 Qty. Type</p>		
<p>p5 Brand</p>		<p>p6 Model</p>		<p>p7 Color</p>		<p>p8 Caliber</p>		<p>p9 Serial No. or OAN</p>	
<p>p10 Value</p>		<p>p11 Value Recovered</p>		<p>p12 OCA Active</p>		<p>p13 OCA Cancel</p>		<p>p14 Tracking No</p>	
<p>p15 Disposition</p>		<p>p20 Description 1 GoPro camera</p>							
<p>p1 Property Type EVIDENCE</p>		<p>p2 Property Category FIREARMS ACCESSORY</p>			<p>p3 Quantity 4.00</p>		<p>p4 Qty. Type UNIT</p>		
<p>p5 Brand</p>		<p>p6 Model</p>		<p>p7 Color</p>		<p>p8 Caliber 380</p>		<p>p9 Serial No. or OAN</p>	
<p>p10 Value</p>		<p>p11 Value Recovered</p>		<p>p12 OCA Active</p>		<p>p13 OCA Cancel</p>		<p>p14 Tracking No</p>	
<p>p15 Disposition</p>		<p>p20 Description (4) .380 caliber magazines for firearm. (3) 1 round magazines. (1) 20 round magazine</p>							
<p>p1 Property Type EVIDENCE</p>		<p>p2 Property Category AMMUNITION</p>			<p>p3 Quantity</p>		<p>p4 Qty. Type</p>		
<p>p5 Brand</p>		<p>p6 Model</p>		<p>p7 Color</p>		<p>p8 Caliber</p>		<p>p9 Serial No. or OAN</p>	
<p>p10 Value</p>		<p>p11 Value Recovered</p>		<p>p12 OCA Active</p>		<p>p13 OCA Cancel</p>		<p>p14 Tracking No</p>	
<p>p15 Disposition</p>		<p>p20 Description (2) boxes of 9mm ammunition containing 50 rounds each. Suck containing (32) .380 caliber and (1) 4mm round of ammunition.</p>							
<p>NARRATIVE</p>									
<p>On March 8, 2018 while assigned to SIS (Special Investigations Section), I applied for and was granted search warrant docket (unassigned) out of Lowell District Court for 193 East Merrimack St, Apt 5, Lowell, MA. The target of the investigation was Paul Aaron SOB [REDACTED] and the warrant was for heroin. The warrant was a knock and announce warrant with a provision for night time execution.</p> <p>At approximately 1:02 hours, SIS Detectives (Lt. Fenrose, Sgt Desmarais, Detectives Rivera, Kew, Bally and Lavole) proceeded to 193 East Merrimack St, Apt 5 and knocked and announced "Lowell Police, Search Warrant." After receiving no response, SIS detectives breached the apartment door and entered the residence. Copy of search warrant was provided and left on</p>									
<p>p1 Submitted By Officer, I.D DOKOS, NICHOLAS JAMES</p>				<p>p2 Approving Officer's Name, I.D DESMARIS, DANIEL THOMAS</p>				<p>Page 3</p>	

c1 Case No.
2018-0003891A

c2 Supp No
001

c10 Reported Date
03/08/2018

c11 Time
03:57

NARRATIVE

living room couch inside of residence. The listed Detectives then executed the search warrant and the listed items below were seized as evidence.

- 1.) 1 large plastic bag of suspected fentanyl (approx. 1018 grams) located on chair in living room (Det. Lally)
- 2.) 1 sandwich bag containing numerous individually packaged and tied bags of suspected fentanyl located on desk in living room. (Det. Lally)
- 3.) 1 battery operated digital scales located on desk in living room (Det. Lally)
- 4.) \$10,615 in US Currency located in living room. Seized as profits of drug distribution. (Det. Lally)
- 5.) Men's wallet with Paul Aaron picture IDs inside located on table in living room. (Det. Dokos)
- 6.) Misc Paperwork with Paul Aaron information located in living room and bedroom. (Det. Rivera)
- 7.) 2 cell phones located in living room and bedroom. (Det. Rivera)
- 8.) Kel-Tec handgun along with separate magazine located under mattress in bedroom (Det. Kew)
- 9.) Hi-Point handgun and holster located in bedroom closet in box (Det Lally)
- 10.) 2 boxes of sandwich bags located in kitchen counter (Sgt. Desmarais)
- 11.) 2 boxes of 9mm ammo located in bedroom closet (Det Lally)
- 12.) Suck containing numerous rounds of ammunition located in bedroom (Det Rivera)
- 13.) 3 magazines located on top of plastic bin in bedroom (Det Rivera)
- 14.) Samsung tablet and GoPro camera located in living room (Det Lally)
- 15.) 1 respirator mask located in living room Sgt. Desmarais

Based upon the discovery of tools of drug distribution, along with the large quantity of suspected fentanyl (approx. 1018 grams), Paul Aaron (DOB [REDACTED]) will be charged with Trafficking Fentanyl greater than 10 grams or more. In addition, Paul Aaron was charged with numerous firearms related charges. Due to the fact that Aaron was taken into custody during a prior incident, I will be adding additional charges to his criminal complaint.

All listed items seized in the execution of the search warrant were tagged and placed into evidence per LPP policy. Application for complaint filed for the listed charges.

** Submitted By Officer, I D

DOKOS, NICHOLAS JAMES

11707

Approving Officer's Name, I D

DESMARAI, DANIEL THOMAS

4640

Page

4

c1 Case No. 2018-0003891A	c2 Supp No. 001		c10 Reported Date 03/08/2018	c11 Time 03:57
-------------------------------------	---------------------------	--	--	--------------------------

NARRATIVE

It should be noted that Lt. Penrose and Det. Rivera tested the suspected fentanyl using the NARK 2 Special Opiate Reagent test kit. Detectives received a positive indication for the presence of Fentanyl. This detective also conducted a search through CJIS and found Paul Aaron did not have an LTC. A criminal application was completed for submittal to Lowell District Court.

c1 Submitted By Officer. I.D DOKOS, NICHOLAS JAMES 11707	c2 Approving Officer's Name. I.D DESMARAIS, DANIEL THOMAS 4640	Page 5 END
--	--	----------------------

**LOWELL POLICE DEPARTMENT
SUPPLEMENTAL REPORT**

Case No. 2018-0003891A

Supp No. 002

<input type="checkbox"/> Additional Reports	<input type="checkbox"/> Arrest Report	<input type="checkbox"/> Accident	<input type="checkbox"/> Domestic	<input type="checkbox"/> Stolen Bike	<input type="checkbox"/> Juvenile Involved	<input type="checkbox"/> Alcohol Involved	<input type="checkbox"/> Prints	Adults 1
<input type="checkbox"/> Complaint App	<input type="checkbox"/> Housing	<input type="checkbox"/> Bias			<input type="checkbox"/> Drugs Involved	<input type="checkbox"/> Gang Involved	<input type="checkbox"/> Photos	Juveniles 0

GENERAL POLICE INFORMATION DRUGS	Cnts 01	Offense Code 9121	s10 Reported Date 03/10/2018	s11 Time 16:30	s12 Day SAT
			s13 Occrd From Date 03/07/2018	s14 Time 21:35	s15 Day WED
			s16 Occrd To Date 03/10/2018	s17 Time 16:30	s18 Day SAT

r20 Reporting Officer 1 I.D. MERCADO, JACQUELINE 11713	r21 Reporting Officer 2 I.D. KEW, DAVID L 12130
--	---

VEHICLES / PROPERTY

v1 Vehicle Type TOW YARD	v2 Make MERZ	v3 Model 350	v4 Style SV	v5 Type SPORT UTIL	v6 Color BLK
v7 License No	v8 State	v9 Veh Year 2016	v10 VIN No 4JGDA5HB1GA742828	v11	
v12 Value	v13 Value Recovered	v14 OCA Active	v15 OCA Cancel	v16 Tracking No	v17 Disposition

r20 Description
MV owned by Paul Aaron [redacted] towed to Stuart's Automotive per SIS pending civil asset forfeiture proceedings.

INVOLVED PERSONS

n1 PCF No	n2 Last Name / Business / State of AARON	n3 First Name PAUL	n4 Middle Name WILLIAM
n5 Race P	n6 Sex M	n7 Age	n8 Date of Birth
n9 Place of Birth - City, State	n10 Soc Sec No	n11 Operator's License No	
n12 State	n13 Height	n14 Weight	n15 Build
n16 Complexion	n17 Eyes D	n18 Hair	n19 Facial Hair
n20 Marital Status			

Involvement :
OWNER GENERAL POLICE INFORMATION DRUGS

r27 Residence Address 1 [redacted]	r28 Phone [redacted]
---------------------------------------	-------------------------

r29 Residence Address 2 [redacted]	r30 Phone
---------------------------------------	-----------

r31 Employer and Address NONE	r32 Phone
----------------------------------	-----------

NARRATIVE

On 3-6-18 at approximately 0900 hrs., while assigned to Car-3 of the B-Sector, I was approached by Lowell General Hospital (LGH) Security Supervisor, Cliff Dunning who informed me of a suspicious motor vehicle parked in the LGH-Saints Parking Garage. Mr. Dunning informed me that he has observed a black Mercedes SUV parked on on different floors of the garage throughout the week and he does not believe the owner of the M/V is a visitor or employee of the hospital. On this particular date, the M/V, NH Reg. [redacted], was parked on the second floor. While running a vehicle inquiry via OCA, utilizing the cruiser MDC, I learned the M/V was registered to a party known to me as Paul Aaron from [redacted]. It should be noted that [redacted] is only a block away from where the Dunning stated the garage was private property and he would place a note on the M/V before making the ultimate decision to tow it. I informed Dunning that I would attempt to make contact with Mr. Aaron to advise him to move his M/V which was not authorized to be in the garage. It should be noted, I attempted to make contact with Mr. Aaron without success.

On 3-10-18, I was assigned as Portable-1 of the A-Sector. [redacted] resulting report arrest.

r1 Submitted By Officer, I.D. MERCADO, JACQUELINE 11713	r2 Approving Officer's Name I.D. DESMARAI, DANIEL THOMAS 4640	Page 1
---	---	--------

c1 Case No.
2018-0003891A

c2 Supp No.
002

c10 Reported Date
03/10/2018

c11 Time
16:30

NARRATIVE

reports in our Larimore System, I learned Det. Rivera and the SIS Unit had made contact and arrested Aaron on several drug and gun related charges on 3-7-18. (See reports authored by Det. Rivera and Det. Dokos). I then informed Det. Rivera of the M/V I knew was registered to Mr. Aaron which was still located in the LGH-Saints Parking Garage.

I was instructed to have the M/V towed pending investigation. The M/V was towed by Coates Towing to Stuarts Automotive secure tow yard. Tow sheet submitted.

Submitted By Officer. I.D
MERCADO, JACQUELINE

11713

Approving Officer's Name. I.D
DESMARAIS, DANIEL THOMAS

4640

Page
2 END