

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator of the Estate
of Madelyn E. Linsenmeir,

Plaintiff,

v.

CITY OF SPRINGFIELD, *et al.*

Defendants.

C.A. No. 20-30036-MGM

DECLARATION OF DANIEL L. MCFADDEN, ESQ.

I, Daniel L. McFadden, hereby declare as follows:

1. I am an attorney and counsel of record for the plaintiff in the action captioned above.
2. Attached hereto as Exhibit A is a true and accurate copy of a document Bates stamped HCSD 764-65, as produced by defendant Hampden County Sheriff's Department ("HCSD").
3. Attached hereto as Exhibit B is a true and accurate copy of a document Bates stamped LINSENMEIR00000016-20, as produced by the plaintiff Estate of Madelyn E. Linsenmeir (the "Estate").
4. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the deposition of defendant Sheila Rodriguez.
5. Attached hereto as Exhibit D is a true and accurate copy of excerpts from the deposition of defendant Moises Zanazanian.
6. Attached hereto as Exhibit E is a true and accurate copy of a document Bates stamped CoS I.D. 0001340, as produced by defendant City of Springfield (the "City").
7. Attached hereto as Exhibit F is a true and accurate copy of a letter dated October 15, 2018.

8. Attached hereto as Exhibit G is a true and accurate copy of the complaint in *Linsenmeir et al. v. City of Springfield, et al.*, without exhibits.
9. Attached hereto as Exhibit H is a true and accurate copy of a letter dated December 13, 2018.
10. Attached hereto as Exhibit I is a true and accurate copy of a document Bates stamped CoS I.D. 0001342-43, as produced by the City.
11. Attached hereto as Exhibit J is a true and accurate copy of a Notice of Dismissal in *Linsenmeir et al. v. City of Springfield, et al.*
12. Attached hereto as Exhibit K is a true and accurate copy of documents Bates stamped CoS Supp 7 RPOD 00021607-09, as produced by the City, with certain personal identifying information redacted.
13. Attached hereto as Exhibit L is a true and accurate copy of a document Bates stamped CoS Supp 7 RPOD 0008611, as produced by the City.
14. Attached hereto as Exhibit M is a true and accurate copy of a document Bates stamped CoS Supp 7 RPOD 0008614, as produced by the City.
15. Attached hereto as Exhibit N is a true and accurate copy of a document Bates stamped CoS I.D. 0001352, as produced by the City.
16. Attached hereto as Exhibit O is a true and accurate copy of a document received from the City.
17. Attached hereto as Exhibit P is a true and accurate copy of excerpts from the deposition of Monique McCoy.
18. Attached hereto as Exhibit Q is a true and accurate copy of a document Bates stamped CoS I.D. 0001278-91, as produced by the City, with certain personal identifying information redacted.
19. Attached hereto as Exhibit R is a true and accurate copy of a document Bates stamped CoS I.D. 000483, as produced by the City.
20. Attached hereto as Exhibit S is a true and accurate copy of a document Bates stamped CoS I.D. 000453-54, as produced by the City.
21. Attached hereto as Exhibit T is a true and accurate copy of a document Bates stamped CoS I.D. 000455-56, as produced by the City.

22. Attached hereto as Exhibit U is a true and accurate copy of a document Bates stamped CoS SUPP 7 RPOD 0008458, as produced by the City.
23. Attached hereto as Exhibit V is a true and accurate copy of excerpts from the deposition of William Mahoney, Esq. as the City's 30(b)(6) designee.
24. Attached hereto as Exhibit W is a true and accurate copy of a document received from the City.
25. Attached hereto as Exhibit X is a true and accurate copy of a document Bates stamped CoS I.D. 000473-75, as produced by the City.
26. Attached hereto as Exhibit Y is a true and accurate copy of excerpts from the deposition of Cheryl Clapprood individually and as the City's 30(b)(6) designee.
27. Attached hereto as Exhibit Z is a true and accurate copy of excerpts from the deposition of Philip Tarpey.
28. Attached hereto as Exhibit AA is a true and accurate copy of a document Bates stamped CoS I.D. 000484-86, as produced by the City.
29. Attached hereto as Exhibit BB is a true and accurate copy of a document served by the Estate on the City and certain other defendants.
30. Attached hereto as Exhibit CC is a true and accurate copy of a document served by the City and certain other defendants on the Estate.
31. Attached hereto as Exhibit DD is a true and accurate copy of a document served by the City on the Estate.
32. Attached hereto as Exhibit EE is a true and accurate copy of an email from the City to the Estate dated January 4, 2023.
33. Attached hereto as Exhibit FF is a true and accurate copy of a document served by the Estate on the City.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: January 19, 2023

/s/ Daniel L. McFadden
Daniel L. McFadden

EXHIBIT A

**The Commonwealth of Massachusetts
Hampden County Sheriff's Department and Correctional Center
Nicholas Cocchi, Sheriff**

Linsenmeir, Madelyn E

Person Id: 000163504

DOB: 03/31/1988

Date: 10/04/2018

Location: WCC - Unit 1A

Type: Medical

SubType: Clinic Visit

Attendant: Belle-Isle, Julie RN

Subjective

Notes

I asked pt if she took anything. Pt mumbled "No." Pt answered "Yes." to the questions: "Do you do Heroin, drink alcohol? Also asked if she does Cocaine she responded "No"

Objective

Clinical Values

O2 Sat A unobtainable % with O2 sat monitor

Systolic BP L 80 mmHg

Diastolic BP N 50 mmHg

Pulse bpm

Systolic BP A nm mmHg

Diastolic BP A nm mmHg

Pulse H 94 bpm

O2 Sat N 98 %

Systolic BP A nm mmHg

Diastolic BP A nm mmHg

Pulse A nm bpm

Temperature A low °F

Respiratory Rate HH 50 rpm

Weight A nm lbs

O2 Sat A nm %

Blood Glucose H 131 mg/dl

Notes

Upon arrival to U1A-11 found pt in her cell laying supine initially unresponsive. Pt responded to verbal stimuli after a couple of minutes but was incoherent pt was just mumbling. Pt pupils equal and reactive. Pt was extremely diaphoretic. Pt lungs clear however she would have a slight cough with some rhonchi noted. Pt would become unresponsive on and off but would respond to verbal stimuli again.

Assessment

Notes

Health Services Department
Ludlow, Massachusetts 01056-1079

Phone 413-547-8000 x2338
Fax: 413-589-0912

10/15/2018 8 04 25 AM

Encounter Summary

(000163504) Page 1 of 2

HCSD - 764

**The Commonwealth of Massachusetts
Hampden County Sheriff's Department and Correctional Center
Nicholas Cocchi, Sheriff**

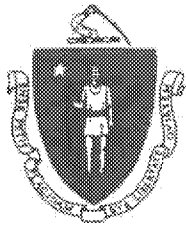
R/O Opiate withdrawal, r/o internal bleed, r/o drug O.D.
Oxygen applied 10 LPM via Mask
O2 sats improved
Rolled pt on her left side, continued to monitor pt.

General

Notes

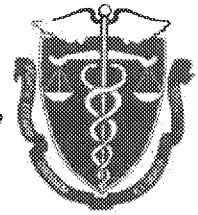
This Nurse and Katie Neill RN happened to be in U1A to eval a pt in Call-11. This pt was found to be in severe distress and the scene turned into a Medical Emergency.
Advised Officer Perez that pt needs to be sent to ER via Ambulance and need Paramedics. Notified Medical/so paperwork will be ready. Chicopee Fire arrived-the Paramedics arrived at 10:15.

EXHIBIT B



The Commonwealth of Massachusetts

Office of the Chief Medical Examiner



REPORT OF AUTOPSY

Name of Decedent: Madelyn E. Linsenmeir M.E. Case # 2018-12842
Autopsy Performed by: Rebecca Erin Dedrick, M.D. Date of Autopsy: 10/09/2018

FINAL DIAGNOSES

- I. METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* SEPTICEMIA
 - A. BLOOD, URINE, AND JOINT EFFUSION CULTURES POSITIVE FOR METHICILLIN-RESISTANT *STAPHYLOCOCCUS AUREUS* (PER REPORT)
 - B. INFECTIVE ENDOCARDITIS OF THE TRICUSPID VALVE
 - C. SEPTIC ARTHRITIS OF THE RIGHT KNEE
 - D. SEPTIC EMBOLI AND CAVITARY LESIONS OF THE LUNGS
 - i. PLEURAL EFFUSIONS (RIGHT 300 MILLILITERS, LEFT 100 MILLILITERS)
 - ii. PLEUROPULMONARY ADHESIONS
 - E. SEPTIC EMBOLI AND INFARCTIONS OF THE KIDNEYS
 - II. CHRONIC SUBSTANCE ABUSE (PER REPORT)
 - A. HEPATOMEGALY (2540 GRAMS)
 - B. SPLENOMEGALY (690 GRAMS)
-

CAUSE OF DEATH: COMPLICATIONS OF METHICILLIN-RESISTANT
STAPHYLOCOCCUS AUREUS SEPTICEMIA IN THE SETTING
OF TRICUSPID VALVE ENDOCARDITIS

CONTRIBUTORY: CHRONIC SUBSTANCE ABUSE

MANNER OF DEATH: NATURAL

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CHIEF MEDICAL EXAMINER
REPORT OF AUTOPSY

CASE No. 2018-12842

I, Rebecca Erin Dedrick, M.D., Medical Examiner, hereby certify that I have performed an autopsy on the body of Madelyn E. Linsenmeir on October 9, 2018 commencing at 10:18 a.m. at the Holyoke Office of the Chief Medical Examiner of the Commonwealth of Massachusetts.

EXTERNAL EXAMINATION:

The body is that of a 5 foot 6 inch, 146 pound (body mass index of 23.6 kilograms per meter squared), adult female who appears consistent with the reported age of 30 years. The body is refrigerated, well preserved, and not embalmed. Livor mortis is red-purple, posterior, and blanches with pressure. Rigor mortis is absent.

The head is symmetric and well formed. The bones of the forehead, nose, cheeks, and jaw are intact and have no palpable fractures. The scalp is covered by up to 35 centimeter in length brown hair. The eyes have brown irides and the pupils are round and equal. The conjunctivae and sclerae have no hemorrhages or petechiae. The nose has an intact bridge and septum. The nares are patent bilaterally and have no lesions, foreign materials or abnormal secretions. The mouth has native upper and lower dentition in fair condition. The external auditory canals are normal. The right and left earlobes each have one pierced hole, with the right hole torn through the lobe.

The neck is symmetric and has no external injuries, scars or masses. The chest is symmetric and the breasts are free of palpable masses. The abdomen is flat and soft. The midline of the abdomen has a 17.0 x 0.3 centimeter hypopigmented scar. The right side of the abdomen has a 1.4 x 0.8 centimeter possible scar. There are no palpable cervical, axillary or inguinal lymph nodes. The external genitalia are those of a normal adult female. The anus has no abnormalities. The back is straight and free of scars.

The anterior aspect of the left forearm has a 0.8 x 0.4 centimeter hypopigmented scar. The upper and lower extremities have no bony deformities or palpable fractures. The fingernails have scant red nail polish. The toenails have red nail polish. The medial aspect of the right ankle and foot has multiple hypopigmented scars up to 1.2 x 0.8 centimeters with puncture marks. The first digit of the left foot has an attached blue identification tag with the inscriptions "18-12842" and "Linsenmeir, Madelyn."

TATTOOS:

The midline of the upper aspect of the back has a monochromatic tattoo of a possible swan.

The midline of the lower aspect of the back has a polychromatic tattoo of a butterfly.

The anterior aspect of the right forearm has a monochromatic tattoo of a tree with the inscription "A.D.M."

The anterior aspect of the left forearm has a monochromatic tattoo including two hearts.

EVIDENCE OF MEDICAL INTERVENTION:

The right wrist is encircled by a white identification band with the inscription "LINSENMEIR, MADELYN." The left side of the neck has an intrajugular catheter, with subjacent soft tissue and muscle hemorrhage. A cut endotracheal tube and a cut orogastric tube are in the oral cavity. One electrocardiogram lead is on the torso. The anterior aspect of the third right rib is fractured, consistent with resuscitative efforts. The abdomen has pale red-blue ecchymoses up to 1.8 x 0.8 centimeters with punctures, consistent with possible heparin administration. The abdomen has diffuse adhesive residue. There is a urinary catheter present with associated swelling of the labia. The right and left antecubital fossae and the left wrist have intravenous catheters. The anterior aspect of the right forearm and the posterior aspect of the left hand have red-blue ecchymoses and punctures, consistent with possible intravenous catheters.

CLOTHING/PERSONAL EFFECTS:

The decedent is not clad. Refer to separate property sheet.

INTERNAL EXAMINATION:**BODY CAVITIES:**

The right pleural cavity contains 300 milliliters of cloudy red fluid. The left pleural cavity contains 100 milliliters of cloudy red fluid. The right and left pleural cavities have diffuse pleuropulmonary adhesions. The abdomen contains 150 milliliters of yellow serous fluid. The organs of the neck, thorax, and abdomen are in their normal anatomic locations.

HEAD:

The reflected scalp has no extravasated blood. The skull has no fractures in the calvarium or the base. There are no subdural, epidural or subarachnoid hemorrhages. The 1330 gram brain has symmetric cerebral and cerebellar hemispheres covered by thin and transparent leptomeninges. The cerebrum, cerebellum, and brainstem have no external cortical contusions or abnormalities. The cerebral cortex is tan, uniform, and has a normal gyral pattern and sulci. There is no herniation of the uncus or cingulate gyri. The basal ganglia are tan, uniform, and symmetric. The corpus callosum is normal and intact. The ventricles are not dilated and contain clear cerebrospinal fluid and normal choroid plexus. The midbrain, cerebellum, pons, and medulla oblongata are free of external and intraparenchymal abnormalities. The substantia nigra are normally pigmented. Both hippocampi are symmetric. The mamillary bodies are not discolored or decreased in size. The cranial nerves are symmetric and normal. The Circle of Willis is complete, has no berry aneurysms, and has no atherosclerosis. The cerebellum has its normal foliated appearance with intact dentate nuclei and no abnormalities. The proximal cervical spinal cord is symmetric and normal. The cervical spine is intact and has no fractures or deformities.

NECK:

The anterior strap muscles of the neck are soft and red-brown. The hyoid bone and thyroid cartilage are intact.

RESPIRATORY SYSTEM:

The tongue is soft, red-brown, and has no intramuscular injuries or masses. The larynx, trachea,

and mainstem bronchi are unremarkable. The 1120 gram right lung and 550 gram left lung are markedly consolidated. The lungs have diffuse cavitations, up to 1.5 x 1.0 x 1.0 centimeters, containing cloudy, tan-white fluid. The cut surfaces of the lungs exude tan frothy fluid and blood tinged fluid upon compression of the tissue. The pulmonary arteries and veins are patent, free of emboli, and have smooth intimal surfaces. There is no hilar lymphadenopathy. The diaphragm is smooth, muscular, and unremarkable.

CARDIOVASCULAR SYSTEM:

The 280 gram heart has a smooth epicardial surface and a normal amount of epicardial fat. The coronary ostia are patent and arise from the aorta in a normal fashion. The left anterior descending, left circumflex, and right coronary arteries have no atherosclerosis. The coronary arteries are distributed normally and the posterior interventricular septum is supplied by the right coronary artery. The chambers of the heart are normally formed and have no atrial or ventricular septal defects. The right and left atria are not dilated. The right and left ventricles are not dilated. The red-brown myocardium has no necrosis, fibrosis or erythema. The free wall of the right ventricle, interventricular septum, and left ventricle are 0.2, 0.7, and 0.6 centimeters thick, respectively. The papillary muscles and columnae carnae are unremarkable. The tricuspid valve has diffuse white vegetations, up to 3.5 centimeters in greatest dimension. The valve circumferences are as follows: mitral – 9.5 centimeters, tricuspid – 10.5 centimeters, aortic – 5.5 centimeters, pulmonic – 7.5 centimeters. The aorta has no atherosclerosis. The ostia of the major branches of the aorta are patent. The inferior vena cava, superior vena cava, and the pulmonary artery all have smooth, yellow-tan intima, and are patent.

GASTROINTESTINAL SYSTEM:

The esophagus, stomach, and duodenum are lined by tan mucosa and have no ulcers or masses. The stomach contains scant gray fluid. The small intestine, colon, and rectum are normal in configuration. The small bowel has a smooth, tan serosal surface and is not dilated or obstructed. The large bowel has a tan serosal surface and normal haustral markings. The bowel has no palpable masses. The rectum has a tan mucosa, and has no ulcers or masses. The vermiform appendix is unremarkable.

LIVER, GALLBLADDER, AND PANCREAS:

The 2540 gram liver has a smooth, intact capsular surface and normal configuration. The hepatic parenchyma is red-brown, has a normal consistency, and has no nodules or masses. The hepatic artery, hepatic vein, and portal vein are patent and do not have thrombi. The gallbladder is smooth, has thin walls, and contains 80 milliliters of green-brown bile and no calculi. The pancreas is tan-red, lobulated, moderately firm, and has no pseudocysts, calcifications or masses.

GENITOURINARY SYSTEM:

The 140 gram right kidney and 180 gram left kidney have granular cortical surfaces and scattered areas that are pitted. The right and left kidneys each have multiple wedge-shaped discolorations up to 0.8 x 0.6 x 0.6 centimeters, consistent with infarction. The ureters are normal in conformation and do not have stenosis or calculi. There is no atherosclerosis of the renal vasculature. The urinary bladder has a finely trabeculated, tan mucosa, and contains no urine. The uterus has a tan-pink smooth serosal surface. The endomyometrium is pink-tan and has menstrual-type mucosa. The right and left fallopian tubes are patent and unremarkable. The

2018-12842

Madelyn E. Linsenmeir

5

right and left ovaries are unremarkable.

HEME AND LYMPHATIC SYSTEMS:

The 690 gram spleen has a finely wrinkled, grey-blue, capsular surface. The parenchyma is soft, purple-red, and has no tumor nodules or infarctions. The splenic artery has no atherosclerosis. The splenic vein is patent. There are enlarged porta hepatis lymph nodes.

ENDOCRINE SYSTEM:

The adrenal glands have irregularly folded yellow-brown cortices that are well demarcated from the narrow grey medullae. The thyroid gland is symmetric and composed of the usual two lobes and isthmus. The thyroid gland has firm, homogeneous, and red-tan parenchyma. The parathyroid glands are inconspicuous. The pituitary gland is unremarkable.

MUSCULOSKELETAL SYSTEM:

All examined skeletal and muscle groups are symmetric and normally developed.

TOXICOLOGY:

Samples of iliac vein blood, aorta blood, bile, urine, vitreous fluid, and antemortem hospital blood are submitted for toxicology analysis. A sample of aorta blood is retained at the Holyoke Office of the Chief Medical Examiner.

EVIDENCE:

Digital pictures are taken during the autopsy and are kept on file.

POSITIVE IDENTIFICATION:

Identification is performed at the Holyoke Office of the Chief Medical Examiner.


Rebecca Erin Dedrick, M.D.
Medical Examiner

Date: 1/4/19

10/09/2018 red/dft
01/04/2019 RED/FNL

EXHIBIT C

1

1 Volume 1, Pages 1-130

2 Exhibits: 17-23

3 UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF MASSACHUSETTS

5 -----

6 MAURA O'NEILL, as administrator of the Estate of
7 Madelyn E. Linsenmeir,

8 Plaintiff,

9 vs. CA No. 3:20-cv-30036

10 CITY OF SPRINGFIELD, MOISES ZANAZANIAN,

11 REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN

12 COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES

13 NOS. 1-5,

14 Defendants.

15 -----

16 REMOTE DEPOSITION OF SHEILA RODRIGUEZ

17 Friday, April 15, 2022, 10:05 a.m.

18 Via Zoom Video Conference

19 ----Reporter: Kathleen L. Good, CSR, RPR----

20 K. L. GOOD & ASSOCIATES

21 Post Office Box 367

22 Swampscott, Massachusetts 01907

23 Tel. 781-367-0815 Kathleen.Good@verizon.net

24

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14 Foundation of Massachusetts, Inc.
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16
17 Also Present: Maura O'Neill
18 Phil Hamilton, Law student
19
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8 No. 17, Employment Application, Bates Nos.18
9 CoS I.D. 00028 to CoS I.D. 00031
10 No. 18, Springfield Police Department 39
11 Directives, Bates Nos. CoS RPOD
12 000158 to CoS RPOD 000932
13 No. 19, Log, Bates Nos. CoS I.D. 0001301 100
14 to CoS I.D. 1313
15 No. 20, Journal 101
16 No. 21, Matrons Log 104
17 No. 22, Springfield Police Department 109
18 Internal Investigation Units,
19 Bates Nos. CoS I.D. 0001278 to CoS
20 I.D. 0001291
21 No. 23, Police Statement 124
22 *****
23 **** Original/Marked Exhibits in custody
24 of Mr. Looney

1 have inside the office.
 2 Q. Is that different from the phone on
 3 the video that we watched?
 4 A. Yes.
 5 Q. When you say "office," is this the
 6 office near the cells?
 7 A. Yes. Correct.
 8 Q. Did Madelyn ask if she could use the
 9 office phone?
 10 A. No, she did not.
 11 Q. Why did you write this sentence
 12 about her not using this phone?
 13 MS. DeSOUZA: Objection.
 14 A. I'm assuming because during the
 15 interview with the sergeant, she might have asked
 16 me if I let her use the office phone.
 17 Q. (By Mr. Looney) Did you let
 18 prisoners use the office phone?
 19 A. No, not at all. That's not allowed.
 20 Q. You write:
 21 "I did not make a sarcastic comment.
 22 I did not hear the sergeant make any smart
 23 comments while on the phone with her mother."
 24 Did I read that correctly?

1 was hurting?
 2 A. Yes. It went on and on for a couple of
 3 hours.
 4 Q. So she told you multiple times?
 5 A. Yes, she did.
 6 Q. What did you say when she told you?
 7 A. I don't recall.
 8 Q. Did you take any action in response
 9 to her telling you this multiple times?
 10 A. I just kept an eye close on her in case
 11 there was any other symptoms.
 12 Q. Did you not think that her body
 13 hurting and her telling you multiple times was
 14 enough to take action?
 15 MS. DeSOUZA: Objection.
 16 A. I passed the message forward. She did
 17 not complain about anything else besides her body
 18 aching.
 19 Q. (By Mr. Looney) Did you believe her?
 20 A. I did and I didn't.
 21 Q. Could explain what you mean?
 22 A. Yes, I can explain.
 23 By meaning I do believe her, I do not
 24 believe her, she did complain about her knee and

1 A. Yes, you did.
 2 Q. I'm curious why you wrote those
 3 statements. Can you tell me why you included
 4 those statements in your report?
 5 A. Because during my interview, it was
 6 asked if I heard the sergeant made any smart
 7 comments or myself made any comments. I did not
 8 interact with Madelyn.
 9 Q. During your interview, were you told
 10 what sarcastic comments possibly were made?
 11 A. No.
 12 MS. DeSOUZA: Objection.
 13 Q. (By Mr. Looney) You write:
 14 "During the shift, Madelyn
 15 complained about body aches." Correct?
 16 A. Correct.
 17 Q. And did she complain about this
 18 throughout your shift?
 19 A. Every time I would do my fifteen-minute
 20 check-in.
 21 Q. So every time you did your
 22 fifteen-minute check-in --
 23 A. Yes.
 24 Q. -- she would tell you that her body

1 the way that she was not able to -- she
 2 complained about not being able to lay down in
 3 the hard bed. But she wasn't expressing or
 4 raising any other concerns besides her body ache
 5 and I did not see her in distress.
 6 Q. Why did she tell you this every
 7 fifteen minutes?
 8 MS. DeSOUZA: Objection.
 9 MR. VIGLIOTTI: Objection.
 10 A. I'm not sure. I will assume she might
 11 have wanted just to go to the hospital.
 12 Q. (By Mr. Looney) Did you ask?
 13 MS. DeSOUZA: Objection.
 14 A. No, I did not ask her.
 15 Q. (By Mr. Looney) Did you say anything
 16 to Madelyn when she made these complaints every
 17 fifteen minutes?
 18 A. No. I offered her some food and if she
 19 needed some more water and that was it.
 20 Q. Anything else?
 21 A. No.
 22 Q. Did she make these complaints to
 23 anyone else aside from you?
 24 MS. DeSOUZA: Objection.

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1 A. Not that I'm aware of.

2 Q. (By Mr. Looney) Did you tell anyone

3 that she had been making these complaints every

4 fifteen minutes?

5 A. I believe I told the sergeant, and then

6 in the ending of the shift when Officer Sanchez

7 came to relieve me, I forwarded that information.

8 Q. So you mentioned the frequency with

9 which she made these complaints?

10 A. To the officer who relieved me, yes.

11 Q. To Officer Maria Sanchez?

12 A. Yes.

13 Q. Did you mention to Officer

14 Zanzanian the frequency with which she made

15 these complaints?

16 A. I mentioned it about two times.

17 Q. What did he say?

18 A. I do not recall.

19 Q. Did you take any action when you

20 mentioned that to him?

21 A. No. I just kept a close eye on her.

22 Q. You write:

23 "During the shift, Madelyn took a

24 nap." Correct?

120

1 Q. Is there anything else that you told

2 Officer Sanchez?

3 A. Besides the body aches and asking to go

4 to the hospital once, no, there was nothing else.

5 (Screen share stopped.)

6 Q. Did Sergeant McCoy contact you again

7 after your interview with her?

8 A. No, she did not.

9 Q. During the investigation, did you

10 speak with anyone else aside from Sergeant

11 McCoy?

12 A. No, I did not.

13 Q. Do you know what the result of the

14 investigation was?

15 A. No.

16 Q. Ms. Rodriguez, do you know if the

17 Springfield Police Department made any changes

18 after the incident with Madelyn?

19 A. Not that I'm aware of. I'm no longer a

20 matron so I wouldn't know if they made any

21 changes to any of the policies for matrons.

22 Q. In your opinion, should the

23 Springfield Police Department have made any

24 changes?

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1 A. Yes, she did.

2 Q. Did you observe her taking a nap?

3 A. Yes, she did. She was able to lay

4 down.

5 Q. When did she take her nap?

6 A. I do not recall that exact same time.

7 Q. Was it a couple of hours into your

8 shift?

9 A. A couple of hours into my shift.

10 Q. How long did she take a nap for?

11 A. I do not recall. I did not keep track.

12 Q. Was it more than an hour?

13 A. I don't recall.

14 Q. Could it have been less than an

15 hour?

16 A. I do not recall.

17 Q. You write:

18 "I informed Officer M. Sanchez of

19 her body aches."

20 Officer M. Sanchez is Officer Maria

21 Sanchez, the matron who came on the next shift?

22 A. Yes. Correct.

23 Q. This was a verbal conversation?

24 A. Yes. Correct.

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1 MS. DeSOUZA: Objection.

2 MR. VIGLIOTTI: Objection.

3 A. I'm not really sure how to answer this

4 question. In my opinion, yes, as a human being,

5 of course.

6 That will pretty much be my answer.

7 Q. (By Mr. Looney) Could you explain

8 what you mean "as a human being, yes, of

9 course"?

10 A. I feel like they should have maybe

11 somebody in the medical field to be in the

12 department so they are able to assess the

13 prisoners when they make a complaint.

14 Q. Would you do things differently,

15 looking back from this position now?

16 MS. DeSOUZA: Objection.

17 A. I don't believe I would have done

18 anything differently. I think I did a well

19 enough job based on the resources and the

20 training that was provided to me by a previous

21 matron and going based on what I was told and

22 directed to do.

23 Q. (By Mr. Looney) Going back a little

24 bit to from when you talked with Sergeant

EXHIBIT D

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2 Exhibits: 1-16
3

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MAURA O'NEILL, as administrator of the Estate of
Madelyn E. Linsenmeir,
Plaintiff,
vs. CA No. 3:20-cv-30036
CITY OF SPRINGFIELD, MOISES ZANAZANIAN,
REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN
COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES
NOS. 1-5,
Defendants.

REMOTE and IN-PERSON DEPOSITION OF
MOISES ZANAZANIAN
Thursday, March 17, 2022, 10:06 a.m.
Via Zoom Video Conference
Goulston & Storrs
400 Atlantic Avenue
Boston, Massachusetts 02110

----Reporter: Kathleen L. Good, CSR, RPR----
K. L. GOOD & ASSOCIATES
Post Office Box 367
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23 No. 8, Handwritten Notes, 11/29/18, Bates 145

24 No. 0001348

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1 A. I believe her right leg.
 2 Q. Any other photographs?
 3 A. Not that I can recall, no.
 4 Q. Who took these photographs?
 5 A. I don't know. It's either the
 6 detective bureau or somebody from the detective
 7 bureau.
 8 Q. Why were photographs taken of her
 9 right leg?
 10 A. Because she told me she had an injury.
 11 Q. What did she tell you about her
 12 injury?
 13 A. She said that she had gotten into an
 14 accident a week, maybe a week prior to that,
 15 injury.
 16 Q. Did you look at her leg?
 17 A. I really didn't; I really didn't. I
 18 don't remember.
 19 Q. Did anyone take Madelyn's pulse?
 20 MR. VIGLIOTTI: Objection.
 21 A. No, no.
 22 Q. (By Mr. Looney) Did anyone take her
 23 temperature?
 24 MR. VIGLIOTTI: Objection.

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1 MR. VIGLIOTTI: Objection.
 2 Q. (By Mr. Looney) Did anyone ask her
 3 how long her complaints or injuries had been
 4 occurring?
 5 MR. VIGLIOTTI: Objection.
 6 A. Not that I can recall, no.
 7 Q. (By Mr. Looney) Did anyone ask
 8 Madelyn any health diagnostic questions?
 9 MR. VIGLIOTTI: Objection.
 10 MS. DeSOUSA: Objection.
 11 A. No.
 12 Q. (By Mr. Looney) Was Madelyn given
 13 any medical care?
 14 MR. VIGLIOTTI: Objection.
 15 MS. DeSOUSA: Objection.
 16 A. She was given water.
 17 Q. (By Mr. Looney) Do you consider
 18 giving water to be a form of medical care?
 19 A. When she said she's thirsty and she
 20 wants water, yes.
 21 Q. Was there any other medical care
 22 given to Madelyn?
 23 MR. VIGLIOTTI: Objection.
 24 A. No.

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1 MS. DeSOUSA: Objection.
 2 A. No.
 3 Q. (By Mr. Looney) Did anyone take her
 4 blood pressure?
 5 MR. VIGLIOTTI: Objection.
 6 MS. DeSOUSA: Objection.
 7 A. No.
 8 Q. (By Mr. Looney) Did anyone listen to
 9 her chest?
 10 MR. VIGLIOTTI: Objection.
 11 MS. DeSOUSA: Objection.
 12 A. No.
 13 Q. (By Mr. Looney) Did anyone listen to
 14 her breathing?
 15 MS. DeSOUSA: Objection.
 16 A. No.
 17 Q. (By Mr. Looney) Did anyone ask
 18 Madelyn how long she had been having difficulty
 19 breathing?
 20 MR. VIGLIOTTI: Objection.
 21 A. No.
 22 Q. (By Mr. Looney) Did anyone ask
 23 Madelyn how long her chest had been caving in?
 24 A. No.

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1 Q. (By Mr. Looney) Was she given any
 2 first aid?
 3 MR. VIGLIOTTI: Objection.
 4 A. No.
 5 Q. (By Mr. Looney) Was she given any
 6 medication?
 7 MR. VIGLIOTTI: Objection.
 8 A. That's not part of the booking
 9 procedures, no.
 10 Q. (By Mr. Looney) Was she given any
 11 pain relievers like ibuprofen or Tylenol?
 12 MR. VIGLIOTTI: Objection.
 13 A. That's not part of the booking
 14 proceedings.
 15 Q. (By Mr. Looney) Respectfully, you
 16 didn't answer my question.
 17 A. No. That's not part of the procedures.
 18 Q. So no, she wasn't given pain
 19 relievers?
 20 A. Correct.
 21 Q. Was she given an ice pack?
 22 MR. VIGLIOTTI: Objection.
 23 A. No. That's not part of the booking
 24 procedure.

1 Q. (By Mr. Looney) Was she given any
2 bandages?
3 MR. VIGLIOTTI: Objection.
4 MS. DeSOUZA: Objection.
5 A. No.
6 Q. (By Mr. Looney) Did you call a
7 medical professional to come out?
8 A. No.
9 Q. Did you consult with a medical
10 professional about Madelyn?
11 A. No.
12 Q. Did you decide at any time to send
13 Madelyn to a hospital?
14 A. No.
15 Q. Did you decide at any time to call
16 an ambulance for Madelyn?
17 A. No.
18 Q. Did anyone working the booking
19 shifts comment on Madelyn's medical condition?
20 MR. VIGLIOTTI: Objection.
21 A. Not that I know of.
22 Q. (By Mr. Looney) Did Officer McNabb
23 make any comments about Madelyn's condition?
24 MR. VIGLIOTTI: Objection.

1 A. Well, later, when she came in, I looked
2 at her. Like I said, I do an assessment,
3 observation, physical, mentally, make sure she's
4 telling me all her information, make sure she's
5 coherent. And it's an overall evaluation.
6 And that's what a supervisor sergeant
7 is supposed to do. You take an overall
8 evaluation, make sure she's coherent, she's
9 physically fit as far as I can tell by the
10 observation when I'm talking to her.
11 So if she can give me all her
12 information, she's coherent, she's able to give
13 me somebody else's name and able to answer all my
14 questions, that's part of the observation.
15 Q. Respectfully, you didn't answer my
16 question.
17 A. Could you repeat that.
18 MR. LOONEY: Ms. Good, could you
19 please read back my question.
20 (Question read back as follows:
21 "QUESTION: Officer Zanazanian, what
22 ultimately did you decide to do with regard to
23 Madelyn's request for medical assistance?")
24 A. That's what I said. I evaluated her.

1 A. No.
2 Q. (By Mr. Looney) Did Sheila Rodriguez
3 make any comments about Madelyn's condition?
4 MR. VIGLIOTTI: Objection.
5 A. No.
6 Q. (By Mr. Looney) Did anyone working
7 the booking shift suggest that a medical
8 professional be called?
9 MR. VIGLIOTTI: Objection.
10 A. No.
11 Q. (By Mr. Looney) Did anyone in
12 booking suggest that an ambulance be called for
13 Madelyn?
14 MR. VIGLIOTTI: Objection.
15 A. No.
16 Q. (By Mr. Looney) Did anyone working
17 at booking suggest that Madelyn be taken to the
18 hospital?
19 MR. VIGLIOTTI: Objection.
20 A. No.
21 Q. (By Mr. Looney) Officer Zanazanian,
22 what ultimately did you decide to do with
23 regard to Madelyn's request for medical
24 assistance?

1 As I was looking at her physically, mentally, I
2 did that observation. And at that time, was no
3 need for her to go to the hospital.
4 Q. So you decided not to send her to
5 the hospital?
6 A. She didn't need medical care at that
7 point.
8 Q. You decided that?
9 A. Yes.
10 Q. What ultimately did you decide to do
11 with regard to Madelyn's complaint about her
12 chest caving in and difficulty breathing?
13 MR. VIGLIOTTI: Objection.
14 A. At that time, when she told me she
15 was -- like I said, she said that her chest was
16 caving in, she had no problems breathing. She
17 had no problem telling me all her information.
18 At that time, I assessed, I believe,
19 for her not to have any heart attack or anything
20 like that, as my observation.
21 Q. (By Mr. Looney) Respectfully, you
22 didn't answer my question.
23 A. Repeat that.
24 MR. LOONEY: Ms. Good, would you

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1 (Video played.)
 2 Q. As in the first video we watched,
 3 you and Officer McNabb are behind the booking
 4 counter, correct?
 5 A. Correct.
 6 Q. And Madelyn walks out with Sheila
 7 Rodriguez and stands on the other side of the
 8 booking counter, correct?
 9 A. That's correct.
 10 Q. And there's another officer who
 11 appears on the right of the screen. Who is
 12 that officer?
 13 A. That is officer -- I'm horrible with
 14 names. I've forgotten the officer's name.
 15 Q. So in contrast with the first video
 16 we looked at, there is no audio with this
 17 video, correct?
 18 A. That's correct.
 19 Q. At the very beginning of the video,
 20 you see Officer McNabb approach the middle of
 21 the counter, correct?
 22 I'm happy to go back and look.
 23 A. What was that?
 24 Q. At the beginning of the video, we

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1 A. There was no gesture. I don't see it.
 2 Q. (By Mr. Looney) I can replay it.
 3 MR. DAY: Josh, this is Tom Day.
 4 Am I supposed to be seeing 7:32:38 on
 5 my screen, because I'm not? Or 7:38:32? I'm
 6 seeing 7:38:36 and it's frozen.
 7 MR. LOONEY: I'm going to move back
 8 to 7:38:32.
 9 MR. DAY: I just wanted to make sure
 10 I wasn't frozen.
 11 MR. LOONEY: Let me replay this.
 12 (Video played.)
 13 Q. Did you make a motion with your
 14 hands?
 15 A. No.
 16 MR. LOONEY: I can replay it again.
 17 MR. VIGLIOTTI: He's answered the
 18 question.
 19 MR. DAY: Could you let it play.
 20 MR. LOONEY: I'll go back a little
 21 farther to 7:38:26.
 22 Q. I would like to direct your
 23 attention to what you're doing in this video.
 24 (Video played.)

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1 see Officer McNabb approach the middle of the
 2 counter, correct?
 3 A. Yes.
 4 Q. Is that a button in the middle of
 5 the counter there?
 6 A. Yes.
 7 Q. Does that button activate audio
 8 recording?
 9 A. Audio, yes.
 10 Q. Officer McNabb does not activate the
 11 audio recording, correct?
 12 A. That's correct.
 13 Q. Why not?
 14 MR. VIGLIOTTI: Objection.
 15 A. It's an oversight. It's actually just
 16 an oversight, that it should have been pulled but
 17 it wasn't.
 18 MR. LOONEY: I would like to go back
 19 to watch just a few seconds, so let's go back to
 20 watch at 7:38:32.
 21 (Video played.)
 22 Q. At 7:38:32, you make a gesture to
 23 Officer McNabb, correct?
 24 MR. VIGLIOTTI: Objection.

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1 Q. Did you raise your finger toward
 2 Officer McNabb?
 3 A. There was a raised finger, yeah.
 4 Q. Why did you raise your finger like
 5 that?
 6 MR. VIGLIOTTI: Objection.
 7 A. I have no idea.
 8 Q. (By Mr. Looney) Were you instructing
 9 Officer McNabb to not activate the audio
 10 recording?
 11 A. No.
 12 MR. VIGLIOTTI: Could you let it play
 13 one more time. I want to see it again.
 14 MR. LOONEY: Sure. I'm going back to
 15 7:38:28.
 16 (Video played.)
 17 MR. DAY: Could you play it at
 18 regular speed? Was that regular speed?
 19 MR. LOONEY: That's regular speed.
 20 A. I don't recall. I still don't recall.
 21 Q. This is the video you reviewed prior
 22 to this deposition?
 23 A. Yes.
 24 MR. LOONEY: I would like to go now

1 A. Yes.
 2 Q. Was your badge ID number 76522 as
 3 it's listed next to your signature?
 4 A. Yes.
 5 Q. Madelyn's condition is described as
 6 good, correct?
 7 A. Yes.
 8 Q. And next to "Examined by" there is
 9 N/A, correct?
 10 A. Correct.
 11 Q. And does N/A mean not applicable
 12 here?
 13 A. Yes.
 14 Q. And there's nothing next to
 15 "Attended by a doctor," correct?
 16 A. Correct.
 17 Q. Next to "Marks or bruises," it says:
 18 "Ms. Grant complained of her right
 19 knee and her right foot being swollen. She
 20 stated that she needed water because she felt
 21 like she was going to faint. Water was given
 22 to Ms. Grant and felt better."
 23 Did I read that correctly?
 24 A. Correct.

1 something to include on this report?
 2 A. That's correct. Like I said, I did my
 3 assessment, I looked at her, I talked to her, and
 4 she felt better after I gave her water.
 5 Q. This report doesn't contain her
 6 complaints about difficulty breathing, correct?
 7 A. Correct.
 8 Q. Why not?
 9 A. Like I said, I assessed her and after I
 10 assessed her, like I said, and she appeared to be
 11 talking to me, she appeared to answer all my
 12 questions, so at that time, I made an assessment.
 13 Q. Did you tell anyone else that
 14 Madelyn had stated that her chest was caving
 15 in?
 16 A. No.
 17 Q. Did you tell anyone else that
 18 Madelyn said she was having difficulty
 19 breathing?
 20 A. No.
 21 Q. Did you believe Madelyn when she
 22 said she was having difficulty breathing?
 23 A. At that time, as I was speaking to her,
 24 I did not believe her.

1 Q. Next to "How caused," it says:
 2 "Ms. Grant stated that she woke up a
 3 few days ago and noticed that her right knee
 4 and right foot were swollen."
 5 Did I read that correctly?
 6 A. Correct.
 7 Q. The Ms. Grant referred to here in
 8 Exhibit 3, is that Madelyn Linsenmeir?
 9 A. Yes.
 10 Q. Exhibit 3 doesn't contain all of
 11 Ms. Linsenmeir's complaints about her
 12 condition, correct?
 13 A. Correct.
 14 Q. What information does it not
 15 contain?
 16 A. That her chest felt like it was caving
 17 in.
 18 Q. Why doesn't it contain that?
 19 MR. VIGLIOTTI: Objection.
 20 A. At that time, like I said, I assessed
 21 her and I came to a conclusion that she was fine,
 22 she was better and she was all set.
 23 Q. (By Mr. Looney) You determined that
 24 her chest feeling like it was caving in wasn't

1 Q. Did you believe her when she said
 2 her chest was caving in?
 3 A. At that time, like I said, I assessed
 4 her, she wanted water, and I observed her and I
 5 did not believe her.
 6 Q. Sergeant Zanazanian, is difficulty
 7 breathing a serious symptom?
 8 MR. VIGLIOTTI: Objection.
 9 A. Not if you're able to speak, if you're
 10 able to communicate.
 11 Q. (By Mr. Looney) What is the basis
 12 for your answer there?
 13 A. Like I said, with my observation, as
 14 best as I could, I observed her. She appeared to
 15 answer all my questions. Her demeanor.
 16 Q. Can difficulty breathing be a
 17 serious symptoms?
 18 MR. VIGLIOTTI: Objection.
 19 A. If, like I said, if she's having
 20 difficulty talking, breathing, if she's not
 21 talking, she's not coherent, yes, it could be.
 22 Q. (By Mr. Looney) Respectfully, my
 23 question is more general.
 24 Generally, can difficulty breathing

1 Bates CO SID 000473.
 2 (Marked, Exhibit No. 13, Memorandum
 3 of Agreement, Bates No. CO SID 000473.)
 4 Q. Sergeant Zanazanian, are you
 5 familiar with Exhibit 13?
 6 A. Yes.
 7 Q. You've seen this before?
 8 A. Yes.
 9 Q. This is a memorandum of agreement
 10 between and among the City of Springfield and
 11 the Springfield Police Supervisors Association
 12 and Moises Zanazanian, correct?
 13 A. Correct.
 14 Q. On the second page, is that your
 15 signature?
 16 A. Yes.
 17 Q. And your signature is dated March
 18 13, 2019, correct?
 19 A. Correct.
 20 Q. Did you review this agreement before
 21 you signed it?
 22 A. Yes.
 23 Q. Were you represented by an attorney
 24 in connection with this agreement?

1 "Whereas, on December 26, 2018,
 2 retired Police Commissioner John Barry issued a
 3 notice of inter-departmental disciplinary
 4 charges, SO #18-26,1 to Zanazanian arising out
 5 of the booking of Ms. Linsenmeir."
 6 Did I read that correctly?
 7 A. Yes.
 8 Q. Following that, it says:
 9 "Whereas, a hearing was to be
 10 scheduled in order to consider whether there
 11 exists just cause to discipline Zanazanian."
 12 Did I read that correctly?
 13 A. Yes.
 14 Q. Does that refresh your recollection
 15 about whether a hearing was scheduled?
 16 A. I still don't recall. I don't
 17 remember.
 18 Q. I'd like to turn to the bottom of
 19 the first page, numbered Paragraph 1. That
 20 starts Discipline and continues to the second
 21 page.
 22 Would you read that paragraph,
 23 please.
 24 A. One more time.

1 A. Yes.
 2 Q. Was it counsel Vigliotti?
 3 A. Yes.
 4 Q. Other than discussions with your
 5 counsel, did you speak to anybody about this
 6 agreement before you signed it?
 7 A. No.
 8 Q. Can you tell me why you signed this
 9 agreement?
 10 MS. DeSOUSA: Objection.
 11 A. I agreed with my attorney, speaking
 12 with my attorney.
 13 MR. VIGLIOTTI: I instruct you not to
 14 divulge any discussions regarding this agreement.
 15 Q. (By Mr. Looney) I would like to look
 16 at the third whereas clause. It reads:
 17 "Whereas, the City conducted an
 18 investigation into the incident surrounding the
 19 arrest and booking of an individual,
 20 Ms. Madelyn Linsenmeir, on or about September
 21 29, 2018."
 22 Did I read that correctly?
 23 A. Yes.
 24 Q. And then next whereas clause reads:

1 Q. Could you read Paragraph No. 1.
 2 A. "Discipline. The parties agree that
 3 there is just cause for the imposition" --
 4 Q. You don't have to read it out loud.
 5 You can just read it to yourself.
 6 (Pause.)
 7 Q. The first sentence says:
 8 "The parties agree that there is
 9 just cause for the imposition of discipline
 10 under SO No. 18-261 for violation of Rule 29 of
 11 the City of Springfield Police Department rules
 12 and regulations."
 13 Did I read that correctly?
 14 A. That's correct.
 15 Q. What is Rule 29 of the City of
 16 Springfield Police Department rules and
 17 regulations?
 18 A. I'd have to look.
 19 MR. LOONEY: Let's take another look
 20 at Exhibit 10.
 21 (Pause.)
 22 Q. Could you look at the third
 23 paragraph in Exhibit 10 that starts with Rule
 24 29, Conduct.

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1 Do you see that there?
 2 A. Yes.
 3 Q. Do you see the next paragraph says
 4 Rule 29, Directives and Orders?
 5 A. Yes.
 6 Q. Does that refresh your recollection
 7 what Rule 29 is, those two paragraphs?
 8 A. Yes.
 9 Q. I would like to go back to
 10 Exhibit 13.
 11 Looking again at numbered paragraph
 12 1, Discipline, and the first sentence, did you
 13 agree that there was just cause for the
 14 imposition of discipline?
 15 A. Yes.
 16 Q. Aside from discussions with counsel,
 17 what led you to agree with that?
 18 MS. DeSOUSA: Objection.
 19 A. I violated Rule 29.
 20 Q. (By Mr. Looney) What did you
 21 understand that you were agreeing to there?
 22 A. The violation.
 23 Q. Can you tell me specifically what
 24 the violation of Rule 29 was?

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1 could.
 2 Q. (By Mr. Looney) So what conduct of
 3 yours was there just cause for the imposition
 4 of discipline then?
 5 MR. VIGLIOTTI: Objection.
 6 A. I don't know.
 7 Q. (By Mr. Looney) You agreed there
 8 was, correct?
 9 A. Yes.
 10 Q. But you don't know why you were
 11 disciplined?
 12 MR. VIGLIOTTI: Objection.
 13 A. That's correct.
 14 Q. (By Mr. Looney) Did you think that
 15 this agreement was fair?
 16 MS. DeSOUSA: Objection.
 17 A. Yes.
 18 Q. (By Mr. Looney) Why was it fair?
 19 MR. VIGLIOTTI: Objection.
 20 MS. DeSOUSA: Objection.
 21 MR. VIGLIOTTI: Again, if it's from
 22 discussions with counsel, you're instructed not
 23 to answer.
 24 A. That's what I was going to say. I

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1 A. Not specifically.
 2 Q. How did you violate Rule 29 with
 3 regard to Madelyn Linsenmeir?
 4 A. Violation of procedures.
 5 Q. What procedures did you violate?
 6 A. I don't know.
 7 Q. Were you agreeing that something
 8 happened or didn't happen that was a problem?
 9 MR. VIGLIOTTI: Objection.
 10 A. Yes.
 11 Q. (By Mr. Looney) What was that
 12 specifically?
 13 A. Medical attention.
 14 Q. Can you explain why medical
 15 attention?
 16 MR. VIGLIOTTI: Objection.
 17 A. No, I can't explain.
 18 Q. (By Mr. Looney) Just so the record
 19 is clear, were you agreeing that medical
 20 attention should have been provided?
 21 MR. VIGLIOTTI: Objection.
 22 A. No. I guess at that time, I did the
 23 best that I could with the knowledge that I had
 24 and I provided her with the best care that I

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1 spoke to my counsel.
 2 Q. (By Mr. Looney) Respectfully, I'm
 3 not asking about discussions with counsel; I'm
 4 asking why did you think this agreement was
 5 fair.
 6 MS. DeSOUSA: Objection.
 7 A. Rule 29, I believe it's a catch-all, so
 8 that's why I believe I got two days suspension.
 9 Q. (By Mr. Looney) How did you violate
 10 Rule 29?
 11 A. I don't know.
 12 Q. Did you violate Rule 29 with regard
 13 to your interactions with Madelyn Linsenmeir?
 14 MS. DeSOUSA: Objection.
 15 A. Yes.
 16 Q. (By Mr. Looney) Can you explain to
 17 me why your interactions with Madelyn
 18 Linsenmeir violated Rule 29?
 19 A. I can't explain to you.
 20 MS. DeSOUSA: Objection.
 21 Q. (By Mr. Looney) Do you think you did
 22 anything wrong?
 23 MS. DeSOUSA: Objection.
 24 MR. VIGLIOTTI: Objection. This has

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1 been asked and answered many times now.

2 MR. LOONEY: Respectfully, Counsel,
3 it has not. I'm asking him if he believes he did
4 something wrong.

5 A. Yes.

6 Q. (By Mr. Looney) What do you believe
7 you did wrong?

8 MS. DeSOUSA: I'm having trouble
9 hearing you.

10 Q. (By Mr. Looney) What did you believe
11 you did wrong?

12 MR. VIGLIOTTI: Objection.

13 A. What was the question again?

14 MR. LOONEY: Ms. Good, could you read
15 my question back.

16 (Question read.)

17 MS. DeSOUSA: Objection.

18 A. Like I said, at the time, at that time,
19 at that place, I did the best I could and, you
20 know, with what I had, the information that I
21 had, so . . .

22 Q. (By Mr. Looney) Were your actions
23 regarding Madelyn consistent with the
24 Springfield Police Department policy as it

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1 can think of, documenting.

2 Q. You can't think of anything else?

3 A. That's it.

4 MR. LOONEY: I would like to
5 introduce Exhibit 14.

6 MR. VIGLIOTTI: If we're going to
7 another subject, would this be a good time to
8 take a five-minute break?

9 MR. LOONEY: We can take a break.

10 MR. VIGLIOTTI: Thank you.

11 (Recess.)

12 MR. LOONEY: Back on the record.

13 Q. I would like to go back to
14 Exhibit 13. Was your suspension negotiated in
15 return for signing this agreement?

16 MR. VIGLIOTTI: Objection.

17 A. I don't know what you mean by
18 "negotiated."

19 Q. (By Mr. Looney) Was there a deal
20 that you would get a two-day suspension if you
21 signed this agreement?

22 MR. VIGLIOTTI: Objection.

23 A. No. There was no agreement.

24 MS. DeSOUSA: I'm having trouble

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1 existed in September 2018?

2 MR. VIGLIOTTI: Objection.

3 A. Yes.

4 Q. (By Mr. Looney) Were your actions
5 with regard to Madelyn consistent with
6 Springfield Police Department policy with
7 regard to injured prisoners?

8 MR. VIGLIOTTI: Objection.

9 A. Could you repeat that.

10 Q. (By Mr. Looney) Were your actions
11 regarding Madelyn consistent with Springfield
12 Police Department policy regarding injured
13 prisoners in 2018?

14 MR. VIGLIOTTI: Objection.

15 A. No.

16 Q. (By Mr. Looney) Why?

17 A. Because I got a two-day suspension.

18 Q. Can you explain to me what policies
19 you violated with regard to injured prisoners?

20 A. Could you repeat that.

21 MR. LOONEY: Ms. Good, could you read
22 my question back.

23 (Question read.)

24 A. Documentation. That's the only thing I

177

1 hearing both of you now.

2 MR. LOONEY: I'm sorry, Lisa. We'll
3 speak up.

4 Q. After you signed this agreement, you
5 received a notice of suspension, correct?

6 A. Yes.

7 Q. Were the contents of that notice of
8 suspension agreed to in relation to this
9 agreement?

10 A. Could you repeat that.

11 Q. The notice of suspension that you
12 received, were the contents of the notice of
13 suspension agreed to beforehand in connection
14 with this agreement?

15 MR. VIGLIOTTI: Objection.

16 A. I don't follow you.

17 Q. (By Mr. Looney) The notice of
18 suspension that you received, did you discuss
19 beforehand what the contents of that notice
20 would include?

21 MR. VIGLIOTTI: Objection.

22 A. No.

23 Q. (By Mr. Looney) Did you negotiate
24 what the contents of that notice of suspension

EXHIBIT E

City of Springfield, Massachusetts
Department of Police

REPORT TO THE POLICE COMMISSIONER
IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 276 OF THE GENERAL LAWS

Date 09/29/2018 Time 1716 Hrs Arrest Report # 18-3399-AR

Arresting Officer(s) Jonathon Torres ID # 4261538

Arresting Officer(s) William Catellier ID # 227505

Prisoner Madelyn Linsenmeir Condition Good

Marks or Bruises Ms. Grant complained of her right knee and right foot being swollen. She stated that she needed water because she felt like she was going to faint. Water was given to Ms. Grant and felt better.

How Caused Ms. Grant stated that she woke up a few days ago and noticed that her right knee and right foot were swollen.

Examined by N/A Attended By Dr. _____

Remarks _____

TASER Form Submitted _____ O.C. Form Submitted _____

Name of Officer that took Photographs: Cadet Samantha Richards ID # 111570

Booking Sergeant (Signature) Sgt. [Signature] #40 ID # 76522

Uniform Shift Supervisor (Signature) Capt. [Signature] ID # 68830

INFORMATION BELOW LINE TO BE COMPLETED BY QUALITY ASSURANCE DIVISION

IMC Report [Signature] Photographs [Signature] Officer Reports (If Required) _____

Reviewed By [Signature] ID # 020524 Date 10-3-18

No Additional Action Required [Signature]

Sent Back for Further Action by Squad Commander _____ Note _____

Additional Action Required [Signature]

1. Referred to IIU for Investigation _____ S.O. # _____

2. Referred to Major Crimes for Investigation _____ S.O. # _____

Approved [Signature] ID # 020524

Effective Date: 08 02 2018 Revision Date: 08 06 2018

EXHIBIT F



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

October 15, 2018

Via Electronic Submission

Springfield Police Department
130 Pearl St
Springfield, MA 01105

Re: Madelyn Linsenmeir

To whom it may concern:

This is a request for public records under M.G.L. ch. 66, § 10, made on behalf of Maureen Linsenmeir and Maura O'Neill.

On September 29, 2018, Madelyn Linsenmeir was arrested, booked, and detained by the Springfield Police Department. She was later transferred to the custody of the Hampden County Sheriff's Department. She died in custody on October 7, 2018.

The ACLU Foundation of Massachusetts (the "ACLUM") represents Maureen Linsenmeir and Maura O'Neill (who are Madelyn Linsenmeir's mother and sister, respectively).

Please provide the following records:

1. All documents relating to Madelyn Linsenmeir's arrest, booking, and detention, including without limitation any:
 - Arrest report;
 - Police officer narrative;
 - Criminal complaint; and
 - Notes, correspondence, and reports relating to the arrest, booking, and any related investigation.
2. All audio and video recordings relating to Madelyn Linsenmeir's arrest, booking, and detention, including without limitation:

Springfield Police Department
October 15, 2018

- Any audio or video recording of Madelyn Linsenmeir's arrest and the circumstances leading up to it, including any recordings made by police vehicle cameras or police body cameras;
 - Any audio or video recording of Madelyn Linsenmeir's transport at or after the time of her arrest;
 - Any audio or video recording of Madelyn Linsenmeir's booking on September 29, 2018; and
 - Any audio or video recording of Madelyn Linsenmeir's detention on or after September 29, 2018.
3. All records of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018;
 4. All audio and video recordings of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018, including without limitation:
 - Any audio or video recording of any telephone call made by Madelyn Linsenmeir during the booking process on September 29, 2018; and
 - Any audio or video recording of any telephone call made by Madelyn Linsenmeir between 7:00 p.m. and 8:00 p.m. on September 29, 2018.
 5. All photographs of Madelyn Linsenmeir while in custody of Springfield Police Department, including without limitation any photos taken for booking, identification, or medical purposes;
 6. All medical records of Madelyn Linsenmeir, including all records of:
 - Any request by Madelyn Linsenmeir for medical services or attention on or after September 29, 2018;
 - Any medical evaluation or services provided to Madelyn Linsenmeir on or after September 29, 2018;
 - Any prisoner injury reports relating to Madelyn Linsenmeir; and
 - Any reports and other records concerning Madelyn Linsenmeir made pursuant to Springfield Police Department General Order 403.30, entitled Prisoner Medications.

Springfield Police Department
October 15, 2018

7. All records of any Officer's visits to Madelyn Linsenmeir while she was in the custody of the Springfield Police Department, including any records of such visits made pursuant to Rule 25 of the Rules and Regulations of the Springfield Police Department.
8. All records of Madelyn Linsenmeir's transfer between custodians, including without limitation any record or recording of Madelyn Linsenmeir's transfer to the custody of the Hampden County Sheriff's Department;
9. All documents, correspondence, or reports concerning Madelyn Linsenmeir sent to or received from government officials in New Hampshire or Vermont, including without limitation all records of communications with Human Trafficking Case Manager Katie Guilbault of Vermont concerning Ms. Linsenmeir;
10. All reports, notes, interview summaries, and other documents relating to any investigation of Madelyn Linsenmeir's death, or obtained or reviewed as part of any such investigation;
11. All correspondence and communications between the Springfield Police Department and the Hampden County Sheriff's Department concerning Madelyn Linsenmeir, her death, and any investigation thereof;
12. All other public records concerning, relating or referring to Madelyn Linsenmeir that are in the possession of the Springfield Police Department; and
13. Any complaints of willful maltreatment of a prisoner made against Springfield Police Officers from January 1, 2013, to the present, and any records of the adjudication of such complaints, including any findings made and any discipline imposed.

Because this request involves a matter of public concern and is made by a non-profit organization on behalf of the decedent's family members, I ask that you waive any fees and copying costs, including pursuant to 950 C.M.R. 32.07.

If you withhold some portions of the requested documents on the grounds that they are exempt from disclosure, please specify which exemptions apply and release any portions of the records for which you do not claim an exemption.

As you know, a custodian of public records shall comply with a request within ten days of receipt.

Springfield Police Department
October 15, 2018

Thank you for your assistance. Please do not hesitate to contact me if I can clarify any part of this request.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

EXHIBIT G

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS

SUPERIOR COURT
DOCKET NO. 18-872MAUREEN LINSENMEIR and
MAURA O'NEILL,

Plaintiffs,

v.

CITY OF SPRINGFIELD, and THE
SPRINGFIELD POLICE DEPARTMENT,

Defendants.

HAMPDEN COUNTY
SUPERIOR COURT
FILED

NOV 26 2018

[Signature]
CLERK OF COURTS**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This is a public records suit on behalf the family of the late Madelyn Linsenmeir.
2. On September 28, 2018, Madelyn texted to her family *"I am really sick," "I am just in a lot of pain," "can't eat sleep," "chest Hurst,"* and *"my knee is so swollen i can't even walk."*
3. The next day, Madelyn was arrested by the Springfield Police Department (the "SPD"). She was later transferred to the custody of the Hampden County Sheriff's Department. She was rushed to the hospital on October 4th and admitted to the ICU. She died there on October 7th. She was 30 years old.
4. The SPD is likely in possession of audiovisual recordings demonstrating that it refused to provide Madelyn with medical attention on the evening of her arrest. Plaintiffs are aware of this refusal because it occurred, at least in part, during a phone call from Madelyn and an SPD officer to Madelyn's mother, Maureen Linsenmeir. On information and belief, the call was made during the booking process, which the SPD routinely records.

2
 Fee Paid - \$ 240.00 Cash - Check
 Surcharge Paid - \$ 15.00 Cash - Check
 Security Fee - Paid - \$ 20.00 Cash - Check
 Attorney's Fee

5. The SPD is also in possession of other records relating to Madelyn's arrest and detention. Madelyn's family is urgently seeking such records to better understand the events leading to her hospitalization and death.

6. Madelyn's family submitted a request for records to the SPD on October 15, 2018. The SPD and City of Springfield (the "City") have unlawfully failed to respond to that request and have unlawfully failed to produce any responsive records, such as any audiovisual recordings of Madelyn's booking process.

7. Release of the requested records would also serve the public interest. It is in the public interest that families learn the circumstances leading to the death of a loved one. It is in the public interest that police be accountable for their treatment of sick or injured prisoners.

8. Additionally, release of the requested records would serve the public interest by supporting Madelyn's family in their public advocacy for the humane treatment of opioid users and for increased access to medications and medical care for people suffering from opioid use disorder. Shortly after Madelyn passed away, her sister Kate O'Neill drafted an obituary. The obituary candidly described Madelyn's struggle with opioid addiction. It also advocated against "a system that seems to have hardened itself against" people struggling with addiction. The obituary was shared extensively on social media, including by public figures like Senators Jeanne Shaheen and Maggie Hassan, FDA Commissioner Dr. Scott Gottlieb, New York Times columnist David Brooks, actress and advocate Alyssa Milano, and presidential advisor Ivanka Trump. This unexpected attention resulted in Madelyn's family being invited to tell Madelyn's story and continue their advocacy in national and international media, as well as at public events attended by law enforcement leadership. The information requested from the SPD is expected to support and be a part of this ongoing advocacy.

PARTIES

9. Plaintiff Maureen Linsenmeir is Madelyn Linsenmeir's mother. She resides in Vermont.

10. Plaintiff Maura O'Neill is one of Madelyn Linsenmeir's sisters. She also resides in Vermont. She is the guardian of Madelyn Linsenmeir's minor child.

11. Defendant City of Springfield (the "City") is a Massachusetts municipality.

12. Defendant Springfield Police Department (the "SPD") is a component of the City.

The SPD is reportedly under federal investigation to determine whether it has engaged in a pattern or practice of civil rights violations.¹ Two SPD officers were recently indicted on federal charges arising from alleged mistreatment of prisoners that was captured on video.²

JURISDICTION AND VENUE

13. Jurisdiction and venue are proper pursuant to G. L. c. 66, § 10A(c), c. 212, § 4, and c. 231A, § 1.

ALLEGATIONS

Madelyn's Illness, Arrest, and Death

14. Madelyn Linsenmeir was born in Burlington, Vermont. Her family remembers her as a "born performer," who "had a singing voice so beautiful it would stop people on the street." She was "hilarious, and warm, and fearless, and resilient." She is particularly remembered as a loving mother to her young son.

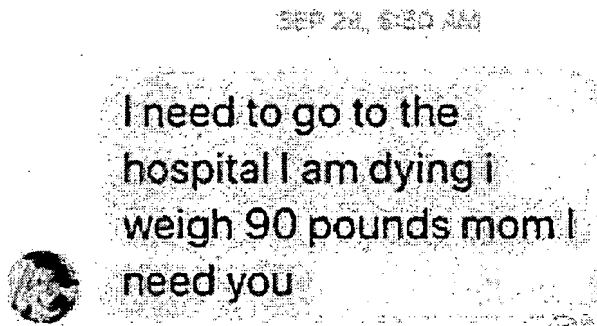
15. Tragically, Madelyn was also a victim of the opioid crisis, having become addicted after using prescription opioids recreationally in high school. Madelyn repeatedly sought treatment, and repeatedly relapsed into addiction.

¹ https://www.masslive.com/news/index.ssf/2018/04/us_department_of_justice_to_in.html

² https://www.masslive.com/news/index.ssf/2018/10/springfield_police_officers_in_2.html

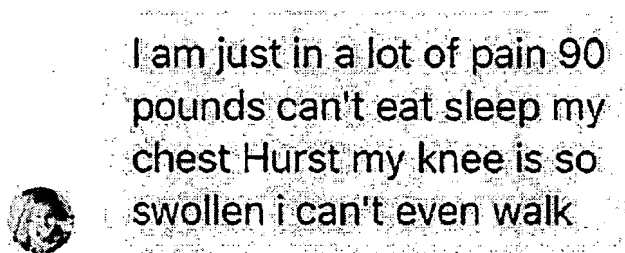
16. In August 2018, Madelyn left a treatment facility in Vermont and ultimately made her way to Massachusetts. On information and belief, her departure triggered the issuance of a probation-related arrest warrant by the courts of New Hampshire.

17. On September 28, 2018, Madelyn sent her mother a text message stating *"I need to go to the hospital I am dying I weigh 90 pounds mom I need you."* See Ex. A.



18. Later that same day, Madelyn sent her sister Kate a series of text messages stating, among other things:

- *"I am really sick"*
- *"I just need to get help go to the hospital"*
- *"I am just in a lot of pain 90 pounds can't eat sleep my chest Hurst my knee is so swollen i can't even walk"*



Madelyn also stated, however, that she was scared to seek help at a hospital because she believed *"the hospital checks for warrants,"* and she *"[didn't] want to go to jail [like] this."* See Ex. B.

19. The SPD arrested Madelyn the next day, September 29, 2018.

20. On information and belief, people arrested by the SPD are generally allowed to make a telephone call during the booking process. Further, on information and belief, the SPD routinely makes audio and/or video recordings of the booking process for arrestees, including the arrestee's telephone call.

21. Shortly after her arrest, Madelyn was permitted to call her mother, Maureen. A police officer also participated in the call. Madelyn was distraught. She told her mother, among other things, that she was not receiving medical attention. As the conversation progressed, the police officer refused to provide medical attention and even made a sarcastic comment to Maureen after Maureen expressed concern that Madelyn was being denied care.

22. Madelyn was subsequently transferred to the custody of the Hampden County Sheriff's department.

23. On or about October 4, 2018, Madelyn was rushed by ambulance to the Baystate Medical Center, where she was admitted to the Intensive Care Unit. By October 5, 2018, she had been intubated and sedated. On October 7, 2018, she died.

24. On October 10, 2018, undersigned counsel sent a letter to Springfield Police Commissioner John Barbieri, on behalf of the plaintiffs. Among other things, the letter requested that the SPD preserve "all documents, correspondence, and other evidence relating to Madelyn Linsenmeir's arrest, detention, and death," including without limitation:

- "[a]ll records of any telephone calls made by Madelyn Linsenmeir;"
- "any recordings of those calls;" and
- "[a]ll photographs, audio recordings, and video recordings of Madelyn Linsenmeir."

See Ex. C (exhibit to letter omitted). The SPD did not respond to this letter.

The Request

25. On October 15, 2018, undersigned counsel submitted a request for public records pursuant to G.L. c. 66, § 10, to the SPD on behalf of the plaintiffs (the “Request”). The Request was submitted electronically through the City’s online public records portal. *See* Ex. D.

26. Among other things, the Request sought production of:

- “All documents relating to Madelyn Linsenmeir’s arrest, booking, and detention;”
- “All audio and video recordings relating to Madelyn Linsenmeir’s arrest, booking, and detention;”
- “All records of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018;” and
- “All audio and video recordings of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018.”

27. The Request also sought a waiver of any fees and copying costs, given that it was made by a non-profit organization on behalf of the family members of a deceased prisoner.

28. Pursuant to c. 66, § 10, as amended effective January 1, 2017, the SPD and City were required, within 10 business days, *i.e.*, by October 29th, to either produce the requested records pursuant to § 10(a), or provide a written response pursuant to § 10(b). A written response pursuant to § 10(b) “shall” include nine enumerated categories of information, including identifying:

- “any public records, categories of records, or portions of records that the agency or municipality intends to produce, and . . . a detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the . . . municipality and therefore requires additional time to produce the public records sought;” and
- “any records, categories of records or portions of records that the . . . municipality intends to withhold, and . . . the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based.”

See G.L. c. 66, § 10(b)(iv)-(v).

29. Later on October 15th, the City sent an apparently automated letter acknowledging receipt of the Request and confirming that “[p]ursuant to M.G.L. ch. 66, § 10(b) the City has ten [10] business days to respond to your request.” *See* Ex. E.

30. Plaintiffs and their counsel received no further communications from the City or the SPD until 5:24 p.m. on October 29th, the tenth business day. At that time, the City emailed a letter that did not contain the information required by law. Instead, the letter stated only that “[t]he City is requesting an additional ten [10] business days to respond to your request.” The letter did not explain why such an extension is required, or what steps had been taken to preserve and collect responsive records, or what obstacles had been encountered to such collection, or what, if any, records the City intended to produce. Nor did the letter suggest any legal basis for the City’s apparent decision to postpone its obligations under the law without any prior agreement by the requestors. *See* Ex. F.

31. On October 31, 2018, undersigned counsel responded to the City by letter on behalf of the plaintiffs. The letter explained that, in the circumstances, plaintiffs “do not agree to any any extension of time,” and that “if a response has not been received by Tuesday, November 13, 2018, . . . [plaintiffs] will consider any and all steps necessary to secure compliance with the law.” The letter also noted that, pursuant to c. 66, § 10(e), “a fee may not be charged now because [plaintiffs] did not receive a response under c. 66, § 10(b) within ten business days of the Request.” *See* Ex. G (exhibits to letter omitted).

32. Undersigned counsel have not received any further correspondence from the City or SPD concerning the Request, nor any of the requested records. Twenty seven (27) business days

have now elapsed since the Request was submitted. The City's online public records portal simply lists the Request as "In Progress," with "Status: Time Extension."

Release of the Requested Information Is in the Public Interest

33. Release of the requested information is in the public interest. It is important that families learn the circumstances leading to the death of a loved one in custody. It is also important that police be accountable for the welfare of prisoners, including any failure to treat a prisoner's sickness or injury.

34. Additionally, release would serve the public interest because Madelyn's family is unexpectedly in a position to engage in national and international advocacy on behalf of victims of the opioid crisis. They plan to use the requested records in support of that advocacy.

35. Madelyn's death first attracted public attention after her family published her obituary on October 14, 2018. The obituary, drafted by her sister Kate O'Neill, candidly describes Madelyn's struggle with opioid use. It also criticized the dehumanizing treatment that people with opioid use disorder often face within institutions:

To some, Maddie was just a junkie – when theys saw her addiction, they stopped seeing *her*. And what a loss for them. Because Maddie was hilarious; and warm, and fearless, and resilient.

If you work in one of the many institutions through which addicts often pass – rehabs, hospitals, jails, courts – and treat them with the compassion and respect they deserve, thank you. If instead you see a junkie or a thief or liar in front of you rather than a human being in need of help, consider a new profession.

See Ex. H.

36. The obituary was posted on the website of Seven Days, an independent publication in Vermont. However, it quickly went viral on social media and was shared many thousands of

times, including by public officials and other national figures. For example, the obituary was shared on Twitter by:

- U.S. Senator Jeanne Shaheen, who wrote that it was “heartbreaking, powerful, and a beautiful tribute” and “has so much important advice for all of us.”³
- U.S. Senator Maggie Hassan, who thanked Madelyn’s family for their “extraordinary courage and wisdom.”⁴
- FDA Commissioner Dr. Scott Gottlieb, who noted that the obituary “captures the pain, personal devastation, and lost promise dispensed by the opioid crisis.”⁵
- New York Times columnist David Brooks, who concluded that the obituary communicated “[w]hat opioid addiction looks like.”⁶
- Actress and political activist Alyssa Milano.⁷
- Presidential advisor Ivanka Trump, who called the obituary “[a] generous act amid [the family’s] pain & a wake up call to all as we battle, together as a nation, opioid addiction, a crisis of epic proportions.”⁸

37. As a result of this widespread attention on social media, Madelyn’s family has been invited to continue their advocacy in national and international media, as well as speaking events. For example:

- Kate O’Neill has been interviewed by People Magazine,⁹ the Guardian,¹⁰ public radio’s All Things Considered,¹¹ ABC News,¹² and the BBC,¹³ among others.
- Kate and her sister Maura O’Neill were jointly interviewed by WCAX Channel 3 News in Vermont.¹⁴

³ <https://twitter.com/SenatorShaheen/status/1052219320414146560>

⁴ <https://twitter.com/SenatorHassan/status/1052299666690363392>

⁵ <https://twitter.com/SGottliebFDA/status/1052123747870810112>

⁶ <https://twitter.com/nytdavidbrooks/status/1052157528136658945>

⁷ https://twitter.com/Alyssa_Milano/status/1052353599190253568

⁸ <https://twitter.com/IvankaTrump/status/1052550476678529024>

⁹ <https://people.com/human-interest/kate-oneill-sister-maddie-obituary-speaks-out/>

¹⁰ <https://www.theguardian.com/us-news/2018/oct/19/madelyn-ellen-linsenmeir-obituary-opioid-addiction-response-family>

¹¹ <http://www.wbur.org/commonhealth/2018/10/19/sister-who-wrote-viral-opioids-obit-burlington-police-chief-shame-and-stigma-are-barriers-to-help-for-addicts>

¹² <https://abcnews.go.com/Health/obituary-opioid-addict-viral-disease-face/story?id=58557409>

¹³ <https://www.bbc.com/news/world-us-canada-45984843>

¹⁴ <https://www.wcax.com/content/news/Grieving-family-of-overdose-victim-discuss-viral-obit-497961991.html>

- Maura recently delivered an address to the annual gala of the Turning Point Center, an addiction recovery facility in Vermont, in which she advocated for improved treatment for opioid users. The audience included the Governor and Attorney General of Vermont, as well as multiple members of the Vermont Legislature.

38. Madelyn's family expects to continue to advocate for the rights of opioid users, for humane treatment of opioid-addicted prisoners, and for expanded access to medications and other evidence-based therapies for opioid use disorder. They expect that the requested records, when produced, will inform this advocacy, and may also be publicly released.

CLAIMS FOR RELIEF

Count I – Violation of the Massachusetts Public Records Law

39. Plaintiffs incorporate by reference paragraphs 1 through 38 as if set forth here in their entirety.

40. Defendants have failed to produce records or otherwise respond to the Request within 10 business days as required by the Massachusetts Public Records Law ("MPRL"), G.L. c. 66, § 10(a)-(b).

41. Plaintiffs are entitled to injunctive relief requiring the City and SPD to produce the requested records forthwith. *See* G.L. c. 66, § 10A(c)-(d).

42. Plaintiffs are entitled to injunctive relief prohibiting the City and SPD from charging any fee for the production of the requested records. *See* G.L. c. 66, §§ 10(e), 10A(c)-(d).

43. Plaintiffs are entitled to an award of reasonable attorney fees and costs. *See* G.L. c. 66, § 10A(d)(2).

Count II – Declaratory Judgment

44. Plaintiffs incorporate by reference paragraphs 1 through 43 as if set forth here in their entirety.

45. There is an actual controversy between Plaintiffs and Defendants regarding the production of the requested records.

46. Pursuant to G.L. c. 231A and the MPRL, Plaintiffs are entitled to a declaration that the records they request are public records within the meaning of G. L. c. 66, § 10, that their release is required by law, and that Defendants are prohibited from charging any fee for responding to the request.

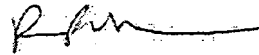
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court:

1. Issue a declaratory judgment pursuant to G. L. c. 231A that the records Plaintiffs have requested are public records within the meaning of G. L. c. 66, § 10, that their release is required by law, and that Defendants may not charge a fee for responding to the Request;
2. Enter preliminary and permanent injunctions ordering Defendants to immediately disclose the requested records to Plaintiffs;
3. Expedite these proceedings pursuant to G.L. c. 66, § 10A(d)(1)(iii), and order the Defendants to show cause forthwith why the requested relief should not be granted;
4. Award Plaintiffs their attorney fees and costs; and
5. Grant such other and further declaratory and equitable relief as the Court deems just and proper.

November 26, 2018

Respectfully submitted,



Matthew R. Segal (BBO # 654489)
Daniel L. McFadden (BBO #676612)
American Civil Liberties Union
Foundation of Massachusetts, Inc.
211 Congress Street
Boston, MA 02110
(617) 482-3170

Elizabeth Matos (BBO #671505)
David Milton (BBO #668908)
Prisoners' Legal Services of Massachusetts
50 Federal St.
Boston, MA 02110
(617) 482-2773

Luke Ryan (BBO #664999)
Sasson Turnbull Ryan & Hoose
100 Main St.
Northampton, MA 01060
(413) 586-4800

Attorneys for Plaintiffs

EXHIBIT H

Anthony I. Wilson, Esq.

City Clerk

City of Springfield
Office of the City Clerk
36 Court Street
Springfield, MA 01103
Office: (413) 736-3111
Fax: (413) 787-6502
Email: awilson@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

December 13, 2018

VIA FEDERAL EXPRESS #8094-0729-1016

& EMAIL: dmcfadden@aclum.org

Daniel L. McFadden, Esq.
American Civil Liberties Union
211 Congress Street
Boston, MA 02110

Re: Public Records Request # R000251-101518

Dear Attorney McFadden:

This letter is in response to your public records request to the City of Springfield ("City").

Request #1. All documents relating to Madelyn Linsenmeir's arrest, booking, and detention, including without limitation any:

- a. Arrest report;
- b. Police officer narrative;
- c. Criminal complaint; and
- d. Notes, correspondence, and reports relating to the arrest, booking, and any related investigation.

Response #1. The City is submitting the documents listed below as being responsive to your request.

Administrative IMC Records Management Profile Page
AFIS Finger Print Check
DCJIS Warrants Check
Dispatch Call Log
Female Cell Block Check
Locate Warrant
NCIC Suicide Check
NH Warrant for Madelyn Linsenmeir
Property Sheets
Reinstatement of xxx Warrant
Warrant Conf for Madelyn Linsenmeir
Warrant Confirmation
Warrant
Arrest Report Madelyn Linsenmeir

December 13, 2018
Daniel L. McFadden, Esq.
Page 2

Please note that sections of some of documents were redacted pursuant to M.G.L. c.4, §7 (26)(c) also known as the "Privacy Exemption", as further explained below:

Sections of some of the documents were redacted in accordance with M.G.L. c.4, §7 (26)(c) also known as the "Privacy Exemption". M.G.L. c.4, §7 (26)(c) allows for the redaction/segregation of any information that contains "personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy." Therefore the name(s), including any aliases that may have been used by Ms. Madelyn Linsenmeir, and other personal information of any persons who may have been in the custody of the Springfield Police Department on September 29, 2018 during the time period that Ms. Linsemier was detained have been redacted.

Request #2. All audio and video recordings relating to Madelyn Linsenmeir's arrest, booking, and detention, including without limitation:

- a. Any audio or video recording of Madelyn Linsenmeir's arrest and the circumstances leading up to it, including any recordings made by police vehicle cameras or police body cameras;
- b. Any audio or video recording of Madelyn Linsenmeir's transport at or after the time of her arrest;
- c. Any audio or video recording of Madelyn Linsenmeir's booking on September 29, 2018; and
- d. Any audio or video recording of Madelyn Linsenmeir's detention on or after September 29, 2018.

Response #2. The City must deny your request because it believes that the requested records are exempt from disclosure pursuant to M.G.L. c4, §7(26)(n) also known as the "Public Safety Exemption" as further explained below:

M.G.L. c4, §7(26) (n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (c) of section 10 of chapter 66, is likely to jeopardize public safety or cyber security. The video contains sensitive security information which relates to the internal workings of the SPD and areas for which public access is denied and could potentially compromise the safety and security of the SPD and could potentially allow individuals who study the video to

December 13, 2018
Daniel L. McFadden, Esq.
Page 3

determine how to compromise the security of the area and determine its weak points, if any.

The City's Law Department has agreed to provide a copy of the video to be viewed only by the Linsenmeir family and their attorneys upon execution of the "Non-Disclosure Agreement In Re: Madelyn Linsenmeir" which will be sent under separate cover by the Law Department.

Request #3. All records of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018;

Response #3. The City is submitting Property Slip dated September 29, 2018 under section "Prisoner used phone".

Request #4. All audio and video recordings of telephone calls made or received by Madelyn Linsenmeir on or after September 29, 2018, including without limitation:

- a. Any audio or video recording of any telephone call made by Madelyn Linsenmeir during the booking process on September 29, 2018; and
- b. Any audio or video recording of any telephone call made by Madelyn Linsenmeir between 7:00 p.m. and 8:00 p.m. on September 29, 2018.

Response #4. Please see response #2. above.

Request #5. All photographs of Madelyn Linsenmeir while in custody of Springfield Police Department, including without limitation any photos taken for booking, identification, or medical purposes;

Response #5. The City is submitting a copy of Ms. Linsenmeir's September 29, 2018 arrest report as being responsive to your request and seven (7) pages of photos of Madelyn Linsenmeir.

Request #6. All medical records of Madelyn Linsenmeir, including all records of:

- a. Any request by Madelyn Linsenmeir for medical services or attention on or after September 29, 2018;
- b. Any medical evaluation or services provided to Madelyn Linsenmeir on or after September 29, 2018;
- c. Any prisoner injury reports relating to Madelyn Linsenmeir; and
- d. Any reports and other records concerning Madelyn Linsenmeir made pursuant to Springfield Police Department General Order 403.30, entitled Prisoner Medications.

Response #6. The City is submitting copies of the Prisoner Injury Report, NCIC Suicide Check, and the Suicide Assessment Form for Ms. Madelyn Linsenmeir as being responsive to your request.

December 13, 2018
Daniel L. McFadden, Esq.
Page 4

Request #7. All records of any Officer's visits to Madelyn Linsenmeir while she was in the custody of the Springfield Police Department, including any records of such visits made pursuant to Rule 25 of the Rules and Regulations of the Springfield Police Department.

Response #7. The City is submitting a copy of the Female Cell Block Check as being responsive to your request. Please note, *sections of some of the documents were redacted in accordance with M.G.L. c.4, §7 (26)(c) also known as the "Privacy Exemption". M.G.L. c.4, §7 (26)(c) allows for the redaction/segregation of any information that contains "personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy."* Therefore the name(s), including any aliases that may have been used by Ms. Madelyn Linsenmeir, and other personal information of any persons who may have been in the custody of the Springfield Police Department on September 29, 2018 during the time period that Ms. Linsenmeir was detained have been redacted.

Request #8. All records of Madelyn Linsenmeir's transfer between custodians, including without limitation any record or recording of Madelyn Linsenmeir's transfer to the custody of the Hampden County Sheriff's Department;

Response #8: The City does not have any records that are responsive to your request.

Request #9. All documents, correspondence, or reports concerning Madelyn Linsenmeir sent to or received from government officials in New Hampshire or Vermont, including without limitation all records of communications with Human Trafficking Case Manager Katie Guilbault of Vermont concerning Ms. Linsenmeir.

Response #9. The City is submitting a copy of the State of New Hampshire's warrant for Madelyn Linsenmeir as being responsive to your request.

Request #10. All reports, notes, interview summaries, and other documents relating to any investigation of Madelyn Linsenmeir's death, or obtained or reviewed as part of any such investigation;

Response # 10. The City does not have any records that are responsive to your request.

Request #11. All correspondence and communications between the Springfield Police Department and the Hampden County Sheriff's Department concerning Madelyn Linsenmeir, her death, and any investigation thereof;

Response #11. The City does not have any records that are responsive to your request.

Request #12. All other public records concerning, relating or referring to Madelyn Linsenmeir that are in the possession of the Springfield Police Department; and

December 13, 2018
Daniel L. McFadden, Esq.
Page 5

Response #12. The City is submitting a copy of the November 2, 2018 Special to Commissioner of Police.

Request #13. Any complaints of willful maltreatment of a prisoner made against Springfield Police Officers from January 1, 2013, to the present, and any records of the adjudication of such complaints, including any findings made and any discipline imposed.

Response #13. The Community Police Hearing Board's annual reports are available on the City's website at: <https://www.springfield-ma.gov/cos/index.php?id=cphb-members>

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and G.L. c. 66, §10(b).

Please contact the Public Records Coordinator, Andrea L. Stone, with any questions. Please include "PRR No. R000251-101518" on all correspondence.

Sincerely,

The signature is written in blue ink and includes a circled "as" at the end.

Anthony I. Wilson, Esq.
City Clerk

AIW:als

Enclosures

EXHIBIT I

Springfield Police Department

Sergeant and Superior Officer's Report

11-02-18

Special To: Commissioner of Police, John R. Barbieri Page 1 of 2
RE: SPD Arrest# 18-3399-AR Linsenmeir, Madelyn per ACLU Attorney Daniel McFadden

Sir,

I respectfully report the following related to the above ACLU Public Records Request:

Upon receipt of this request I reviewed the requested information and compiled it as listed:

- **SPD Arrest Report** 18-3399-AR copy
- **SPD Arrest Folder** 119449 copy of entire contents
- **SPD Booking Dock Video** at time of arrest-copy made and preserved
- **SPD Booking Desk Video** at time of arrest-copy made and preserved
- **SPD Booking Desk2 Video** from behind at time of arrest
(copy made and preserved)
- **SPD Booking Desk Video**-Phone Call (No Audio) -copy made and preserved
- **SPD Booking Desk2 Video** from behind- Phone Call (No Audio)
(copy made and preserved)
- **SPD Booking Desk Video**-transport to HCSD (with another female arrestee)
(No Audio) (copy made and preserved)
- **SPD Booking Desk2 Video** from behind -transport to HCSD
(with another female arrestee) (No Audio) (copy made and preserved)
- **SPD Booking Dock Video**-transport to HCSD (with another female arrestee)
(No Audio) (copy made and preserved)
- **SPD Video of Booking Area from 09-29-18 17:30 to 09-30-18 11:00a**
(No audio, 17.5 hrs for the 3 shifts involved preserved)
- **SPD Female Cell Block Cell Check Listing** from 9-29-18 through 9-30-18

In order to provide all relevant information I reviewed all video of the SPD booking area from 17:30 hrs on 09-29-18 through 10:48 hrs on 09-30-18. This time frame included all hours from the booking dock when Ms. M. Linsenmeir was arrested to the booking dock when Ms. M. Linsenmeir was transported with another female prisoner from SPD Headquarters to HCSD facility. All video depicting Ms. M. Linsenmeir has been preserved via SPD server and also copied to DVD disc for review. The included video from the Booking Dock area, which is not audio recorded, at the time of arrest along with the Booking Desk process with audio recording from 9-29-18 from @ 17:30 to 17:55 hrs. Another Booking Desk video occurred on 9-29-18 at @ 19:38 hrs to 19:48 hrs, Ms. M. Linsenmeir was afforded another phone call, this was not audio recorded at that time. On 9-30-18 at @ 10:43 am a Booking Desk video without audio recording showed Ms. M. Linsenmeir along with another female arrestee gathering their belongings for transport to the HCSD facility. The final Booking Dock video on 9-30-18 at @ 10:48 am shows Ms. M. Linsenmeir and that same additional female arrestee exiting the Booking Desk area into the Booking Dock area for transport to the HCSD facility. The booking area video from the booking camera# 2 that shows the booking area facing the booking desk was also preserved. This video is for the period of 9-29-18 @ 17:30hrs to 9-30-18 @ 11:00a (17.5 hrs total), it has no audio recording available.

--continued--

Springfield Police Department
Sergeant and Superior Officer's Report

11-02-18

Page 2 of 2

The Facility Commander software was accessed and a printed report produced depicting all the female cell block checks (aka 15 minute rings) for the period of 17:55 hrs on 9-29-18 through 10:51 hrs on 9-30-18. A copy of the printout is included within this packet of information as well as it being electronically preserved.

A DVD disc is attached to this packet of the Booking Dock video of Madelyn Linsenmeir on 9-29-18, Booking Desk Video process on 9-29-18, Booking Desk 2nd phone call on 9-29-18, Booking Desk release to HCSD on 09-30-18, and Booking Dock release to HCSD on 09-30-18. Some of this video has no audio recording available. The Booking Desk camera#2 video from 9-29-18 through 9-30-18 is preserved in 1 hour periods. The total of 17.5 hours of video has no audio available on it. Due to its large amount, providing DVD copies of it will cause 17-18 DVD's to be produced. Any or all of this can be produced if needed, however none of that is attached here due to the volume of discs necessary.

All copies of paperwork from Ms. Madelyn Linsenmeir's SPD arrest folder #11 94 49 are attached to this report with the aforementioned items.

Respectfully Submitted,



Sergeant Albert P. Witkowsky Sgt# 5
075674

EXHIBIT J

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, SS

SUPERIOR COURT
DOCKET NO. 1879CV00872

MAUREEN LINSENMEIR and
MAURA O'NEILL,

Plaintiffs,

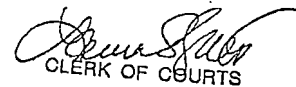
v.

CITY OF SPRINGFIELD, and THE
SPRINGFIELD POLICE DEPARTMENT,

Defendants.

HAMPDEN COUNTY
SUPERIOR COURT
FILED

FEB 22 2019



CLERK OF COURTS

NOTICE OF DISMISSAL

Pursuant to Mass. R. Civ. P. 41(a)(1), the plaintiffs in the action captioned above
hereby notice dismissal of the action without prejudice.

February 21, 2019

Respectfully submitted,


Matthew R. Segal (BBO # 654489)
Daniel L. McFadden (BBO #676612)
American Civil Liberties Union
Foundation of Massachusetts, Inc.
211 Congress Street
Boston, MA 02110
(617) 482-3170

Elizabeth Matos (BBO #671505)
David Milton (BBO #668908)
Prisoners' Legal Services of Massachusetts
50 Federal St.
Boston, MA 02110
(617) 482-2773

Luke Ryan (BBO #664999)
Sasson Turnbull Ryan & Hoose
100 Main St.
Northampton, MA 01060
(413) 586-4800

Attorneys for Plaintiffs

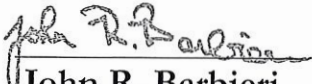
EXHIBIT K

**DEPARTMENTAL AND INTER-DEPARTMENTAL
CORRESPONDENCE**

City of Springfield

SO:	18-247	DATE: 11-8-18
TO:	LIEUTENANT STEPHEN WYSZYNSKI	
CC:	CAPTAIN PHILIP TARPEY	
SUBJECT:	INVESTIGATION INTO THE REPORT AUTHORED BY SERGEANT ALBERT WITKOWSKY	

The I.I.U. will conduct an investigation into the report written by Sergeant Witkowski regarding missing cell check entries and submit a report to the Commissioner's office.


John R. Barbieri
Police Commissioner

JRB/kb

Springfield Police Department

Sergeant and Superior Officer's Report

11-02-18

Special To: Commissioner of Police, John R. Barbieri Page 1 of 2

RE: SPD Arrest# 18-3399-AR Linsenmeir, Madelyn per ACLU Attorney Daniel McFadden

Sir,

I respectfully report the following related to the above ACLU Public Records Request:

During the course of compiling all related information for the above inquiry it was necessary to print a report for all of the female cellblock checks (aka 15 Minute Rings). The period of time researched was from 9-29-18 @ 17:30 hrs to 9-30-18 @ 11:00am. This listing was for the 1st row female cellblock only, as there is a 2nd row female cellblock that wasn't accessed for this period of time. After printing the report, it was reviewed for any discrepancies. A normal course of cellblock checks or 'rings' for an 8 hour shift would amount to 32 (1 every 15 minutes). It should be noted that a cellblock check could be legitimately missed in the female cellblock due to searching a female arrestee at the booking desk during the booking process, or standing by while a female arrestee is being processed within the photo lab for fingerprints and booking photo.

The resulting review of this report produced the following discrepancies for the 3 shifts involved:

- **Squad C 09-29-18 from 17:55 hrs to 09-30-18 Squad B 10:51 hrs (3 shifts)**
Squad C 09-29-18-- 1 missed check assigned Matron Sheila Rodriguez
Squad A 09-30-18—23 missed checks assigned Officer Maria Sanchez
Squad B 09-30-18—2 missed checks assigned Matron Shanice Linnehan

Due to the large number of missed/unrecorded cellblock checks above, additional random reports for other dates were then conducted and printed for review. The purpose of those reports was to determine if there were any nonfunctioning ID card readers in the female cellblock during other dates and shifts.

The resulting review of those reports produced the following results:

- **Squad A 10-01-18 from 00:00 hrs to Squad B 16:00 hrs (2 shifts)**
Squad A-- 21 missed assigned Officer Maria Sanchez
Squad B—31 missed assigned [REDACTED]
*Female cellblock possibly empty for whole Squad B shift
- **Squad A 10-12-18 from 00:00 hrs thru 10-13-18 Squad B 15:45hrs (5 shifts)**
Squad A 10-12-18—9 missed assigned [REDACTED]
Squad B 10-12-18---31 missed assigned to **unknown..regular matron was out ill this tour**
*Female cellblock possibly empty for whole Squad B shift
Squad C 10-12-18—21 missed assigned [REDACTED]
Squad A 10-13-18---22 missed assigned Officer Maria Sanchez
Squad B 10-13-18---10 missed assigned Matron Shanice Linnehan

--continued--

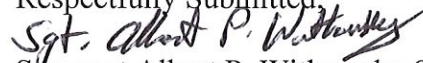
Springfield Police Department
Sergeant and Superior Officer's Report

11-02-18

Page 2 of 2

After review of the aforementioned female cell block check reports it would appear that the ID card readers were functioning normally. The possibility of operator error could occur if the ID card wasn't in close proximity to the reader during a cellblock check. Due to the random number of missed recordings across the broad spectrum of time frames the possibility of that occurring exists. The number of correct recordings over the same periods of time contradicts the theory of operator error suggesting that the cellblock checks were skipped. Some skipped cellblock checks can be attributed to female booking/searching processes at the booking desk, or female photo lab processing duties that require fingerprinting and booking photos. The lengthy number of consecutive missed cellblock check recordings suggests reasons other than the aforementioned possibilities. The printed cellblock check reports with notations are attached here. I respectfully submit this report for review and possible follow up investigation.

Respectfully Submitted,



Sergeant Albert P. Witkowski Sgt# 5
075674

EXHIBIT L

Springfield Police Department

Memorandum

To: Deputy Chief Cheryl Clapprood

From: Commissioner John R. Barbieri

CC: Deputy Chief William Cochrane
Captain Philip Tarpey
Lieutenant Stephen Wyszynski

Date: 11-9-18

Subject: **Pie 18-053 Investigation into report authored by
Sergeant Albert Witkowsky (SO #18-247)**

Deputy Chief Cheryl Clapprood will do an audit on the cell ring system to ensure it is working properly. A report is to be submitted to the Commissioner's office with the findings.

Thank you

J.R. Barbieri
11-9-18

30 12/7/18
60 1/8/19
90 2/7/19

EXHIBIT M

Sir:

The following Superior Officers reviewed Special Order #18-247. The following recommendations are made to the Police Commissioner regarding the above mentioned administrative investigation:

Deputy Chief Clapprood:

Date: JANUARY 28, 2019

AFTER REVIEW OF ALL REPORTS AND RingCheck documents, IT APPEARS THE LARGE GAP IN MISSING CELL CHECKS DURING OFF. SANCHEZ'S TOUR AS FEMALE MATRON IS DUE TO HUMAN ERROR. OFF. SANCHEZ, WHETHER THROUGH NEGLIGENCE OR SLEEPING MISSED SEVERAL BLOCKS OF RINGS. HER ID WAS CHECKED ON NOV. 8, 2018 AT 0830 BY MYSELF AND IT REGISTERED CORRECTLY.

Dep. Chief Clapprood

Commissioner Barbieri:

Date: 01-29-19

Based on review/recommendation of Dep. Ch. & Clapprood and my review:
 "SUSTAINED" re: Sanchez: probationary period has already been extended.
 Watch commander / supervisor to closely monitor regarding performance / retention.

- On shift training Civilian Attendants and officers regarding Cell checks: roles / responsibilities.
- Notification regarding 15 min ring checks - whether cells are occupied or empty - requirement to be posted prominently in male / female booking areas.

car jpb >

EXHIBIT N

Springfield Police Department
Sergeant and Superior Officer's Report

11-27-18

Special To: Captain P. Tarpey

RE: Linsenmeir, Madelyn Civil Suit

Sir,

I respectfully report the following:

On 11-27-18 Captain P. Tarpey provided me a copy of the civil suit and City of Springfield Law Department letter indicating that all related video and arrest report information be preserved. I reviewed the paperwork to be certain that I was complying with all portions. There was mention in the paperwork of medical treatment requests being made during phone calls to family. I reviewed the booking process video to determine if all possible audio was clear. During the booking process of Ms. M. Linsenmeir she had initially identified herself as someone else to the Booking Sgt. Ms. M. Linsenmeir indicated that she was in need of water, and also indicated that she wanted to go to the hospital. The Booking Sgt. made inquiry of the reasons and indicated that an assessment would be made for that request at the completion of the booking process. A later telephone call was provided to Ms. M. Linsenmeir that was not audio recorded by the booking desk video.

After I learned of this information, I informed Captain P. Tarpey of the information for his review and additional follow up.

Respectfully Submitted,

Sgt Albert P. Witkowsky

Sergeant Albert P. Witkowsky Sgt# 2

075674

*Don PC SPART
I.F.V. INVESTIGATION OFFICER'S
REPORT/INTO ARREST & BOOKING
OF MS. LINSENMEIR.
CPTPT*


EXHIBIT O

DEPARTMENTAL AND INTER-DEPARTMENTAL
CORRESPONDENCE

City of Springfield

SO:	18-261	DATE: 11-28-18
TO:	LIEUTENANT STEPHEN WYSZYNSKI	
CC:	CAPTAIN PHILIP TARPEY	
SUBJECT:	INVESTIGATION INTO THE REPORT AUTHORED BY SERGEANT ALBERT WITKOWSKY	

The I.I.U. will conduct an investigation into the report written by Sergeant Witkowski, and submit a report to the Commissioner's office.


John R. Barbieri
Police Commissioner

JRB/kb

EXHIBIT P

1

1 Volume 1, Pages 1-271

2 Exhibits: 27-44

3 UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF MASSACHUSETTS

5 -----

6 MAURA O'NEILL, as administrator of the Estate of

7 Madelyn E. Linsenmeir,

8 Plaintiff,

9 vs. CA No. 3:20-cv-30036

10 CITY OF SPRINGFIELD, MOISES ZANAZANIAN,

11 REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN

12 COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES

13 NOS. 1-5,

14 Defendants.

15 -----

16 REMOTE DEPOSITION OF MONIQUE McCOY

17 Tuesday, July 12, 2022, 10:10 a.m.

18 Via Zoom Video Conference

19 ----Reporter: Kathleen L. Good, CSR, RPR----

20 K. L. GOOD & ASSOCIATES

21 Post Office Box 367

22 Swampscott, Massachusetts 01907

23 Tel. 781-367-0815 Kathleen.Good@verizon.net

24

2

APPEARANCES:

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 Michael Nzoiwu, Attorney
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 rrosensweig@goulstonstorrs.com
 mnzoiwu@goulstonstorrs.com

- and -

American Civil Liberties Union
 Foundation of Massachusetts, Inc.
 Daniel L. McFadden, Attorney
 Matthew R. Segal, Attorney
 Areeba Jibril, Fellow
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 Boston, Massachusetts 02110
 617-482-3170
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 ajibril@aclum.org
 Attorneys for the Plaintiff

4

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 jvigliotti@rjalaw.com
 Attorneys for Moises Zanazanian

3

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 Department

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 413-787-6085
 ldesousa@springfieldcityhall.com
 Attorneys for City of Springfield,
 Sheila Rodriguez, and the Deponent

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MONIQUE McCOY

BY MR. McFADDEN

9

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 from McCoy

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1 read through all the documents, the attachments
2 to that e-mail from November 28, so, yes, I
3 believe I had an understanding of what I was
4 investigating.

5 Q. At that time when you began working
6 on SO 18-261, what did you understand was the
7 conduct that you were investigating or the
8 issues that you were investigating?

9 A. I believe the major issue was why
10 Sergeant Zanazanian made the decision to not --
11 to either send her or not send her to the
12 hospital.

13 And then the other issue was when she
14 came out to make her phone call, you know, was
15 there a sarcastic comment made at that time by
16 one of the officers while she was on the phone
17 with her mother. It was her mother, yeah,
18 mother.

19 Q. Did you understand at that time that
20 Madelyn was no longer alive?

21 A. I did.

22 Q. Was her death within the scope of
23 your investigation?

24 A. Yes. Well, no. No, it wasn't. I

88

1 18-261, did you gather information about the
2 reason for Madelyn's death?

3 MS. DeSOUSA: Objection.

4 A. Not the reason for her death because I
5 had no knowledge at the time I was conducting my
6 investigation how or why she died. Just the
7 scope of my investigation is, you know, why she
8 was or was not sent to the hospital.

9 Q. (By Mr. McFadden) Did you, in the
10 course of conducting 18-261, collect Madelyn's
11 death certificate?

12 A. I did. That was a supplemental report.

13 Q. Can you explain why did you collect
14 that piece of information?

15 A. Because she had passed away and I felt
16 that, you know, the investigation started out as,
17 you know, why she didn't go to the hospital, and
18 then we found out she had passed away so I
19 requested the death certificate and they sent me
20 a copy of it, which I included as a supplemental.

21 Q. So is it correct that over the
22 course of conducting Investigation 18-261, you
23 concluded that information about Madelyn's
24 death was relevant to and part of your

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1 mean, not her actual death because she didn't
2 pass away in our custody.

3 The scope of my investigation was into
4 why she was never sent to the hospital and then
5 the issue with the phone call, you know.

6 Q. Did you have an understanding when
7 you started investigating SO 18-261 that
8 Madelyn's death and the reason for her death
9 were related to your investigation?

10 MS. DeSOUSA: Objection.

11 You can answer.

12 A. Okay. I'm sorry. Can you repeat that
13 again.

14 Q. (By Mr. McFadden) Sure. When you
15 started to conduct SO 18-261, did you have an
16 understanding that Madelyn's death and the
17 reason for her death were related to your
18 investigation?

19 MS. DeSOUSA: Objection.

20 A. Yes.

21 Q. (By Mr. McFadden) I'm sorry, Sargent
22 McCoy, I couldn't hear your answer.

23 A. Yes.

24 Q. In the course of conducting SO

89

1 investigation?

2 MS. DeSOUSA: Objection.

3 A. I'm not sure -- so you're questioning
4 why I got the death certificate?

5 Q. (By Mr. McFadden) Yeah. I'm just
6 asking you the question.

7 Over the course of conducting the
8 Investigation SO 18-261, did you conclude that
9 Madelyn's death was relevant to and part of the
10 investigation?

11 MS. DeSOUSA: Objection.

12 A. Well, I mean, she did pass away after
13 leaving our custody, so I felt that at the time,
14 at the end of my investigation is when I
15 requested to get the death certificate, just to
16 include it in as to how or why she died.

17 Q. (By Mr. McFadden) You felt that
18 information about how or why Madelyn died was
19 important to your investigation?

20 MS. DeSOUSA: Objection.

21 A. As a supplemental, yes. But it wasn't
22 the focus of my investigation, no.

23 Q. (By Mr. McFadden) But it was
24 information that you had concluded was relevant

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1 to your investigation.

2 Is that correct?

3 MS. DeSOUZA: Objection.

4 A. If I requested it, then I would say
5 yes.

6 Q. (By Mr. McFadden) Did you request
7 it?

8 A. I did.

9 Q. So I understand that you started to
10 conduct Investigation SO 18-261.

11 Would you say that the manner in
12 which you conducted Investigation 18-261 was
13 typical of the way you conduct, had conducted
14 investigations in the IIU up to that point?

15 A. Yes.

16 Q. At the time you started working on
17 Investigation 18-261, was there anybody else
18 working with you on the investigation?

19 A. No.

20 Q. At the time you started working on
21 Investigation 18-261, were you aware of any
22 other investigations relating to issues about
23 Madelyn?

24 A. I'm not sure if I was aware. I know,

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1 investigation was going on in regards to her time
2 period within our department.

3 Q. So just so I'm clear, so at the time
4 that you started SO 18-261, was it your
5 understanding that something was going on in
6 terms of investigating cell checks, but you did
7 not understand that it overlapped with the time
8 period that Madelyn was in your custody?

9 MS. DeSOUZA: Objection.

10 A. I'm not -- I don't even know if I knew
11 there was an actual investigation going on at the
12 time. I didn't remember the number until, you
13 know -- I mean, I reviewed it, so it wasn't my
14 case, I didn't conduct that investigation, so all
15 I know is there's a reference to cell checks and
16 some previous IIU investigation.

17 I didn't know anything about it so I
18 know I didn't do the investigation so I didn't --
19 I probably didn't inquire further.

20 Q. (By Mr. McFadden) At the time that
21 you were starting SO 18-261, were you aware of
22 a PIE investigation relating to Madelyn?

23 A. I don't believe so, no.

24 Q. At the time you started SO 18-261,

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1 now I know that there was a, you know, a PIE --
2 not a PIE -- SO 18-247, I think you mentioned,
3 conducted in regards to the rings in the female
4 cell block.

5 At the time I was doing my
6 investigation, I don't know that I was aware of
7 the dates in which were the parameters for those
8 rings. And I don't know that I was aware that it
9 related to the time period that Madelyn was in
10 our custody.

11 Q. So at the time you started working
12 on SO 18-261, did anybody tell you that SO
13 18-247 was going on and might be relevant to
14 your investigation?

15 A. I don't know that I knew the number of
16 the SO, but I know that there's a reference on
17 two cell checks in the e-mail that Captain Tarpey
18 sent.

19 But again, that didn't really relate to
20 my case so -- and sometimes Captain Tarpey spoke
21 in a way that, you know, I didn't always
22 understand what he was talking about, so I'm not
23 sure if I was a hundred percent aware at the time
24 or, yeah, aware that the cell checks

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1 were you aware of any investigations regarding
2 Madelyn that were being undertaken by agencies
3 outside of the SPD?

4 A. Oh, no, no.

5 Q. Could you tell me, when you
6 conducted SO 18-261, what were the actions you
7 took as part of your investigation?

8 A. I gathered the supporting documents, so
9 it would have been TeleStaff rosters, calls for
10 service, the arrest report, dispatch recordings,
11 the booking videos, booking photographs, personal
12 injury reports, interviewing of officers, their
13 reports.

14 Q. Just to make sure I understand, so
15 to conduct Investigation SO 18-261, you
16 gathered certain documents; you interviewed
17 officers; and you collected officer reports.

18 Is that right?

19 A. Yes. And video and dispatch audio,
20 yes.

21 Q. Did you -- were there any other
22 steps that were part of Investigation 18-261?

23 A. Do you want to know where the case went
24 after I completed? Are you still talking about

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1 A. No. No one consulted me.
 2 MR. McFADDEN: This is a document
 3 that we can mark as Exhibit 42.
 4 (Marked, Exhibit No. 42, Notice of
 5 Suspension Without Pay Letter, SO 18-261,
 6 3/18/19.)
 7 (Screen shared.)
 8 Q. Sargent McCoy, showing you a
 9 document marked Exhibit 42.
 10 Do you see that it's a letter titled
 11 Notice of Suspension Without Pay, SO 18-261,
 12 dated March 18, 2019?
 13 A. I see that.
 14 Q. Do you recognize this document?
 15 A. I do.
 16 Q. What is this document, Exhibit 42?
 17 A. It's the suspension notice issued to
 18 Sergeant Zanazanian.
 19 Q. I'll show you here are the
 20 signatures at the bottom.
 21 At the very bottom of Exhibit 42, it
 22 says Sergeant McCoy.
 23 Is that your signature?
 24 A. It is.

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1 it. They sign it if they agree with it. Like I
 2 said, they review it. If they agree with it,
 3 they sign it.
 4 Q. Prior to drafting this document,
 5 Exhibit 42, did you have a conversation with
 6 the commissioner or anybody else about what
 7 facts should be included in it?
 8 A. I did not.
 9 Q. How did you go about selecting the
 10 facts to include in Exhibit 42?
 11 A. Well, I conducted the investigation so
 12 it was a brief summation of when she arrived at
 13 the -- under arrest in the booking area, some of
 14 the things she would have said, some of the
 15 things that she would have pointed out, and,
 16 ultimately, her passing seven days after, you
 17 know, being transferred to the Women's
 18 Correctional Center.
 19 And like I said, the last paragraph is
 20 why he would have been suspended.
 21 Q. Let's just look at that last
 22 paragraph. The first sentence says:
 23 "As a supervisor, it is your job to
 24 use good judgment and to be conscientious of

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1 Q. Did you, in fact, serve this notice
 2 on Sergeant Zanazanian?
 3 A. I did.
 4 Q. At the time you served this on
 5 Sergeant Zanazanian, Exhibit 42, did you have
 6 any conversation with him?
 7 A. I don't believe so.
 8 Q. Did he say anything when he received
 9 this notice?
 10 A. Not that I can recall.
 11 Q. Did you draft this document,
 12 Exhibit 42?
 13 A. I did.
 14 Q. How did you decide when you were
 15 drafting it what information to include in
 16 Exhibit 42?
 17 A. We generally include, like, a brief
 18 summary of the case, and then usually there's a
 19 paragraph or a few lines in there as to why he's
 20 being suspended, he or she, and that would be the
 21 last paragraph.
 22 And it's written from the
 23 commissioner's perspective because, ultimately,
 24 he or she is the one that signs it. They review

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1 when someone is in need of medical attention
 2 and provide it when needed."
 3 Did I read that correctly?
 4 A. Yes.
 5 Q. Was it, in fact, the position of the
 6 IIU and the city that it was Sergeant
 7 Zanazanian's responsibility to use good
 8 judgment and be conscientious of when someone
 9 is in need of medical attention and provide it
 10 when needed?
 11 MS. DeSOUZA: Objection.
 12 MR. VIGLIOTTI: Objection.
 13 A. Well, like I said, I wrote it from the
 14 point of view of the Police Commissioner. And if
 15 he or she disagreed with it at the time, then
 16 they would have told me to reword it, but they
 17 did not.
 18 Q. (By Mr. McFadden) When you -- yes.
 19 So when you wrote here in Exhibit 42, to
 20 Sergeant Zanazanian, "It's your job to use good
 21 judgment and to be conscientious of when
 22 someone is in need of medical attention and to
 23 provide it when needed," and you presented that
 24 language to the police commissioner, did the

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1 commissioner tell you that was wrong?

2 A. No.

3 Q. Did the police commissioner have you
4 change that language in any way?

5 A. No.

6 Q. Did the police commissioner, in
7 fact, sign this letter, Exhibit 42?

8 A. Yes.

9 Q. You wrote:

10 "I have concluded that you used poor
11 judgment in not calling an ambulance to assess
12 Ms. Linsenmeir's condition and failed to send
13 her to the hospital for treatment."

14 Did I read that correctly?

15 A. Yes.

16 Q. Is the "I" in that sentence, the
17 police commissioner?

18 A. It is.

19 MR. VIGLIOTTI: Objection.

20 Q. (By Mr. McFadden) Is the "you" in
21 that sentence, Sergeant Zanazanian?

22 A. Yes.

23 Q. When you presented to the police
24 commissioner the language in Exhibit 42, "I

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1 have concluded that you used poor judgment in
2 not calling an ambulance to assess
3 Ms. Linsenmeir's condition and failed to send
4 her to the hospital for treatment," did the
5 commissioner tell you that he or she disagreed
6 with that language in any way?

7 A. No.

8 Q. Did the commissioner change any of
9 that language?

10 A. No.

11 Q. Did the commissioner sign this
12 letter, Exhibit 42?

13 A. Yes.

14 MR. McFADDEN: Why don't we take five
15 minutes and then I have another half hour or so.
16 So come back at 4:10.

17 (Recess.)

18 MR. McFADDEN: Back on the record.

19 I'm going to show you a document and
20 we can mark this as Exhibit 43.

21 (Marked, Exhibit No. 43, General
22 Order 17-06A, 11/8/17.)

23 Q. Do you see this says General Order
24 17-06A --

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1 MS. DeSOUSA: It's not on the screen.

2 MR. McFADDEN: Sorry. My fault.
3 (Screen shared.)

4 MR. McFADDEN: Is it on the screen
5 now?

6 THE WITNESS: Yes.

7 Q. You see this says General Order
8 17-06A, dated November 8, 2017?

9 A. Yes.

10 MR. McFADDEN: We'll mark this as
11 Exhibit 23, I'm sorry, Exhibit 43.

12 Q. Scrolling down through General Order
13 17-06A, and it says:

14 "Section 2. Medical conditions.

15 "A. Any medical condition that
16 exists at booking must be addressed and
17 resolved before transport to the HCSD
18 facility."

19 Did I read that correctly?

20 A. Yes.

21 Q. Did you ever investigate whether
22 there were any violations of GO 17-06A in
23 connection with Madelyn's time in SPD's
24 custody? No?

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1 A. No.

2 Q. Did you ever investigate whether at
3 the time Madelyn was transferred from SPD
4 custody to Hampden County Sheriff's Department
5 custody, SPD personnel gave any information
6 about Madelyn's medical condition to the
7 Hampden County Sheriff's Department?

8 MS. DeSOUSA: Objection.

9 A. I'm not aware of whether they did or
10 they didn't.

11 Q. (By Mr. McFadden) Okay. I'm just
12 asking -- let me rephrase the question.

13 You're aware that Madelyn was in SPD
14 custody on September 29 and 30 of --

15 A. Yes.

16 Q. -- 2018, correct?

17 A. Yes.

18 Q. You're aware that on September 30,
19 2018, Madelyn was transferred to Hampden County
20 Sheriff's Department custody?

21 A. Yes.

22 Q. Can we call it, the Hampden County
23 Sheriff's Department, HCSD?

24 A. Sure.

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1 Q. Did you ever investigate whether at
2 the time that Madelyn was transferred on
3 September 30, 2018, from SPD custody to HCSD
4 custody, SPD personnel provided any medical
5 information about her to HCSD?

6 A. I did not.

7 Q. During Investigation SO 18-261, did
8 you ever communicate with any representative of
9 Hampden County Sheriff's Department about that
10 investigation?

11 A. That's a good question. I can't
12 remember if I called them. I know I had a
13 previous case once that I had called them and
14 they gave me -- I spoke to one of the nurses
15 there and they gave me information.
16 I may have called the Sheriff's
17 Department asking for any information on her, but
18 for the life of me, I can't remember if I did or
19 I didn't.

20 (Screen share stopped.)

21 Q. I'm just asking for your memory.

22 A. Yeah. I don't remember.

23 Q. Okay. So just to be clear, because
24 I think I asked kind of a wordy question:

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1 Q. Scrolling down to the attachment, to
2 the public records complaint, do you see that
3 it says shortly after her arrest, Madelyn was
4 permitted to call her mother, Maureen, in
5 Paragraph 21 of the public records complaint
6 that's attached to Exhibit 28?

7 A. Yes.

8 Q. Was this information that you were
9 aware of during Investigation 18-261?

10 A. Yes.

11 Q. During Investigation SO 18-261, did
12 you ever make any effort to speak with her or
13 otherwise communicate with Madelyn's mother,
14 Maureen?

15 A. I did not.

16 Q. During Investigation SO 18-261, did
17 you ever actually communicate or speak with
18 Madelyn's mother, Maureen?

19 A. No.

20 Q. During Investigation SO 18-261, did
21 you ever communicate with any attorney
22 representing Madelyn's mother, Maureen?

23 A. No.

24 Q. During Investigation SO 18-261, did

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1 When you were conducting
2 Investigation SO 18-261, do you have any memory
3 of calling or otherwise communicating with
4 Hampden County Sheriff's Department as part of
5 that investigation?

6 A. No, no memory of it, no.

7 Q. As part of Investigation SO 18-261,
8 you had information that while in the booking
9 area with Sergeant Zanazanian and Officer
10 McNabb and Ms. Rodriguez, Madelyn had had a
11 phone call with her mother.

12 A. Yes.

13 Well, at the time, I knew she had a
14 phone call, but I didn't know it was specifically
15 with her mother until I read the documents from
16 the ACLU.

17 Q. Okay. Let's make sure we're just
18 talking about the same thing. I'll just show
19 you -- this is the document that we previously
20 marked as Exhibit 28. It's the e-mail from
21 Philip Tarpey to you on November 28, 2018.

22 (Screen shared.)

23 Q. Do you see that?

24 A. Yes.

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1 you ever make any effort to communicate with
2 any attorney representing Madelyn's mother,
3 Maureen?

4 A. No.

5 Q. Looking again at the public records
6 complaint that's attached to Exhibit 28,
7 looking at Paragraph 18, do you see there it
8 says that Madelyn sent her sister Kate a series
9 of text messages? Paragraph 18.

10 A. Yes.

11 Q. During Investigation SO 18-261, did
12 you ever communicate with Madelyn's sister
13 Kate?

14 A. No.

15 Q. During Investigation SO 18-261, did
16 you ever make any effort to contact or
17 otherwise communicate with Madelyn's sister
18 Kate?

19 A. No.

20 Q. During Investigation 18-261, did you
21 ever communicate with any attorney representing
22 Madelyn's sister Kate?

23 A. No.

24 Q. During Investigation 18-261, did you

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1 ever attempt to contact any attorney
 2 representing Madelyn's sister Kate?
 3 A. No.
 4 Q. Scrolling back up in Exhibit 28 --
 5 again, this is the public records complaint and
 6 the attachment -- do you see that one of the
 7 people who filed this public records complaint
 8 as a plaintiff is Maura O'Neill?
 9 A. I see that, yes.
 10 Q. During Investigation 18-261, did you
 11 ever speak with or make any attempt to
 12 communicate with Maura O'Neill?
 13 A. No.
 14 Q. During Investigation 18-261, did you
 15 ever speak with or make any attempt to
 16 communicate with any attorney representing
 17 Maura O'Neill?
 18 A. No.
 19 Q. During Investigation 18-261, I think
 20 you previously testified that you did not speak
 21 with Shanice Linnehan.
 22 Is that correct?
 23 A. I did not.
 24 Q. You did not speak with her?

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1 Is that right?
 2 A. Yes.
 3 Q. This was a document that you
 4 reviewed during the course of your
 5 Investigation 18-261?
 6 A. Yes.
 7 Q. Do you see anywhere in this prisoner
 8 injury report any mention of chest pain or
 9 difficulty breathing, referring to Exhibit 3?
 10 A. No.
 11 Q. During Investigation 18-261, did you
 12 investigate why the prisoner injury report,
 13 which is marked here as Exhibit 3, did not
 14 include any information about chest pain and
 15 difficulty breathing?
 16 A. I did not, no.
 17 If you look at the form, though, it
 18 says "marks or bruises."
 19 Q. I'm just asking you, did you, during
 20 your investigation of SO 18-261, investigate
 21 why this prisoner injury report, Exhibit 3,
 22 does not include information about chest pain
 23 or difficulty breathing?
 24 A. I did not, no.

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1 A. No.
 2 Q. During Investigation 18-261, did you
 3 make any effort to communicate with or speak
 4 with Shanice Linnehan?
 5 A. No.
 6 Q. During Investigation SO 18-261, did
 7 you interview any person who was not at that
 8 time employed by the SPD?
 9 A. I don't believe so, no.
 10 MR. McFADDEN: Take this down.
 11 (Screen share stopped.)
 12 Q. Sargent McCoy, during the
 13 Investigation 18-261, did you have information
 14 that while in the presence of Sergeant
 15 Zanzanian and Officer McNabb and
 16 Ms. Rodriguez, Madelyn had reported chest pain
 17 and difficulty breathing?
 18 A. From the video, yes. I saw it on the
 19 video.
 20 MR. McFADDEN: I'm going to share the
 21 document previously marked as Exhibit 3.
 22 (Screen shared.)
 23 Q. We've previously discussed this is
 24 the prisoner injury report for Madelyn.

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1 (Screen share stopped.)
 2 MR. McFADDEN: I'm going to go back
 3 to your notes quickly.
 4 (Screen shared.)
 5 Q. Do you see this is the document
 6 previously marked as Exhibit 8, which are your
 7 notes from Investigation SO 18-261?
 8 A. Yes.
 9 Q. Do you see that we're on the section
 10 of the notes relating to Sergeant Zanzanian?
 11 A. Yes.
 12 Q. So it says here:
 13 "She did complain she had pain in
 14 chest, feet and knee."
 15 Did I read that correctly?
 16 A. Yes.
 17 Q. That was Sergeant Zanzanian
 18 referring to Madelyn?
 19 A. Yes.
 20 Q. And you were aware through the
 21 course of your investigation in 18-261 that
 22 Madelyn had also complained about chest pain,
 23 difficulty breathing.
 24 Is that correct?

EXHIBIT Q

SPRINGFIELD POLICE DEPARTMENT
INTERNAL INVESTIGATION UNIT



December 12, 2018

SPECIAL REPORT TO POLICE COMMISSIONER JOHN R. BARBIERI

Sir:

In compliance with Special Order #18-261 dated November 28, 2018 and being responsive to a request from the ACLU for public records regarding the arrest of Ms Madelyn Linsenmeir (#18-3399-AR), this report is being submitted.

SUMMARY

(The summary is intended to be a synopsis of the full investigation. The investigation should be reviewed in its entirety.)

On September 29, 2018, Ms Madelyn Linsenmeir was arrested and booked at 130 Pearl Street. During the booking procedure, Ms Linsenmeir complained of being thirsty, having chest pain, shortness of breath as well as, right foot and knee pain and stated that she, "might need to go to the hospital." Ms Linsenmeir was given the opportunity to make a phone call but chose not to because she wanted to drink something prior to making her call.

Ms Linsenmeir was brought out to make her phone call two hours after she was booked. Sergeant Moises Zanazanian did not push the button to record his interaction with her or the phone conversation, so there is no audio available.

After Ms Linsenmeir finished her phone conversation she had a conversation with Sergeant Zanazanian she appeared to show him her knees and feet, pointed to her chest and rib cage and was then escorted back to her cell. At no time on the video recording, did I observe any officer speak on the telephone.

Sergeant Zanazanian stated that on September 29, 2018, Ms. Linsenmeir mentioned that she felt like her chest was "caving in" and that she "might need to go to the hospital." Sergeant Zanazanian stated that he monitored Ms. Linsenmeir and told her that he would continue to assess her condition as they went through the booking process. Sergeant Zanazanian stated that he continued asking Ms. Linsenmeir questions and she was able to respond to all of his questions. Sergeant Zanazanian stated that Ms Linsenmeir made no further complaints of feeling unwell or being injured at that point, nor did she make any complaints of shortness of breath or any other chest issues during his interaction with her. Sergeant Zanazanian stated that while observing Ms. Linsenmeir, it did not appear that she was in any form of physical distress.

Sergeant Zanazanian stated that he did not, nor did anyone present during Ms Linsenmeir's phone call, make any sarcastic comments or remarks that he can recall. Sergeant Zanazanian stated that when the phone call was over, Ms. Linsenmeir complained that her knee and ankle were swollen and mentioned that she had been in an accident a week prior. Sergeant Zanazanian stated that he observed no injuries, but an

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injury report was prepared and photographs were taken of the areas being complained about.

INVESTIGATION

On November 27, 2018, Sergeant Albert Witkowski, Records Division Supervisor, authored a report. **The following is the text of that report, including any grammatical errors:**

On 11-27-18 Captain P. Tarpey provided me a copy of the civil suit and City of Springfield Law Department letter indicating that all related video and arrest report information be preserved. I reviewed the paperwork to be certain that I was complying with all portions. There was mention in the paperwork of medical treatment requests being made during phone calls to family. I reviewed the booking process video to determine if all possible audio was clear. During the booking process of Ms. M. Linsenmeir she had initially identified herself as someone else to the Booking Sgt. Ms. M. Linsenmeir indicated that she was in need of water, and also indicated that she wanted to go to the hospital. The Booking Sgt. made inquiry of the reasons and indicated that an assessment would be made for that request at the completion of the booking process. A later telephone call was provided to Ms. M. Linsenmeir that was not audio recorded by the booking desk video.

After I learned of this information, I informed Captain P. Tarpey of the information for his review and additional follow up.
Report submitted.

On November 27, 2018, Attorney Lisa deSousa, Deputy City Solicitor, submitted a request to Police Commissioner John Barbieri for the release of public records regarding the arrest of Ms Madelyn Linsenmeir. This request was on the behalf of a lawsuit filed: Linsenmeir et al v. City of Springfield et al, Hampden Superior Court Docket #1879CV00872. The legal documents state in part:

Section #4: *“The SPD is likely in possession of audiovisual recordings demonstrating that it refused to provide Madelyn with medical attention on the evening of her arrest. Plaintiffs are aware of this refusal because it occurred, at least in part, during a phone call from Madelyn and an SPD officer to Madelyn's mother, Maureen Linsenmeir. On information and belief, the call was made during the booking process, which the SPD routinely records.*

Section #20: *On information and belief, people arrested by the SPD are generally allowed to make a telephone call during the booking process. Further, on information and belief, the SPD routinely makes audio and/or video recordings of the booking process for arrestees, including the arrestee's telephone call.*

Section #21: *Shortly after her arrest, Madelyn was permitted to call her mother, Maureen. A police officer also participated in the call. Madelyn was distraught. She told her mother, among other things, that she was not receiving medical attention. As the conversation progressed, the police officer refused to provide medical attention and even made a sarcastic comment to Maureen after Maureen expressed concern that Madelyn was being denied care.”*

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Section #22: Madelyn was subsequently transferred to the custody of the Hampden County Sheriffs department.
Document submitted.

Using departmental records, documents; Squad C Uniform Division Telestaff Roster; Squad A Uniform Division Telestaff Roster; Squad B Uniform Division Telestaff Roster; Call for Service #18-206023, Dispatch Recordings; Arrest Report #18-3399-AR; Booking Video; Booking Photographs; Prisoner Injury Reports; it was determined that:

A review of the Squad C Uniform Division Telestaff Roster dated September 29, 2018 showed the following civilian and officers working and their assignments:
Sergeant Moises Zanazanian—4:00pm-12:00am—Booking Supervisor
Officers Remington McNabb and James Trubia—4:00-12:00am--Booking
Ms Sheila Rodriguez—4:00pm-12:00am-- Matron

A review of the Squad A Uniform Division Telestaff Roster dated September 30, 2018 showed the following officers working and their assignments:
Sergeant George Flanagan—12:00am-8:00am—Booking Supervisor
Officers Benis Peguero and Gustavo Olivo--12:00am-8:00am--Booking
Officer Maria Sanchez—12:00am-8:00am—Matron

(After reviewing the booking video it appears that Sergeant Moises Zanazanian worked 12:00am-8:00am as the booking supervisor. Sergeant Zanazanian's calendar showed that he worked from 12:00am-8:00am as "overtime beyond shift" and Sergeant Flanagan worked as the South Sector Supervisor when Lieutenant Jessica Henderson called out sick.) It appears the change was not made in Telestaff.

A review of the Squad B Uniform Division Telestaff Roster dated September 30, 2018 showed the following civilian and officers working and their assignments:
Sergeant Ricky Moran—8:00am-4:00pm—Booking Supervisor
Officers John Corey and Steven Wood—8:00am-4:00pm--Booking
Ms Shanice Linnehan—8:00am-4:00pm—Matron (resigned 11/9/18)

Documents submitted.

I was unable to interview Ms Shanice Linnehan due to her resignation prior to this investigation.

A review of Call for Service #18-206023 dated September 29, 2018 showed that a call was created for a suspicious person at Union and School Street. The call eventually led to the arrest and transport of Ms Linsenmeir.
Document submitted.

A review of the dispatch audio from September 29, 2018 showed:
At 4:52:06pm: Foot pursuit
At 4:52:46pm: Officer Tagliapietra calls out "in custody."
At 4:58:38pm: A description is given out for Ms Linsenmeir by Officer Catellier.
At 5:17:42pm: 1 to 130, 13.8

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At 5:19:38pm: Arrived 14.2

Dispatch Recordings submitted on CD.

On September 29, 2018, Officer William Catellier, Street Crimes Unit, entered Arrest #18-3399-AR into the Springfield Police Departments Records Management System. **The following is the text of that report, including any grammatical errors:**

On 09/29/18 at approx. 1700 hrs. Officers Catellier, Tagliapietra, Barlow, Torres, Burgos, Normand, Falcon, and Disantis arrested the following two subjects:

- 1) [REDACTED], [REDACTED], from 86 School St., for
 - 1- Possession of Class A Substance W/I to Distribute (Heroin)
 - 2- Resist Arrest
 - 3- A&B on a Police Officer
 - 4- A&B on a Police Officer

- 2) Madelyn Linsenmeir, [REDACTED], from Union St. & School St., for
 - 1- Fugitive from Justice for NH Superior Court 213-2017-CR-306 Probation Violation/ Dangerous Drugs
 - 2- Furnish False Name

On 09/29/18 at approx. 1750 hrs. Officers Catellier and Tagliapietra were on patrol in the area of School St. and High St. These Officers are part of the SPD Street Crimes Unit and have been tasked with patrolling this neighborhood due to the ongoing crimes here. Theses crimes, which have been reported directly to the SPD as well as the Mayors Office and the City Council, have included illegal drug sale/use - prostitution - property crimes - quality of life issues. As these Officers have been patrolling the neighborhood continuously they have made contact with individuals who have acted as "cooperating sources (CS)".

It was at this time that Officers pulled to the side of the road and spoke with one such CS. Officer Tagliapietra has spoken to this individual on numerous previous encounters and on occasion has been pointed towards ongoing crimes, typically towards "hot spots" for drug dealing. On this occasion Officer Tagliapietra was told "that bitch is hiding from you. She told us she's wanted" The CS named the female as "Elle" and pointed towards a white female that had just walked away, heading west on High St. from School St.

Officer Catellier and Tagliapietra then left he CS and circled the block, but did not spot the white female again. As the Officers were about the leave the neighborhood they observed the white female walking south on School St. from High St., now alongside a Hispanic male (later ID as [REDACTED]). Officers then pulled alongside the two individuals when at 86 School St. where they had momentarily stopped. As Officer Tagliapietra exited the car and ordered the white female to stop, Officers both observed that at the same moment that [REDACTED] was handing over a red wax paper item. Theses Officers both instantly recognized this to be a packet of heroin and realized that they had interrupted a drug transaction in progress.

[REDACTED] turned wide eyed at Officers, said "FUCK!", clutched the packet in his hand, and then ran south on High St. Officer Tagliapietra then called out the pursuit as

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Officer Catellier drove after [REDACTED]. [REDACTED] ran south to Union St., ran across Union, as he turned west, before running into the rear Union St. parking lot of MILTON BRADLEY SCHOOL (22 Mulberry St.) Officer Catellier was driving alongside [REDACTED] and was telling him to stop as he couldn't outrun the cruiser. [REDACTED] continued running before tripping and falling to the ground. Officer Catellier then exited his cruiser and grabbed hold of [REDACTED] just as Officer Tagliapietra caught up on foot.

[REDACTED] and Officer Catellier then engaged in a violent struggle. Officer Catellier had hold of [REDACTED]' left arm and was trying to apply an arm bar as [REDACTED] began twisting his body and headbutting Officer Catellier. Officer Catellier used his left arm to hold onto [REDACTED]' left arm, but also used his right arm to apply a headlock around [REDACTED]' upper head/face area. Officer Catellier then used his body weight to force [REDACTED] down to the pavement. During this time, Officer Catellier took note that the red heroin packet was in [REDACTED]' left hand, sticking out from between his fingers.

[REDACTED] continued to fight with Officers. Delivering kicks to Officer Tagliapietra while trying to bite Officer Catellier's arm/hand. Officer Catellier could not see [REDACTED]' mouth, but could hear him snarling and felt his mouth and saliva across his hand/arm area. As Officer Catellier shifted his hand/arm away from [REDACTED]' mouth he yelled this to Officer Tagliapietra. Officer Tagliapietra then used a closed fist to strike [REDACTED]' rib cage, but was not getting an effective result. Officer Tagliapietra then used her department issued Taser in drive-stun mode on [REDACTED]. This allowed her to contain his legs and prevent further kicking, but his other actions continued. [REDACTED]' resistance continued despite repeated uses of the Taser in drive-stun mode on his body. Officers Catellier and Tagliapietra were able to keep [REDACTED] from getting to his feet, but had been unable to gain enough control to place him into handcuffs.

The other listed Officers then arrived and were able to assist with the arrest of [REDACTED]. [REDACTED] was then handcuffed, dropping the packet of heroin to the ground from his left hand. [REDACTED] was then raised from the ground so that he could be properly searched. As [REDACTED] stood up, Officers took note of several (5) red wax paper packets fall from his pants along with an amount of U.S. paper currency. Officer Falcon retrieved these packets and each were found to be filled with an amount of grainy substance consistent with the appearance of heroin. The original bag dropped from [REDACTED]' right hand was retrieved by Officer Barlow and was similarly filled. The money was retrieved by Officer Catellier and found to total \$40. [REDACTED] was searched, but no further contraband was recovered.

Officers Torres and Disantis were given a description of "Elle" and they went to look for her on School St. These Officers located "Elle" and she claimed to be ELLAIKA GRANT, who was wanted for a default warrant, on School St. Ms. Grant was later found (after being booked and processed) to really be AKA Madelyn Linsenmeir, wanted on a Warrant out of NH for drug violations.

During the arrest [REDACTED] received minor scrapes to his arm and face which appeared to be from the pavement while he was fighting Officers. [REDACTED] was treated on scene by National ambulance (rig 66) and refused further treatment.

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Officer Catellier also received several scrapes from the pavement and was bleeding from his right elbow, wrist, and left hand thumb. Officer Catellier was given first aid, cleaning his wounds, and returned to service.

Prisoner injury reports completed. Taser form completed.

Warrant signed and service made.

Heroin tagged #395353. Money tagged #395352.

Watch Commander notified.

Report submitted.

I did not obtain copies of the property tags or the Taser report due to those being related to the arrest of [REDACTED]. (18-3400-AR)

On September 29, 2018, Officer James Trubia authored a supplemental narrative to Arrest Report #18-3399-AR. The following is the text of that report, including any grammatical errors:

During the booking process of Ms. Madelyn Linsenmeir (DOB: [REDACTED]) it was discovered that she had two misdemeanor default warrants out of Northampton District Court. As a result, Ms. Linsenmeir will have the following additional charges, 1) Northampton District Court Misdemeanor Default Warrant Docket Number: 1245CR000257

- *Larceny Under \$1200 by False Pretense*
- *Larceny Under \$1200 by False Pretense*
- *Larceny Under \$1200 by False Pretense*

2) Northampton District Court Misdemeanor Default Warrant Docket Number: 1245CR000527

- *Drug Possess Class A*

Warrants Signed and Returned. Watch Commander Notified.

Report submitted.

A review of the Prisoner Injury Report dated September 29, 2018 authored by Sergeant Moises Zanazanian showed that under "Marks or bruises" he noted, "*Ms Grant complained of her right knee and right foot being swollen. She stated that she needed water because she felt like she was going to faint. Water was given to Ms Grant and felt better.*" A further review showed that under "How caused" he noted, "*Ms Grant stated that she woke up a few days ago and noticed that her right knee and right foot were swollen.*"

Document submitted.

A review of the booking dock on September 29, 2018 shows that Ms Linsenmeir arrived at 5:28pm and was escorted into the booking area at 5:35pm.

A review of the Booking Video dated September 29, 2018 for Ms Linsenmeir showed that was escorted into the book at 5:34pm. Ms Linsenmeir initially gave the name Ellaika Grant during booking.

At 5:35:36pm: Ms Linsenmeir stated that she needed a drink.

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At 5:36:20pm: Ms Linsenmeir appeared to need assistance getting her shoes off. Officer Tagliapietra assisted.

At 5:37:04pm: Sergeant Moises Zanazanian asked Ms Linsenmeir if she would be using the phone and she stated, *"Not right now, I need to get water before I pass out."*

At 5:39:40pm: Sergeant Zanazanian asked Ms Linsenmeir if she was ill and she stated, *"Yes, I'm very ill, I can't think straight, I'm going to literally pass out from pain."*

At 5:40:00pm: Ms Linsenmeir stated that she had used drugs that day.

At 5:40:08pm: Sergeant Zanazanian asked Ms Linsenmeir if she was seeking psychiatric care and she stated, *"No, but I might need to go to the hospital."* Sergeant Zanazanian stated that he would assess that.

At 5:40:30pm: Sergeant Zanazanian asked Ms Linsenmeir why she felt like she needed to go to the hospital and she stated, *"I have a really bad chest, it feels like its caving in, I'm not sure what happened to it, I can't even breathe, and my knee and feet."* Sergeant Zanazanian asked Ms Linsenmeir what was the matter with her knees and feet and she stated, *"My knee is the size of... can you tell? (shows matron)."* Sergeant Zanazanian asked Ms Linsenmeir how it happened and she didn't answer the question but stated, *"It's really bad, my right knee, my chest hurts, I can't breathe and I'm going to pass out because I need water."* Sergeant Zanazanian stated that he would get Ms Linsenmeir water. Sergeant Zanazanian asked Ms Linsenmeir what was wrong with her feet and she stated, *"A lot, I can barely walk on them, they're swollen. I'm in so much pain, I need water, I feel like I'm going to pass out."* Sergeant Zanazanian asked Ms Linsenmeir if she was going to use the phone again and she stated, *"I'm not going to use the phone now, I need to drink water."* Ms Linsenmeir is then escorted to the cell block.

A review of the booking video from the phone call made by Ms Linsenmeir on September 29, 2018 showed: (There is no audio to this video)

At 7:38:3pm: Ms Linsenmeir is escorted out to the booking desk and begins speaking to Sergeant Zanazanian. Ms Linsenmeir appears upset and is given the phone. Ms Linsenmeir appears to have trouble with the phone and is assisted by Ms Sheila Rodriguez, matron, with the cord.

At 7:41:07pm: Ms Linsenmeir dials again and appears to begin speaking with someone. Ms Linsenmeir appears to speak to Sergeant Zanazanian a few times throughout her conversation on the phone. At one point, it appears that Officer Remington McNabb says something to Ms Linsenmeir while she is speaking on the phone as well.

At 7:48:25pm: Ms Linsenmeir ends her phone call. During the entire phone call Ms Rodriguez did not appear to say anything to Ms Linsenmeir, nor did she speak with anyone on the telephone.

At 7:48:35pm: Ms Linsenmeir appears to step back from the booking desk, lift up her pant legs and points to her right leg, chest and rib cage area.

A review of the booking desk for the release of Ms Linsenmeir on September 30, 2018 showed: (There is no audio to this video)

At 10:44:06am: Ms Linsenmeir appeared at the booking desk for release. Officer Steven Wood points Ms Linsenmeir to the matron, Ms Shanice Linnehan (resigned), who appears to bring her to an area to put her shirt back on. Ms Linsenmeir does not appear to say anything to any officer present in the book.

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At 10:48:00am: Ms Linsenmeir is brought to the county jail.
Copies submitted on DVD.

There is a video that was provided as part of the investigation that is from September 29th at 5:30pm-September 30th at 11:00am and is 17.5 hours long. This video can only be viewed on a Blu-ray player due to its size.

The video of Ms Linsenmeir being booked, her phone call and release were provided on separate discs that can be viewed on any computer.

A review of the Booking Photographs dated September 29, 2018 for Ms Linsenmeir showed that her right foot and knee appeared to be swollen.
Photographs submitted.

A review of the Red Calendar Book entries from the Booking area from September 29th and 30th showed no entries that would indicate that Ms Linsenmeir was sent to the hospital on Squads A, B or C on those days.
Documents submitted.

A review of Rule 26, Section 1 of the Springfield Police Department's Rules and Regulations titled Prisoners shows (in part):

...If, in the judgment of the Superior Officer or officer of rank in charge, the prisoner is suffering from wounds or injuries which require medical attention, the arrested person shall be taken to a hospital and while in the hospital, such prisoner shall be in the legal custody of the police...

Document submitted.

On November 29, 2018, I interviewed Officer John Torres, Squad B Metro Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

I am writing in regards to the arrest of Madelyn Linsenmeir 18-3399-AR on September 29, 2018. On this day at approximately 1715 hours, I assisted with the arrest of a white female who identified herself Ellaika Grant and was found to have a default warrant. The female spoke to officers briefly about her extensive drug use and history but did not mention having any medical issues that needed to be addressed. Officers transported the female to the booking station without incident. After the booking process, it was determined that the female's correct identity was Madelyn Linsenmeir who had a warrant out of New Hampshire for drug offenses.

Report submitted.

On December 2, 2018, I interviewed Officer Anthony DiSantis, Squad B Metro Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

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On September 29th, 2018 Officer J. Torres and I, Officer A. DiSantis assisted with the arrest and transport of a female subject, who identified herself as Ms. Ellaika Grant. After a check through records, it revealed she had an arrest warrant. She was notified that she had an arrest warrant and was transported to 130 Pearl St. for the booking process. After the booking process it was learned that her real name was Madelyn Linsemeir DOB [REDACTED] of Holyoke, MA, also with an arrest warrant. (See arrest# 18-3399-AR)

Ms. Linsemeir stated to officers that she was not from around this area and was dropped off by a friend. I did not observe any injuries nor did Ms. Linsemeir complain of any during my interaction with her.

Report submitted.

On November 29, 2018, I interviewed Officer Lindsay Tagliapietra, Squad C Uniform Division, and she authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On 09/29/18 I, Officer L. Tagliapietra, was on the booking dock with Ms. Madelyn Linsenmeir. To my recollection Ms. Linsenmeir never mentioned needing any medical attention of any sort. If Ms. Linsenmeir had requested medical attention then I would have provided her with it and would have advised the supervisor in booking.

Report submitted.

On November 30, 2018, I interviewed Officer William Catellier, Street Crimes Unit, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

This report is in response to your investigation concerning a MADELYN LINSENMEIR. On 09/29/18 I was involved in the arrest of Ms. Linsenmeir, authoring the narrative for her warrant arrest. During the course of this arrest I had no direct contact with Ms. Linsenmeir. At no time did I speak with nor was I spoken to by Ms. Linsenmeir. At no time did I hear or have knowledge of Ms. Linsenmeir requesting/ requiring medical attention.

Report submitted.

On November 29, 2018, I interviewed Sergeant Ricky Moran (retired), Squad B Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

This report is authored at the request of Sgt. Monique McCoy in regards to an investigation involving a Madelyn Linsenmeir, an arrestee detained at the Department's holding facility on the morning of September 30th of 2018. I do not recall if Sergeant Moises Zanazanian informed me of the above mentioned subject's injury status or request for medical attention during the morning briefing prior to relieving him of duty as the Sergeant supervising the Booking Department. Sergeant McCoy showed me a video of the day in question. In response to the video it was noted that I did not take the clipboard which contains the cell assignments for prisoners being held. I do not necessarily take the

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cell assignment sheets with me during a cell check performed during the change of shifts, depending on circumstances such as number of prisoners present or the need to reassign cell assignments, etc. I do not recall receiving any specific information regarding Ms. Linsenmeir's medical status or request for medical attention. Ms. Linsenmeir was transferred to the custody of the Hampden County Sheriff's Department located in Chicopee, MA. If a cell check was performed prior to Ms. Linsenmeir's transfer, I don't recall her ever requesting medical attention.

Report submitted.

On November 30, 2018, I interviewed Officer Steven Wood, Squad B Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On 09/31/2018 I worked in the Booking Department on Squad B. On this date I did not have any contact with a female prisoner named Madelyn Linsenmeir until she was released to the Western Massachusetts Regional Womens Correctional Center in Chicopee. I do not recall speaking to Ms. Linsenmeir during her release and I am not aware of any medical conditions or complaints she may have had. I did not recall speaking to anyone on the telephone regarding Ms. Linsenmeir.

Report submitted.

On November 30, 2018, I interviewed Officer John Corey, Squad B Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On 09/30/2018 I was assigned to the Booking Department on Squad B. At about 10:47 I was present for the release of a female prisoner, Madelyn Linsenmeir (see arrest report #18-3399-AR) as well as a second female prisoner. My dealing with Ms. Linsenmeir was brief and consisted of her signing a property release form and collecting her belongings at the booking desk. I did not have any conversation with Ms. Linsenmeir regarding health/medical issues she may have had. Nor did Ms. Linsenmeir make any statement(s) regarding any health related issue.

In the presence of Sergeant M. McCoy, I viewed the recorded booking video footage of Ms. Linsenmeir's release and my interactions with her. I remember Ms. Linsenmeir having what appeared to be several red marks and/or scabs on her arms. Ms. Linsenmeir was then handcuffed to the second female prisoner and transported to the Western Massachusetts Regional Womens Correctional Center in Chicopee.

I do not recall speaking to anyone over the telephone regarding Madelyn Linsenmeir during my shift on 09/30/2018.

Report submitted.

On November 30, 2018, I interviewed Sergeant George Flanagan, Squad A Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

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In reference to the above complaint, I was originally assigned to the Booking desk that date, (September 30, 2018). However, Sgt. M. Zanzanian, whom was working a forced overtime due to a staffing shortage, had opted to take my place in the Booking Desk with Lt. E. Greene's approval. Lt. E. Greene was the Commanding Officer that date. I was reassigned to the South Sector.
Report submitted.

On December 3, 2018, I interviewed Officer Gustavo Olivo, Squad A Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

This special is in regards to the incident involving a Ms. Madelyn Linsenmeir DOB: [REDACTED]. I during the time Ms. Madelyn Linsenmeir was brought in on 09/29/2018, I Officer G. Olivo, worked 09/30/2018 and do not recall having any direct contact with this individual.
Report submitted.

On December 3, 2018, I interviewed Officer Benis Peguero, Squad C Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

I would like to respectfully inform you that I did not have any interaction, or contact with Ms. Madelyn Linsenmier ([REDACTED]) on September 30th, through out my entire shift (2345-0745).
Report submitted.

On December 5, 2018, I interviewed Officer Maria Sanchez, Squad A Uniform Division, and she authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On Wednesday, December 5, 2018 I, Officer Maria. Sanchez was asked about the night of Sunday, September 30, 2018. I was assigned to work the matron shift from 0000 hours to 0800AM. As a Matron, My job is to do rounds and make sure the prisoners are checked at the beginning of the shift. However, I do not recall this night in specific.

It was brought to my attention that we had a prisoner by the name of Madelyn Linsenmeir who was not a Q5. Let it be known that prisoners are not allowed to use the staff's personal cellphone or the Matron Office phone at any time. No prisoner has ever used my personal cellphone or the office phone during any of my shifts. If a prisoner is to make a call, they are brought to the booking desk and use it there as the calls are recorded. Also, let it be known that if at any time a prisoner complains of any injuries, they are to be reported to the booking Sergeant. In this particular night I don't recall any prisoner complaining of any injuries.
Report submitted.

On December 2, 2018, I interviewed Officer James Trubia, Squad C Metro Division, and he authored a report that is similar in nature and corroborative in content

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with that interview. **The following is the text of that report, including any grammatical errors:**

On September 29, 2018 I, Officer James Trubia was assigned the position of Male Cell Guard. During the course of my shift, Ms. Madelyn Linesenmeir was arrested and booked at 130 Pearl St. Sgt. McCoy showed me the booking video of her being processed in which I briefly appeared in background. While Ms. Linesenmeir was completing the booking process, I did not have direct contact with her nor do I recall any of the conversations that Ms. Linesenmeir had while she was being processed.
Report submitted.

On December 3, 2018, I interviewed Officer Remington McNabb, Squad C Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On 12/3/18 I was interviewed by Sgt. M. McCoy in regards to a complaint made by Ms. Linsenmeir's mother about her arrest on 9/29/18. On 9/29/18 I was assigned to work in the book from 4pm to 12am. When originally asked if I had any memory of Madelyn's visit to 130 Pearl St. or of her complaining of any medical issue, I could only recall Madelyn complaining of knee pain which may have come from a car accident prior to 9/29/18. After Sgt. McCoy showed me Madelyn's booking video, I observed that she was complaining of chest and foot pain which I did not recall prior to viewing the video. At no time do I recall Madelyn asking to go to the hospital. After observing Madelyn's booking video, I observed that she stated at some point "she might have to go to the hospital."

Sgt. McCoy then showed me a video of Madelyn making a phone call approximately 2 hours after her booking video. I do not recall Madelyn's conversation at this time. I do not recall myself or hearing anyone else make any sarcastic comment. I do not recall speaking to Madelyn's mother or her calling back and speaking to any other officer at any time. I do not recall Sgt. Zanzanian ever mentioning anything about Madelyn needing to go to the hospital.
Report submitted.

On December 2, 2018, I interviewed Ms Sheila Rodriguez, Squad C Matron, and she authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

Madelyn Linsenmeir asked for medical attention for body aches and swollen knee when she was booked. I gave her a carton of milk which she used for water. Madelyn could not lay on the bed because of her body aches. When she made her phone call, Madelyn called her mother. I do not recall if Madelyn told her mother if we were denying her medical attention.

Madelyn was crying before placing her phone call, she showed her swollen knee. I do not recall what the Sergeant said. I never spoke to Madelyn mother, I did not let Madelyn use the office phone. I did not make a sarcastic comment, I did not hear the Sergeant make any smart comments while on the phone with her mother. Madelyn only stated once that she needed medical attention. During the shift Madelyn complained

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about body aches. During the shift Madelyn took a nap. I informed officer M. Sanchez of her body aches, Madelyn was not being loud during the shift.
Report submitted.

On December 3, 2018, I interviewed Sergeant Moises Zanazanian, Squad C Uniform Division, and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

On Saturday, September 29, 2018, I was assigned to the book as a sergeant for the 4 p.m. to 12 a.m. shift. I also worked the 12 a.m. to 8 a.m. shift on Sunday, September 30, 2018. On Saturday September 29, 2018 at approximately 1716 hrs, an individual now known to be Ms. Madelyn Linsenmeir was arrested and transported to the station for booking. The booking of Ms. Linsenmeir was recorded, including with audio.

During the booking process, I began asking Ms. Linsenmeir questions regarding her personal information. She gave me the name Ellaika Grant, which was learned to be the same fake name that she had given to officers during her arrest. During the questioning, Ms. Linsenmeir mentioned that she felt a little dizzy and would like something to drink. I requested that the Matron on duty get Ms. Linsenmeir a drink, and it later was reported to me by the Matron that the Matron gave a milk carton to Ms. Linsenmeir from which she could drink when Ms. Linsenmeir was placed into a cell.

Also during the booking process, Ms. Linsenmeir mentioned that she felt like her chest was caving in and that she might need to go to the hospital. I monitored Ms. Linsenmeir and I told her that I would continue to assess her condition as we went through the booking process. After that point, I continued asking Ms. Linsenmeir questions and she was able to respond to all of my questions. She made no further complaints of feeling unwell or being injured at that point in time. She made no complaints of shortness of breath or any other chest issues during my interaction with her. While I was observing Ms. Linsenmeir, it did not appear that she was in any form of physical distress. The arresting officer, Officer Tagliapietra, did not advise of any complaints of injury made by Ms. Linsenmeir during her arrest. After the booking was completed, Ms. Linsenmeir was brought to the female cell without any issue or incident.

After approximately two hours, Ms. Linsenmeir was brought from the female cell to use the phone. I do not know the identity of the person that Ms. Linsenmeir called. Ms. Linsenmeir was on the phone for an extended period of time, I believe several minutes, and, at one point, while she was on the phone, I asked Ms. Linsenmeir to wrap up the phone call. I was not disrespectful or sarcastic toward Ms. Linsenmeir, nor did I observe the Matron or officers to be disrespectful or sarcastic with her.

When the phone call was over, Ms. Linsenmeir complained that her knee and ankles were swollen. She mentioned that she had been in an accident a week prior. Ms. Linsenmeir can be seen on the video showing me her knee and ankles. I observed no injuries, but an injury report was prepared and photographs were taken of the areas she complained.

During the remainder of that shift and the next shift, I was not made aware of any complaint of pain or injury made by Ms. Linsenmeir. During the course of my shift, I do not believe I spoke to anyone on the phone regarding Ms. Linsenmeir and I do not recall anyone telling me of a call to the book about Ms. Linsenmeir.

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I booked, processed and treated Ms. Linsenmeir in a professional manner and, based upon my observations, the other personnel who interacted with Ms. Linsenmeir also acted professionally and treated Ms. Linsenmeir respectfully.

While speaking with Sgt. McCoy, I did not recall most of my interactions with Ms. Linsenmeir until I was shown the booking video to refresh my recollection.
Report submitted.

On December 10, 2018, I re-interviewed Sergeant Moises Zanazanian, Squad C Uniform Division, due to information being omitted and he authored a report that is similar in nature and corroborative in content with that interview. **The following is the text of that report, including any grammatical errors:**

I write pursuant to your order to provide an additional report regarding my memory of communications with Ms. Madelyn Linsenmeir during the time period she was under arrest and using the phone at the Springfield Police Department. In regards to Ms. Linsenmeir's use of the phone, I recall Matron Rodriguez bringing Ms. Linsenmeir to the front booking area where Ms. Linsenmeir used the phone to make a call. I do not have an independent memory of who she called, but after several minutes on the phone I did ask Ms. Linsenmeir to wrap it up.

While Ms. Linsenmeir was on the phone my attention was on the computer as I was in the process of approving reports so I cannot recall what was said during her phone conversation. Eventually, Ms. Linsenmeir did conclude her phone call. At no time after the phone call did Ms. Linsenmeir ask to go to the hospital for medical treatment. She was taken back to her cell without any incident.

While in custody Ms. Linsenmeir complained of being a little dizzy and also mentioned during the booking process that her chest felt that like it was caving in. During the booking process, as I spoke to her, I made physical observation and continued to assess Ms. Linsenmeir. While I monitored Ms. Linsenmeir, I did not observe any indications of distress that in my opinion necessitated sending Ms. Linsenmeir to the hospital. The booking was completed and she was processed without incident.
Report submitted.

Respectfully submitted,

Sergeant Monique McCoy

EXHIBIT R

SPRINGFIELD POLICE DEPARTMENT
INTERNAL INVESTIGATIONS UNIT

January 29, 2019

Special to: Police Commissioner John R. Barbieri

Sir;

In compliance with Special Order #18-261 dated November 28, 2018 and being responsive to a request from the ACLU for public records regarding the arrest of Ms Madelyn Linsenmeir (#18-3399-AR), this report is being submitted.

SUPPLEMENTAL

On January 28, 2019, I received a copy of the death certificate for Ms Madelyn Linsenmeir. The cause of death was recorded as Complications of Methicillin-resistant Staphylococcus Aureus, due to or as a consequence of, Septicemia in the setting of Tricuspid Valve Endocarditis. Other significant conditions contributing to her death but not resulting in the underlying cause is listed as Chronic Substance Abuse. Death Certificate submitted.

Respectfully submitted,

Sergeant Monique McCoy

EXHIBIT S

Sir:

The following Superior Officers reviewed Special Order # 18-261. The following recommendations are made to the Police Commissioner regarding the above mentioned complaint:

Captain Robert Strzempek:

Date: DEC 15, 2018

THE PROCEEDINGS FOLLOWED REGARDING THE PRISONER APPEAL TO BE PROPER. SHE WAS OFFERED A PHONE CALL AND DECLINED. SHE STATED SHE "MIGHT" NEED TO GO TO THE HOSPITAL AT SOME POINT. LATER SHE WAS GIVEN A PHONE CALL. THIS CALL WAS NOT RECORDED BY THE BOULDER CAMERA AUDIO SYSTEM. THIS DOES NOT VIOLATE DEPT POLICY RE THE PHONE CALL. AT NO TIME IN ANY OF THE SEVERAL VIDEOS DOES THE PRISONER APPEAR TO BE IN PHYSICAL DISTRESS OR PAIN THAT WOULD INDICATE A NEED FOR EMERGENCY MEDICAL CARE. HER LEG + FOOT INJURIES WERE OF AN OLDER NATURE AND IT SHOULD BE NOTED SHE DECLINED TO PURSUE MEDICAL CARE FOR HER LEG ON HER OWN ACCORD PRIOR TO INCARCERATION.

Deputy Chief Cheryl Clapprood:

Date: DEC. 18, 2018

After Review of all Reports AND viewing DVD'S

I Recommend a Hearing on the matter. It would allow Sgt. ZANZANIAN to explain what he observed AND MORE importantly heard since AUDIO IS NOT AVAILABLE.

Capt Robert Strzempek

Dep Chief Cheryl Clapprood

Commissioner: John Barbieri:

Date: 12-18-18

Based on review/recommendation of the CPMS' Captain Strzempek, Dep. Chief Clapprood and my review: HEARING IT.

Cong R8

**City of Springfield
Community Police Hearing Board
Case Review**

SO#/PIE# SO#18-261 Citizen's Complaint: _____

Where did this complaint originate? ___ CPHB: XX Police Department: ___ Citizen: _____

Date complaint was filed? 11/28/18 Date IIU completed its investigation? 12/12/18

What is the date of the CPHB review? 12/13/18

Is this case recommended to be sent back to IIU? NO

If the case cannot be sent back to IIU due to 90 day period, were there any deficiencies found in the IIU investigation?

N/A

Based on preliminary review of the complaint and IIU report, at this stage, the CPHB recommends:

X There is reasonable cause to believe the officer violated policy and procedure/rules and regulations as the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.

_____ There is NOT reasonable cause to believe the officer violated policy and procedure/rules and regulations as the complainant's allegation is not supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper.

Additional Comments/Recommendation:

X A charge letter be issued and a hearing be held for consideration of the charges.

_____ Commissioner dispose of the matter in good exercise of his discretion including alternative to formal disciplinary charges.

_____ Other

CPHB Signature Linda Caron CPHB Signature _____

CPHB Signature [Signature] CPHB Signature _____

CPHB Signature _____ CPHB Signature _____

Revised 1/23/18

EXHIBIT T

Springfield Police Department
130 Pearl Street. P.O. Box 308
Springfield MA 01101
(413) 787-6300



Clapprood
Exhibit for ID

No. 161

11/17/22 KLG-RPR

December 26, 2018

VIA HAND DELIVERY

Sergeant Moises Zanazanian
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re:	Notice of Inter-Departmental Disciplinary Charges, SO# 18-261
-----	---

Dear Sergeant Zanazanian,

Please be advised that the Springfield Police Department has received information regarding your alleged improper conduct on the date of September 29, 2018. The investigation is attached hereto and is incorporated as Addendum A. The information contained in Addendum A, if true, support the initiation of Inter-Departmental charges against you for violations of the following Rules and Regulations of the Springfield Police Department:

Rule 27: **NEGLECT OF DUTY:** This includes any conduct or omission which is not in accordance with established and ordinary duties or procedures as to such employees of which constitutes use of unreasonable judgment in the exercising of any discretion granted to an employee.

Rule 29: **CONDUCT:** Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department or tends to impair the operation of the Department or its employees.

Rule 29: **DIRECTIVES AND ORDERS:** Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all orders of a Superior Officer, Officer of Rank, or Supervisor.

Rule 26: **SECTION 1: PRISONERS**

... If, in the judgment of the Superior Officer or officer of rank in charge, the prisoner is suffering from wounds or injuries which require medical attention, the arrested person shall be taken to a hospital and while in the hospital, such prisoner shall be in the legal custody of the police... (in part)

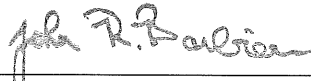
Rule 32: SECTION 2: Any member of the Department may be punished by the Board of Police Commissioners by reprimand, forfeiture of pay, or required to serve extra tours of duty without pay, suspension from duty without pay, reduction in rank or grade, or dismissal from the Department, as provided in the City Ordinances and the Laws of the Commonwealth of Massachusetts, on conviction of any of the offenses listed herein, to wit,

Neglect of duty;
False Statements;
Any Act of abusive conduct or oppression;
Conduct unbecoming an officer;
Conduct injurious to the public peace or welfare;
Any act contrary to the good order and discipline of the department;
Violation of any rules contained herein.

In accordance with Massachusetts General Laws, Chapter 31, the Springfield Police Department will hold a hearing to contemplate the issuance of discipline, up to and including the termination of your employment.

Copies of Massachusetts General Laws chapter 31, sections 41 through 45 are attached and incorporated as Addendum B and explain your rights under Civil Service law.

Sincerely,

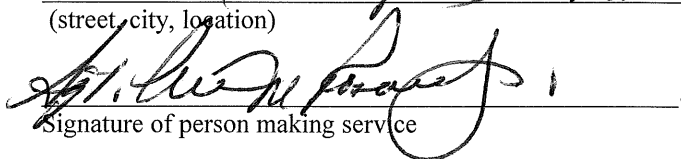


JOHN R. BARBIERI
POLICE COMMISSIONER

Notice: In accordance with Section 52C of chapter 149 of the General Laws, please be advised that the contents of this [or the attached] communication is, has been used or may be used, to positively or negatively affect your qualification for employment, promotion, transfer, additional compensation or the possibility of disciplinary action.

Return of Service

I served the foregoing document on Sergeant Moises Zanazanian on 1-26-18,
2018, by giving to him in hand, a true and attested copy of same at
130 Pearl St Springfield MA, Massachusetts.
(street, city, location)



Signature of person making service

EXHIBIT U

From: McCoy, Monique
To: Mahoney, William E.
Subject: SO#18-261
Date: Wednesday, February 27, 2019 8:05:37 AM
Attachments: SO#18-261 ACLU Lisenmeir.doc

Bill,

I was told to forward this case to you. This case is going to hearing on March 20 and I think the SPSA is looking to come to an agreement on this case.

Sergeant Monique McCoy

Springfield Police Department
Internal Investigation Unit
130 Maple Street
Springfield, MA 01103
413-750-2235

EXHIBIT V

1

1 Pages 1-50 Exhibits: 185

2 UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF MASSACHUSETTS

4 -----

5 MAURA O'NEILL, as administrator of the Estate of

6 Madelyn E. Linsenmeir,

7 Plaintiff,

8 vs. CA No. 3:20-cv-30036

9 CITY OF SPRINGFIELD, MOISES ZANAZANIAN,

10 REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN

11 COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES

12 NOS. 1-5,

13 Defendants.

14 -----

15 CONTINUED REMOTE 30(b)(6) DEPOSITION OF THE CITY

16 OF SPRINGFIELD, BY ITS DESIGNEE OF

17 WILLIAM MAHONEY

18 Friday, December 9, 2022, 2:07 p.m.

19 Via Zoom Video Conference

20 ----Reporter: Kathleen L. Good, CSR, RPR----

21 K. L. GOOD & ASSOCIATES

22 Post Office Box 367

23 Swampscott, Massachusetts 01907

24 Tel. 781-367-0815 Kathleen.Good@verizon.net

2

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- and -

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 Attorneys for the Plaintiff

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 Sheila Rodriguez and the Deponent

4

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 Attorneys for Moises Zanazanian

5

INDEX

WITNESS: PAGE:

WILLIAM MAHONEY

BY MR. McFADDEN

6

EXHIBITS: PAGE:

No. 185, E-Mail Chain

37

**** Original/Marked Exhibits in custody
 of Mr. McFadden

P R O C E E D I N G S

WILLIAM MAHONEY, having been satisfactorily identified and duly sworn by the Notary Public, was examined and testified as follows:

MR. McFADDEN: So good afternoon.

This is a continuation of the 30(b)(6) deposition for the City of Springfield. I am Dan McFadden. I'm a staff attorney at the ACLU. I represent the plaintiff in this case.

D I R E C T E X A M I N A T I O N

BY MR. McFADDEN:

Q. And first, I'm going to ask the witness to please identify yourself for the record.

A. William Mahoney.

Q. Are you employed?

A. I am.

Q. Where are you employed?

A. By the City of Springfield.

Q. What is your job for the City of Springfield?

A. I'm the director of human resources and labor relations.

including, without limitation, the negotiation, the drafting of the memorandum of agreement between and among the City of Springfield and the Springfield Police Supervisors Association and Moises Zanazanian, dated March 13, 2019. This topic includes, without limitation, all communications between and among the city, Zanazanian, the police union and their respective attorneys concerning the investigation, discipline and agreement."

Did I read that correctly?

A. Yes.

Q. Are you designated to testify for the city for that Topic No. 6?

A. Yes.

MS. DeSOUSA: Dan, I just want to clarify because I think I created a little bit of a misimpression.

I was designating Monique McCoy to testify relative to so much of this as requests the IIU information.

And Attorney Mahoney is here to testify regarding the specifically-referenced memorandum of agreement between and among the

Q. How long have you been in that position?

A. Thirteen years.

Q. Are you an attorney?

A. I am.

Q. Are you licensed to practice in Massachusetts?

A. I am.

Q. How long have you been an attorney in Massachusetts?

A. Since 1988.

MR. McFADDEN: I'm going to show you an exhibit that has previously been marked Exhibit 147.

(Screen shared.)

Q. So you should see up on your screen a notice of deposition for the 30(b)(6).

Do you see that?

A. I do.

Q. I'm going to scroll down to the list of topics. Topic 6 is:

"The investigation and discipline of Moises Zanazanian for his conduct, act and/or omissions concerning Madeline Linsenmeir,

City of Springfield and the Springfield Police Supervisors Union and Moises Zanazanian.

MR. McFADDEN: I think we essentially understood that because Sergeant McCoy is designated for No. 7.

MS. DeSOUSA: Correct.

MR. McFADDEN: So my intention was to focus the questioning regarding the creation of that agreement.

MS. DeSOUSA: Okay.

MR. McFADDEN: So if I go outside the scope of what you believe he's been designated for, please tell me, but otherwise I'll assume I'm within the scope.

MS. DeSOUSA: Terrific. Thank you.

MR. McFADDEN: Thank you.

Q. So, I'm sorry, Attorney Mahoney, I lost track.

Are you designated for Topic No. 6, subject to what your counsel just said?

A. Yes.

Q. And are you designated for any other topics for the 30(b)(6)?

A. I don't believe so.

10

1 MR. McFADDEN: Okay. I'm going to
 2 show you -- I'm going to take this down.
 3 (Screen share stopped.)
 4 MR. McFADDEN: I'm going to show you
 5 two documents, one after the other, just to set
 6 kind of a timeframe to talk about.
 7 So the first is a document that's
 8 previously been marked as Exhibit 161 and I'm
 9 going to put that up.
 10 (Screen shared.)
 11 Q. Attorney Mahoney, do you see
 12 Exhibit 161 on your screen?
 13 A. I do.
 14 Q. Do you recognize that document?
 15 A. I do.
 16 Q. What is this document, Exhibit 161?
 17 A. This is the notice of charges brought
 18 against Sergeant Zanzanian.
 19 Q. Do you see it's dated December 26,
 20 2018?
 21 A. I do.
 22 Q. Is that the date that this notice
 23 issued?
 24 A. I don't know.

12

1 Do you see the signatures on the
 2 agreement?
 3 A. I do.
 4 Q. March 13, 2019?
 5 A. Yeah.
 6 Q. Is that, in fact, the date this
 7 agreement was executed?
 8 A. I would assume so.
 9 Q. Okay. Do you have any reason to
 10 believe it was executed on a different date?
 11 A. I don't.
 12 MR. McFADDEN: Okay. So just give me
 13 one moment.
 14 (Pause.)
 15 Q. So we looked at the notice of
 16 charges, Exhibit 161, from December 26, 2018,
 17 relating to Special Order 18-261.
 18 And then we looked at this
 19 Exhibit 162, which is from March of 2019, which
 20 is the memorandum of agreement relating to that
 21 same charge. And I guess my question for you
 22 is:
 23 With respect to matter 18-261, what
 24 happened between the issuance of the charges on

11

1 Q. Do you have any reason to believe it
 2 issued on a different date?
 3 A. No.
 4 Q. Okay. I'll just scroll down so you
 5 can see -- do you see that the Exhibit 161, the
 6 notice cites five potential rule violations?
 7 A. Yes.
 8 MR. McFADDEN: Okay. So that was
 9 December 26, 2018. I'm just going to take that
 10 down.
 11 (Screen share stopped.)
 12 MR. McFADDEN: I'm going to put up
 13 Exhibit 162.
 14 (Screen shared.)
 15 Q. Attorney Mahoney, do you see
 16 Exhibit 162 on your screen?
 17 A. I do.
 18 Q. Do you recognize this Document 162?
 19 A. I do.
 20 Q. What is this document?
 21 A. This is a memorandum of agreement
 22 between the city, the Police Supervisors Union
 23 and Mr. Zanzanian.
 24 Q. I'm just going to scroll down.

13

1 December 26, 2018, and the execution of the
 2 agreement on March 13, 2019?
 3 A. We negotiated a settlement agreement
 4 prior to hearing.
 5 Q. Okay. When you say "we negotiated a
 6 settlement agreement," who is the "we" that you
 7 are referring to there?
 8 A. The City of Springfield and the Police
 9 Supervisors Union.
 10 Q. In that negotiation, who was
 11 negotiating on behalf of the City of
 12 Springfield?
 13 A. I was.
 14 Q. In that negotiation, who was
 15 negotiating on behalf of the Police Supervisors
 16 Union?
 17 A. I believe it was Attorney John
 18 Vigliotti, but I wasn't dealing directly with
 19 him.
 20 Q. Who were you dealing with?
 21 A. I was sending this back to the police
 22 department.
 23 Q. Who in the police department?
 24 A. Captain Tarpey.

1 Q. I'm sorry. I just want to make sure
 2 I understand.
 3 So you are saying you negotiated
 4 this agreement 162 on behalf of the city?
 5 A. Yes.
 6 Q. And Attorney Vigliotti negotiated
 7 it, you believe, on behalf of the Police
 8 Supervisors Union?
 9 A. Yes.
 10 Q. But you were not speaking directly
 11 to Attorney Vigliotti?
 12 A. No.
 13 Q. You were speaking to Captain Tarpey?
 14 A. Yes.
 15 Q. Was it your understanding that
 16 Captain Tarpey was then speaking to
 17 Mr. Vigliotti?
 18 A. Or the representatives of the police
 19 union.
 20 Q. Who were the other representatives
 21 of the police union other than Mr. Vigliotti?
 22 A. Mr. Vigliotti is, I believe, was being
 23 authorized by the union to handle this matter on
 24 behalf of Sergeant Zanazanian. I don't know if

1 made some changes to it and sent that back, and
 2 then they made some changes and sent it back.
 3 Q. Okay. What was the first
 4 conversation you had with Captain Tarpey or
 5 first communication you had with Captain Tarpey
 6 about preparing a settlement agreement relating
 7 to 18-261?
 8 A. I believe it was an e-mail that the
 9 union wanted to settle the matter.
 10 Q. How did you respond to that
 11 communication?
 12 A. I believe that there was an attachment
 13 of a draft, so I reviewed the draft and I
 14 suggested some changes.
 15 Q. Do you recall what type of changes
 16 you suggested?
 17 A. If you can scroll down, it was in
 18 Section No. 1. The last sentence, I believe, was
 19 the changes I was proposing.
 20 Q. The sentence that starts "the
 21 discipline agreed to"?
 22 A. Yes.
 23 Q. What was the change you made to that
 24 sentence?

1 I'm saying his name right. That was my
 2 understanding of it.
 3 But the representative, president of
 4 the union at the time, was Captain Brian Keenan.
 5 Q. Did Captain Tarpey tell you who he
 6 was talking to as a representative of the
 7 union?
 8 A. No, I don't believe so.
 9 Q. Okay. Is it correct that Captain
 10 Tarpey was relaying messages between you and
 11 the union? Is that the summary?
 12 A. Yes.
 13 Q. Can you tell me, please, how often
 14 did you speak with Captain Tarpey about the
 15 negotiation of this agreement, Exhibit 162?
 16 A. I don't know. I don't remember.
 17 Q. Did you speak with him more than one
 18 time about it?
 19 A. I don't know. There was a lot of
 20 e-mails so would have sent things back and forth
 21 through e-mail.
 22 Q. You sent Captain Tarpey drafts
 23 through e-mail; is that right?
 24 A. The union sent us a draft and then I

1 MS. DeSOUZA: I'm going to object.
 2 And as I referenced in the privilege log, in
 3 which we did not disclose these e-mails, I
 4 believe that the changes to the proposed
 5 settlement agreement are protected as settlement
 6 negotiations and that they were attorney work
 7 product, maybe attorney mental impressions.
 8 And that is why we did not disclose
 9 them and it was referenced like that on the
 10 privilege log.
 11 But if you want to ask him about the
 12 agreement once it was completed, that's fine.
 13 But we're not going to discuss the negotiation
 14 process.
 15 MR. McFADDEN: Let me ask a couple of
 16 questions and then I may have a response for you,
 17 but I think I need to understand a couple other
 18 things, Lisa.
 19 MS. DeSOUZA: Sure.
 20 Q. (By Mr. McFadden) Attorney Mahoney,
 21 when you were negotiating the settlement
 22 agreement, you were representing the city; is
 23 that correct?
 24 A. Yes.

1 Q. And the adverse party to you in that
2 negotiation was the Supervisors Union; is that
3 correct?
4 A. Yes.
5 Q. And was Sergeant Zanazanian also an
6 adverse party to you in that negotiation?
7 A. He's a member of the union.
8 Q. So is that yes?
9 A. Yes.
10 Q. Okay. When you were saying that you
11 made changes to the draft agreement, are you
12 referring to changes you made only for your
13 internal use, or are you referring to changes
14 that were then communicated back to the union's
15 representatives?
16 A. These are changes that would be
17 communicated back to the union.
18 Q. Okay. I think you said the union
19 sent you some changes as well after that?
20 A. Yes.
21 Q. Okay. When the union sent you back
22 those changes, at that point, was the agreement
23 in its final form or were there more changes
24 that went back to the union?

1 you are going to be instructing him not to answer
2 a question if I ask about those drafts?
3 MS. DeSOUZA: Yes. I am telling you
4 that I believe that those are protected
5 settlement negotiations not subject to
6 disclosure.
7 MR. McFADDEN: Okay. So I just want
8 to put on the record my understanding of your
9 position.
10 I would like to save people time and
11 not have to ask a bunch of questions and get
12 instructions not to answer, but at the same time,
13 I don't want to be in a position if we ever have
14 to move to compel, there's some suggestion I
15 didn't ask the question and, therefore, it's not
16 ripe for something.
17 MS. DeSOUZA: Sure.
18 MR. McFADDEN: Let me put on the
19 record my understanding of what you're saying and
20 then I would like to have an understanding of
21 whether you want me to ask those questions and
22 get the instructions, or if you're going to be
23 content with stating your position.
24 It's my understanding that this

1 A. I'm not certain how many times it went
2 back and forth.
3 Q. Okay. At a minimum, I think I heard
4 you say they sent you a draft, you changed it,
5 sent it back, and then they changed it and sent
6 it back again. Is that correct?
7 A. That is correct. It may have gone back
8 another time as well. I'm not sure.
9 MR. McFADDEN: Lisa, so the record is
10 clear, is it your intention that any questions
11 about the draft that went back and forth between
12 the union and the city, you're going to assert a
13 privilege objection?
14 MS. DeSOUZA: I am going to say that
15 they're protected settlement negotiations not
16 subject to disclosure.
17 Additionally, I would say that his
18 e-mail communications to Captain Tarpey reflected
19 attorney work product and we won't be disclosing
20 that as well.
21 MR. McFADDEN: In terms of the draft
22 that went back and forth, you're saying that they
23 are protected communications not subject to
24 disclosure. I mean, is that your statement, that

1 witness was involved in the negotiation of what's
2 been marked as Exhibit 162, which is an agreement
3 where the parties were the city, Sergeant
4 Zanazanian and the Supervisors Union.
5 And it's my understanding that at
6 least three drafts were exchanged: One draft
7 from the union to this witness; one draft from
8 this witness back to the union; and then another
9 draft from the union back to this witness. And
10 additional drafts may also have been exchanged.
11 And it's my understanding that if I
12 ask my questions about those drafts, you are
13 going to object on the grounds of protected
14 settlement communications and instruct the
15 witness not to answer.
16 Is that a correct understanding of
17 your position?
18 MS. DeSOUZA: Yes.
19 MR. McFADDEN: Now I have to ask you,
20 do you want me to ask the questions and have you
21 instruct him not to answer or will you agree that
22 that is an accurate representation of your
23 position and we don't have to go through that
24 whole process?

1 MS. DeSOUSA: I will agree that's an
2 accurate representation of my position and we do
3 not need to go through that process.

4 MR. McFADDEN: Okay. My
5 understanding is your position is also that -- so
6 this witness has testified that he communicated
7 with Captain Tarpey --

8 MS. DeSOUSA: Correct.

9 MR. McFADDEN: -- the one talking to
10 the union. And your position also is that you're
11 going to assert attorney/client privilege and
12 work product over any communications he had with
13 Captain Tarpey during that exchange; is that
14 correct?

15 MS. DeSOUSA: Anything relative to
16 the settlement negotiations that were ongoing.

17 MR. McFADDEN: And so if I would ask
18 questions about those communications, you would
19 instruct him not to answer. Is that fair?

20 MS. DeSOUSA: That's correct. And at
21 the risk of beating a dead horse, we did disclose
22 the existence of those e-mails in the privilege
23 log and asserted our reasons for not producing
24 them there.

1 inquiry is one that I'm going to object to and
2 instruct not to answer.

3 And if you wish to bring a motion to
4 compel, we'll deal with the narrative of the
5 objection and not a technicality about whether or
6 not each individual question was asked.

7 MR. McFADDEN: I appreciate that.
8 I'm just trying to save time.

9 MS. DeSOUSA: I get it.

10 Q. (By Mr. McFadden) So Attorney
11 Mahoney, your deposition may have just gotten
12 substantially shorter for now.

13 I do want to ask you a little bit
14 more about Exhibit 162. I understand that you
15 were negotiating it on behalf of the City of
16 Springfield. I want to direct your attention to
17 the first page of Exhibit 162 where it says
18 Discipline.

19 Do you see that?

20 A. I do.

21 Q. It says:

22 "The parties agree that there's just
23 cause for the imposition of discipline under SO
24 No. 18-261 for violation of Rule 29 of the City

1 MR. McFADDEN: Well, I guess what I'm
2 saying, Lisa, obviously we have not waived any
3 rights to move to compel any materials, and I
4 think depositions are a time when we often gather
5 information in order to test assertions of
6 privilege that have been made.

7 MS. DeSOUSA: I'm just saying this is
8 consistent with what has previously occurred
9 relative to this issue.

10 MR. McFADDEN: So just so I
11 understand, so given that you've said if I ask
12 him about his communications with Captain Tarpey
13 relating to Exhibit 162, the drafting of it,
14 you're going to assert privilege, do you want me
15 to ask those questions and then get that
16 instruction not to answer, or, again, will you
17 agree that we've accurately stated your position
18 and it's not necessary to go through each of the
19 questions?

20 MS. DeSOUSA: No. I think I just
21 answered that. I'm not going say that it's not
22 ripe because you didn't ask each particular
23 question.

24 We've agreed that that area of

1 of Springfield Police Department rules and
2 regulations."

3 Did I read that correctly?

4 A. Yes.

5 Q. Who decided that the violation
6 identified in this grievance was going to be
7 Rule 29?

8 A. That was in the first draft that came
9 over from the union and I was fine with it.

10 Q. Did you ever have any conversations
11 with the union about whether or not, well,
12 about their selection of that rule?

13 A. No.

14 Q. And you said you were fine with it?

15 A. Yeah.

16 Q. Why were you fine with it?

17 MS. DeSOUSA: Objection.

18 You can answer.

19 A. Because we had noticed him that he was
20 in violation of Rule 29. I thought that was
21 applicable, it was a conduct issue and we thought
22 it addressed the interests of this matter
23 correctly.

24 Q. (By Mr. McFadden) When you say that

1 it was "applicable," what caused you to
2 conclude that Rule 29 was applicable to the
3 conduct?

4 A. I looked at the rules and regulations
5 of the department for Rule 29 and thought that
6 applied.

7 Q. What particular conduct violated the
8 rule?

9 A. That he did not call for medical to
10 evaluate Ms. Linsenmeir. I don't know if I'm
11 saying her name correctly.

12 Q. So it's Linsenmeir, but it's not
13 your fault.

14 I'm going to look at the next
15 sentence in the discipline section, says:

16 "Zanazanian will be issued a two-day
17 suspension that will be served at the
18 Commissioner's discretion. Furthermore,
19 Zanazanian will attend a training session class
20 on booking procedures and he agrees to
21 participate in the training of other members of
22 the Springfield Police Department regarding
23 booking procedures."

24 Did I read that correctly?

1 Q. And you said that you thought this
2 was okay as a disciplinary consequence; is that
3 correct?

4 A. That's correct.

5 Q. What was your basis for concluding
6 it was okay?

7 A. He had a very long work history with
8 the city and he had almost no discipline at all.
9 I think the only thing he had in his record was a
10 verbal warning from a few years before completely
11 unrelated to anything in the booking desk.

12 Q. I think we saw when we looked -- I'm
13 going to put it back up, Exhibit 161.

14 (Screen share stopped.)

15 (Screen shared.)

16 Q. We saw that there were five
17 potential rule violations in the initial notice
18 of charges to Sergeant Zanazanian.

19 Do you recall that?

20 A. I do.

21 Q. And then putting back up
22 Exhibit 162, there's one rule violation; is
23 that correct?

24 A. That's right.

1 A. You did.

2 Q. Is that the discipline that was
3 agreed under this agreement?

4 A. It is.

5 Q. Who selected that as the discipline
6 agreed under this agreement?

7 A. That came over in the first draft and I
8 understood it was acceptable to the police
9 department so that's why it stayed in there.

10 Q. What was the basis for understanding
11 that it was acceptable to the police
12 department?

13 A. I sent it back, I had asked for a copy
14 of Zanazanian's disciplinary history and his
15 years of service, and I thought it was okay and
16 the department thought it was okay and that's why
17 we implemented two days.

18 Q. Did someone at the department tell
19 you they thought it was okay?

20 A. I think -- no. I don't know that
21 anyone -- I don't recall if anyone specifically
22 said that to me or not, but I know that the
23 document was going back and forth and it was
24 acceptable to the department.

1 Q. Who made the decision to drop out
2 the other four alleged rule violations?

3 A. The first draft came over and they were
4 referencing Rule 29. I think there were two
5 references to Rule 29 violations in the charge
6 letter. Doing that from memory, though. And I
7 was satisfied with that.

8 It's pretty common that charges in the
9 charge letter get dropped along the way.

10 Q. Turning back to the degree of the
11 discipline, we talked about the suspension plus
12 the training.

13 Do you recall that?

14 A. Yes.

15 Q. And you said that was okay, you
16 thought?

17 A. Yeah.

18 Q. And you said you concluded it was
19 okay because you looked at Sergeant
20 Zanazanian's record of any prior discipline.
21 Is that fair?

22 A. Yes. His length of service and his
23 prior disciplinary history.

24 Q. In reaching the conclusion that this

30

1 particular degree of discipline was okay, did
2 you consider any other factors or information
3 besides that which you've just identified?

4 A. I read the report, the IIU report.

5 Q. The IIU report?

6 A. Yes.

7 Q. Did you view any video evidence
8 during that process?

9 A. I don't think I viewed any video
10 evidence. I don't recall seeing any video
11 evidence in this case.

12 Q. In 2018, for the City of
13 Springfield, was it your practice to be the one
14 who negotiated settlement agreements for police
15 disciplinary matters?

16 A. Yes.

17 Q. Was it your practice at that time to
18 be the one who selected the degree of
19 discipline?

20 A. No. I don't select the degree of
21 discipline. That's done by the Police
22 Commissioner or the Police -- well, Police
23 Commissioner and now Police Superintendent or the
24 Board of Police Commissioners now.

32

1 in that case; is that fair?

2 MS. DeSOUSA: Objection.

3 Q. (By Mr. McFadden) Was Madelyn the
4 victim of the conduct in SO 1261?

5 MR. VIGLIOTTI: Objection.

6 MS. DeSOUSA: Objection.

7 A. I don't believe she was a victim; she
8 was a prisoner of the department at the time.

9 Q. (By Mr. McFadden) When Sergeant
10 Zanzanian committed misconduct in connection
11 with SO 18-261, were the acts that he did
12 directed at Madelyn Linsenmeir?

13 MS. DeSOUSA: Objection.

14 MR. VIGLIOTTI: Objection.

15 A. There was no act directed at her. It
16 was an omission.

17 Q. (By Mr. McFadden) Okay. Was the
18 omission in connection with Madelyn Linsenmeir?

19 A. Yes. He didn't call for medical.

20 Q. And you know she later died?

21 A. I am aware of that.

22 Q. Okay. In the preparation of the
23 settlement agreement that is Exhibit 162, did
24 you ever make any effort to reach out to

31

1 Q. So in this agreement where it says a
2 two-day suspension plus the training in
3 Exhibit 162, did the Police Commissioner at
4 that time select that?

5 A. The Police Commissioner agreed to it.
6 She was the only one -- at that time, she was the
7 only one who could impose this.

8 Q. She agreed to it. Who was the one
9 who proposed that as being the discipline?

10 A. As I said, initially came over as from
11 the union. And then, as I said, I made some
12 suggestions on Section 1, the last sentence
13 there. We went back and forth.

14 But the two days, I think, was
15 agreeable to the department so that's why she
16 proposed that.

17 Q. 18-261, you understand, was a case
18 involving Madelyn Linsenmeir?

19 A. I'm sorry. I didn't hear that.

20 Q. I'm sorry. Matter SO 18-261, you
21 understand that was a matter involving Madelyn
22 Linsenmeir, right?

23 A. Yes.

24 Q. She was the victim of the misconduct

33

1 Madelyn Linsenmeir's surviving family members?

2 A. No.

3 Q. Why not?

4 A. That would not be my place.

5 Q. Can you explain that?

6 A. It would not have been my place.

7 Q. I'm sorry. What do you mean by
8 that?

9 A. This is a matter between the city, its
10 union and its employee.

11 Q. Have you ever spoken to any member
12 of Madelyn Linsenmeir's family?

13 A. I have not.

14 Q. Before today, have you ever spoken
15 to any attorney representing Madelyn Linsenmeir
16 or any member of her family?

17 A. No. I don't think so.

18 Q. To the best of your knowledge, did
19 anyone involved in the negotiation of the
20 settlement agreement, Exhibit 162, speak with
21 any member of Madelyn's family about the
22 agreement?

23 A. I can just tell you that I did not. I
24 don't know if anyone else did.

34

1 Q. Are you aware of anyone else doing
2 that?
3 A. No one represented to me that they did.
4 Q. Prior to the execution of this
5 settlement agreement, this Exhibit 162, had
6 anyone told Madelyn Linsenmeir's family there
7 was a disciplinary matter related to her
8 treatment?
9 A. I have no idea.
10 Q. Are you aware of anyone telling them
11 that?
12 A. I'm sorry. You have to say that again.
13 Q. Are you aware of anyone telling them
14 that?
15 A. I'm not aware of that.
16 Q. Did you ever have any discussions or
17 communications with Sheryl Clapprood about the
18 settlement agreement that's Exhibit 162?
19 A. I would imagine that I did.
20 Q. Do you recall any of those
21 communications?
22 A. Nothing specific, no.
23 Q. Do you recall anything in general?
24 A. I may have spoken to her about his

36

1 (Screen share stopped.)
2 (Screen shared.)
3 Q. I've pulled up another document
4 that's previously been marked as Exhibit 40.
5 Do you see that this is an e-mail
6 from Kara Goodchild?
7 A. Yes.
8 Q. And I'll just scroll down.
9 Apparently the Bates number is not on there.
10 I will represent to you -- let me
11 take that back.
12 Are you aware of what is being
13 discussed in this e-mail?
14 (Pause.)
15 A. By reading it, I am, yes. It looks
16 like they're trying to schedule a hearing.
17 Q. Do you know what hearing was being
18 scheduled at this time?
19 A. I'm sorry, Counsel. Did you ask a
20 question?
21 Q. I'm sorry. You couldn't hear it?
22 Do you know what hearing was being
23 scheduled at this time?
24 A. I don't. You know, since you're

35

1 disciplinary history, but I don't have a clear
2 recollection of it.
3 Q. Okay.
4 (Screen share stopped.)
5 Q. We looked at Exhibit 161, which is
6 the charge letter to Officer Zanazanian.
7 Do you recall that?
8 A. Yes.
9 Q. Do you recall that was dated
10 December 26, 2018?
11 A. I'm not certain of the date.
12 Q. I'm sorry. I couldn't hear your
13 answer.
14 A. I'm not certain of the date.
15 Q. Do you recall seeing that date on
16 the document?
17 A. No. I just recall seeing the document.
18 MR. McFADDEN: Let me just pull up
19 the document so you can see it.
20 (Screen shared.)
21 Q. I just pulled up Exhibit 161, which
22 is the charge letter, and do you see it says
23 December 26, 2018?
24 A. I do.

37

1 bringing it up, I'm guessing it's for
2 Mr. Zanazanian, but I don't know from that e-mail
3 if that's the case.
4 Q. Just in terms of your knowledge, do
5 you know if a hearing was ever scheduled for
6 Sergeant Zanazanian in connection with 18-261?
7 A. I don't know if it was scheduled or if
8 it was settled before it was scheduled.
9 MR. McFADDEN: Stop the share here.
10 (Screen share stopped.)
11 MR. McFADDEN: I'm going to pull up a
12 document and I believe we have to mark this as
13 the next exhibit, which is 185.
14 (Marked, Exhibit No. 185, E-Mail
15 Chain.)
16 Q. Attorney Mahoney, you're being shown
17 a document that's being marked as Exhibit 185.
18 Do you see that it's an e-mail
19 chain?
20 A. I do.
21 Q. Do you see at the bottom of the
22 e-mail chain, it is a request for information
23 by John Vigliotti regarding Special Order
24 18-261 --

1 A. Yes.
 2 Q. -- dated February 27, 2019?
 3 A. Yeah.
 4 Q. It states in the e-mail that a
 5 hearing was scheduled for March 20 in that
 6 matter.
 7 Do you know if that's right?
 8 A. I don't know that it's right. I'll
 9 assume that it is but I don't know that it's
 10 right.
 11 Q. Okay. I'm not asking you to assume.
 12 Do you know if that's when a hearing
 13 was scheduled?
 14 A. I don't know.
 15 Q. Then do you see that Mr. Vigliotti
 16 is requesting a list of different types of
 17 information relating to 18-261?
 18 A. Yes.
 19 Q. Then at the top, it is someone
 20 writing:
 21 "Bill. I was told to forward this
 22 request to you per Captain Tarpey," addressed
 23 to you.
 24 A. Yeah.

1 (Screen share stopped.)
 2 MR. McFADDEN: Let's take a
 3 five-minute break and when we come back, I think
 4 we may be wrapping up for now.
 5 MS. DeSOUSA: Thanks.
 6 (Recess.)
 7 Q. (By Mr. McFadden) Attorney Mahoney,
 8 thank you again for your time. We have just
 9 taken a break.
 10 Is there anything you would like to
 11 modify or correct in your prior testimony
 12 before we continue?
 13 A. No.
 14 Q. I just have a few additional
 15 questions.
 16 Did you review any documents to
 17 prepare for your deposition today?
 18 A. I did.
 19 Q. What did you review?
 20 A. I looked at the IIU report; I looked at
 21 the charge letter. I looked at the (no sound)
 22 e-mails.
 23 MS. DeSOUSA: I'm sorry. I have no
 24 idea why I did that. I was trying to turn the

1 Q. Did you, in fact, receive this
 2 request from Mr. Vigliotti that was forwarded
 3 to you?
 4 A. I did.
 5 Q. And what did you do in response to
 6 this request?
 7 A. I asked IIU to assemble the documents
 8 and get them to me. And then we sent them on, or
 9 they sent them on and I asked for copies of them.
 10 Q. Did you provide Mr. Vigliotti with
 11 all of the categories that he had requested?
 12 A. I don't know. I would assume we did.
 13 We gave them what we had. I don't know if
 14 everything that he requested was given to him. I
 15 don't know.
 16 Q. Did you ever receive any other
 17 requests for information from anyone acting on
 18 behalf of Sergeant Zanazanian?
 19 A. Not that I recall.
 20 Q. How about anyone acting on behalf of
 21 the Supervisors Union?
 22 A. Not that I recall.
 23 MR. McFADDEN: All right. I'm going
 24 to take this down.

1 volume up and, instead, I muted you. I
 2 apologize. You were in the middle of the list
 3 and I just randomly muted you.
 4 (Discussion off the record.)
 5 MR. McFADDEN: Back on the record.
 6 Attorney Mahoney, we had a brief
 7 technical and human interruption there. We'll
 8 try again with that question.
 9 Q. Did you review any documents in
 10 preparation for your deposition today?
 11 A. I did.
 12 Q. Okay. What did you review?
 13 A. I looked at the IIU report; I looked at
 14 the charge letter; I looked at the suspension
 15 letter; and I looked at some e-mails and some
 16 notes.
 17 Q. Which e-mails did you review?
 18 A. E-mails between me and the police
 19 department.
 20 Q. Who at the police department?
 21 A. Captain Tarpey.
 22 Q. Okay. Were those e-mails in
 23 connection with 18-261?
 24 A. This matter, yes.

EXHIBIT W

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
1	03/08/2019	Email	Atty. Mahoney	Philip Tarpey	Edits regarding agreement in M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
2	N/A	Draft memo	Atty. Mahoney	M.Z.	Supervisors Agreement-Labor Negotiations Draft	Attorney-client privilege	Privileged
3	03/11/2019	Email	Cpt. Tarpey	Atty. Mahoney	Edits regarding agreement n M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
4	N/A	Draft memo	Atty. Mahoney	M.Z. (not sent-intended recipient)	Supervisors Agreement- Labor Negotiations Draft	Attorney-client privilege	Privileged
5	03/14/2019	Email	Monique McCoy	Atty. Mahoney	Draft/edits Notice of Suspension in M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
6	03/14/2019	Draft letter	Monique McCoy	M.Z.	Draft Notice of Suspension in M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
7	03/14/19	Email	Monique McCoy	Atty. Mahoney	Draft/edits Notice of Suspension in M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
8	03/14/2019	Draft letter	Monique McCoy	M.Z	Notice of Suspension in M.Z.'s Disciplinary Matter	Attorney-client privilege	Privileged
9	03/14/2019	Email	Atty. Mahoney	Monique McCoy	Draft/edits Notice of Suspension	Attorney-client privilege	Privileged
10	03/14/2019	Draft letter	Monique McCoy/ Atty. Mahoney	M.Z.(not sent-intended recipient)	Notice of Suspension	Attorney-client privilege	Privileged
11	11/27/2018	email	Stephanie Liebl	Cpt. Tarpey	new lawsuit – preservation of evidence for same		Objection withdrawn and produced on 01/14/22
12	11/27/2018	email	Cpt. Tarpey	Stephanie Liebl	response to preservation request		Objection withdrawn and produced on 01/14/22
13	11/28/2018	email	Attorney Sheehan	Cpt. Tarpey & Stephanie Liebl	directions for above		Objection withdrawn and produced on 01/14/22
14	10/16/2018	email	Andrea Stone	Cpt. Tarpey, Robert Tardiff	forward public records request from D. McFadden		Objection withdrawn and produced on 1/25/22

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PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
				& Attorney Pikula			
15	10/17/2018	email	Cpt. Tarpey	Andrea Stone, Robert Tardiff, Albert Witkowski & Attorney Pikula	status of items being requested		Objection withdrawn and produced on 01/25/22
16	11/28/2018	email	Andrea Stone	Robert Tardiff, Cpt. Tarpey, Attorney Wilson, Attorney Pikula, Attorney deSousa, Attorney Sheehan, Attorney Saint Laurent, Megan Landry, Stephanie Liebl	new public records request by Greg Saulmon		Objection withdrawn and produced on 01/25/22
17	11/28/2018	email	Atty. Pikula	Andrea Stone, Robert Tardiff, Cpt. Tarpey, Atty. Wilson, Atty. deSousa,	status of request & items requested		Objection withdrawn and produced on 01/25/22

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Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
				Atty Sheehan, Atty. Saint Laurent, Megan Landry, Stephanie Liebl			
18	11/29/2018	email	Atty. Sheehan	Cpt. Tarpey, cc: Atty. deSousa	query on a document	Partially covered by attorney-client privilege work-product doctrine	Objection partially withdrawn, redacted and produced on 01/25/22
19	11/29/2018	email	Albert Witkowski	Atty. Sheehan, Atty. deSousa, Cpt. Tarpey	response to query on a document	Partially covered by attorney-client privilege work-product doctrine	Objection partially withdrawn, redacted and produced on 01/25/22 (combined thread with #18)
20	12/5/2018	email	Megan Landry	Andrea Stone, Atty. Sheehan	discussion about time frame to respond to public records request		Objection withdrawn and produced on 01/25/22
21	12/6/2018	email letter	Andrea Stone	Atty. Sheehan, Megan Landry, Atty. Wilson	draft response for review and clarification		Objection withdrawn and produced on 01/25/22
22	12/12/2018	email	Atty. Finnegan	Atty. Sheehan	non-disclosure agreement for review		Objection withdrawn and produced on January 14, 2022
23	12/13/2018	email	Megan Landry	Andrea Stone, Atty. Sheehan	revisions to public records response		Objection withdrawn and produced without attachment on 1/25/22

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
24	12/13/2018	email	Megan Landry	Andrea Stone, Atty. Sheehan	non-disclosure agreement for public records request		Objection withdrawn and produced without attachment on 1/25/22
25	12/13/2018	email	Megan Landry	Atty. Wilson	forward non-disclosure agreement for public records response		Objection withdrawn and produced on 01/25/22
26	12/13/2018	email	Andrea Stone	Atty. Wilson, Atty. Sheehan, Megan Landry	response to public records request		Objection withdrawn and produced on 01/25/22
27	12/21/2018	email	Megan Landry	Andrea Stone Atty. Sheehan	request for Atty. Wilson to sign response letter		Objection withdrawn and produced on January 14, 2022
28	12/21/2018	email	Andrea Stone	Megan Landry, Atty. Sheehan	signed stipulation		Objection withdrawn and produced on January 14, 2022
29	12/27/2018	email	Atty. Sheehan	Megan Landry, Atty. deSousa	docket deadlines to respond & provided redacted video	work-product doctrine	Privileged
30	1/7/2019	email	Atty. Saint Laurent	Atty. Sheehan	how to provide video format from SPD		Objection withdrawn and produced on January 14, 2022
31	1/18/2019	email	Megan Landry	Stephen Wyszynski	request additional video footage		Objection withdrawn and produced on 01/25/22
32	1/23/2019	email	Megan Landry	Kathleen Barnett, Cpt. Tarpey, Comm. Barbieri	inquiry into status of additional video footage		Objection withdrawn and produced on 01/25/22

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
33	1/23/2019	email	Megan Landry	Albert Witkowski	communication re: additional video footage		Objection withdrawn and produced on 01/25/22
34	1/23/2019	email	Albert Witkowski	Megan Landry, Comm. Barbieri	response re: additional video footage will be provided		Objection withdrawn and produced on 01/25/22
35	2/27/2019	email	Atty. Vigliotti	Kara Goodchild	request for copies of documents related to his client		Objection withdrawn and produced on 01/25/22
36	2/28/2019	email	Monique McCoy	Atty. Mahoney	legal advice related to production of documents pertaining to Atty. Vigliotti's client	Partially covered by attorney-client privilege work-product doctrine	Objection partially withdrawn, redacted and produced on 01/25/22
37	4/23/2019	email	Andrea Stone	Atty. deSousa	inquiry about police records requested to be released as ref'd in new public records request	Partially covered by work-product doctrine attorney- client privilege	Objection partially withdrawn, redacted and produced on 01/25/22
38	4/24/2019	email	Atty. deSousa	Andrea Stone	response to above inquiry	Partially covered by work-product doctrine attorney- client privilege	Objection partially withdrawn, redacted and produced on 01/25/22
39	5/22/2019	email chain	Atty. deSousa	Atty. Wilson, Atty. Szafranski, Andrea Stone	legal discussion relative to public records exemptions as it pertains to requested documents	work-product doctrine attorney- client privilege	Privileged
40	5/23/2019	email	Andrea Stone	Atty. deSousa, Atty. Wilson, Atty. Szafranski	legal discussion about documents produced and public records exemption	Partially covered by work-product doctrine attorney- client privilege	Objection partially withdrawn, redacted and produced on 01/25/22
41	5/24/2019	email	Megan Landry	Atty. deSousa	draft response letter	work-product doctrine	Privileged

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Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
42	5/23/2019	email	Andrea Stone	Monique McCoy, Atty. Wilson	request for documents	attorney-client privilege work-product doctrine	Privileged
43	5/24/2019	email	Atty. deSousa	Anthony Wilson Andrea Stone	legal advice on if documents fall under public records exemption	Partially covered by work-product doctrine attorney- client privilege	Objection partially withdrawn, redacted and produced on 1/25/22
44	5/21/2019	email chain	Atty. Wilson/Atty. deSousa/Andrea Stone	Atty. Wilson/Atty. deSousa/Andrea Stone	legal discussion about documents needed, documents produced, documents still requested & ACLU's claims that req'd docs are public records		Objection withdrawn and produced on 1/25/22
45	3/6/2020	email	Atty. Pikula	Atty. deSousa, Megan Landry, Atty. Coyle, Atty. Joyce	notice of new lawsuit filed and legal theories/perceptions and case law	work-product doctrine attorney- client privilege	Privileged
46	3/6/2020	email	Andrea Stone [City of Springfield]	Atty. Pikula [City of Springfield] Atty. deSousa	notice of new public records request from local news related to this matter	work-product doctrine	Objection withdrawn, produced on 1/25/22
47	3/6/2020	Email	Atty. Pikula [City of Springfield]	Atty. deSousa Andrea Stone	review of prior response and discussion about revising	Partially covered by work-product doctrine	Redacted and Produced on 1/25/22

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
48	03/21/2020 3/20/2020	Email	Atty. deSousa	Lawrence Murphy [Springfield Police Dept.]	Legal discussion regarding current language related to CPHB recommendation	Partially covered by attorney-client privilege Work Product Doctrine	Redacted and produced on 01/25/22
<u>ITEMS WITHHELD FROM SECOND SUPPLEMENTAL RESPONSE</u>							
	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
49	05/23/2019	Email	Andrea Stone [City of Springfield]	Attorney Lisa DeSousa Attorney Anthony Wilson Cary Szafranski [City of Springfield]	Death Certificate re: Exemption	Partially covered by attorney-client privilege	Redacted and produced on 1/25/22 Bates 0001940-0001943
50	10/22/18	Email	Atty. Pikula [City of Springfield]	Andrea Stone [City of Springfield] Phil Tarpey [SPD] Robert Tardiff [SPD]	R000251-101518 McFadden Daniel discussion and legal advice on documents requested by ACLU public records request	Partially covered by work-product doctrine	Redacted and produced on 1/25/22 Bates 0001964-0001966

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PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
				cc: Anthony Wilson [City of Springfield] Albert Witkowski [SPD]			
51	5/1/19	Email	Andrea Stone [City of Springfield]	Atty. Pikula [City of Springfield]	RE ACLU Request re M Linsenmeir requesting legal advice on ACLU public records request	Partially covered by work-product doctrine	Redacted and produced on 1/25/22 Bates 0001995-0001996
52	11/28/19	Email	Atty. Pikula	Marian Sullivan, Ryan Walsh [City of Springfield] John Barbieri, Phil Tarpey [SPD]	RE Boston com article on ACLU lawsuit legal advice on how to respond to Boston.com reporter	Partially covered by work-product doctrine	Redacted and produced on 1/25/22 Bates 0001997-0001999
53	5/21/19	Email	Atty. deSousa	Andrea Stone Anthony Wilson [City of Springfield]	RE Linsenmeir and 5/9/19 letter from ACLU legal advice on how to respond to ACLU's May 9, 2019 letter	Partially covered by work-product doctrine	Redacted and produced on 1/25/22 Bates 0002000-0002002

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
54	5/24/19	Email	Atty. deSousa	Anthony Wilson Andrea Stone [City of Springfield]	RE Sgt McCoy's handwritten notes legal advice discussing possible public records exemption on documents requested by ACLU public records request	Partially covered by work-product doctrine	Redacted and produced on 1/25/22 Bates 0002003-0002004
55	3/13/19 3/11/19	Email	Atty. Vigliotti Atty. Vigliotti	Brian Keenan Phil Tarpey [SPD] Brian Keenan [SPD]	forward of revisions to draft settlement relative to M.Z. Draft settlement relative to M.Z.	attorney-client and work-product doctrine	Privileged
56	5/21/19	email	Atty. deSousa	Anthony Wilson Andrea Stone [City of Springfield]	Draft Response to ACLU May 9, 2019 letter	work-product doctrine	Privileged
57	3/8/19 3/11/19	Email	Phil Tarpey [SPD] Brian Keenan [SPD union rep]	Atty. Mahoney [City of Springfield] Phil Tarpey [SPD]	Draft memo of understanding relative to M.Z.	attorney-client and work-product doctrine	Privileged

**CITY OF SPRINGFIELD
PRIVILEGE LOG**

Maura O'Neill as Administrator of the Estate of Madelyn Linsenmeir v CoS, et al 3:20-cv-30036

Line Item	Date of Doc	Document Type	Author	Recipient	Subject Matter	Privilege claimed	Status
58	3/6/19	Email	Atty. Vigliotti	Brian Keenan [SPD]	Fw draft agreement re M.Z.	attorney-client and work-product doctrine	Privileged
	3/8/19	Email	Brian Keenan [SPD]	Phil Tarpey [SPD]	Fwd Emailing draft M.A. settlement 3-11-19		
60	3/12/19	Email	Brian Keenan [SPD]	Atty. Vigliotti	Fwd 3/11/19 draft memo of understanding relative to M.Z.	attorney-client and work-product doctrine	Privileged
61	3/11/19	Email	Phil Tarpey [SPD]	Atty. Mahoney [City of Springfield]	draft memo of understanding relative to M.Z.	attorney-client and work-product doctrine	Privileged
62	9/16/19	Email	Atty. Roche [City of Springfield]	Megan Landry	discussion of legal documents obtained for pending suit	work-product doctrine	Privileged
	9/1-9/13		Atty. Roche	Kara Goodchild [SPD]	discussion on obtaining new public records request documents	work-product doctrine – relevance (unrelated to case)	
63	3/11/19	Email	Phil Tarpey [SPD]	Atty. Mahoney [City of Springfield]	draft memo of understanding and union input	attorney-client and work-product doctrine	Privileged
64	12/12/18 & 12/13/18	Email	Andrea Stone [City of Springfield]	Atty. Sheehan Anthony Wilson [City of Springfield]	legal discussion and advice relative to NDA	work-product doctrine	Privileged

EXHIBIT X

**MEMORANDUM OF AGREEMENT BETWEEN AND AMONG THE CITY OF
SPRINGFIELD AND THE SPRINGFIELD POLICE SUPERVISORS ASSOCIATIONS
AND MOISES ZANAZANIAN**

This Agreement ("Agreement") is entered into by, between and among the City of Springfield ("the City"), the Springfield Police Supervisors Association ("the SPSA") and Sergeant Moises Zanazanian ("Zanazanian") (collectively "the Parties").

WHEREAS, Zanazanian is a sergeant for the City's Police Department;

WHEREAS, the SPSA is the collective bargaining representative for certain employees with the City, including Zanazanian;

WHEREAS, the City conducted an investigation into an incident surrounding the arrest and booking of an individual, Ms. Madelyn Linsenmeir, on or about September 29, 2018;

WHEREAS, on December 26, 2018, retired Police Commissioner John Barbieri issued a notice of inter-departmental disciplinary charges, SO#18-26,1 to Zanazanian arising out of the booking of Ms. Linsenmeir;

WHEREAS, a hearing was to be scheduled in order to consider whether there exists just cause to discipline Zanazanian;

WHEREAS, the Parties, recognizing the burdens and uncertainties of litigation concerning this matter, are mutually desirous of resolving this dispute in order to avoid such burdens and uncertainties;

NOW THEREFORE, the Parties hereby agree as follows:

1. **Discipline.** The parties agree that there is just cause for the imposition of discipline under S.O. # 18-261 for violation of Rule 29 of the City of Springfield Police Department Rules and Regulations. Zanazanian will be issued a two (2) day suspension that will be served at the Commissioner's discretion; furthermore, Zanazanian will attend a training

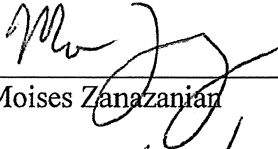
session/class on booking procedures and he agrees to participate in the training of other members of the Springfield Police Department regarding booking procedures.

The discipline agreed to and imposed by this Agreement shall resolve fully all matters and disputes arising from the conduct of Zanzanian as specifically referenced in the December 26, 2018 Charge letter in case S.O. # 18-261, and its addendum issued to Zanzanian.

2. **Appeal Waiver.** In exchange for the consideration contained within Paragraph One of this Agreement, both the SPSA and Zanzanian agree to waive all rights to grieve or appeal the discipline agreed upon among the Parties. More specifically, the SPSA and Zanzanian agree that neither will make any requests for hearings or for review pursuant to G.L. c. 31, file any grievances pursuant to the collective bargaining agreement between the City and the SPSA, present any unfair labor practice charge to a state or federal agency, or present any demands for arbitration pursuant to the collective bargaining agreement or G.L. c. 150E.

3. **Interpretation of Agreement.** This Agreement will be interpreted and construed for all purposes under the laws of the Commonwealth of Massachusetts.


MOISES ZANAZANIAN,



Moises Zanzanian

Dated: 3/13/19

SPSA,



Brian Keenan, President

Dated: 3/13/19

CITY OF SPRINGFIELD
By its Appointing Authority,

Cheryl C. Clapprood
Acting Commissioner Cheryl Clapprood

Dated: *MARCH 13, 2019*

EXHIBIT Y

1

1 Volume 1, Pages 1-169

2 Exhibits: 147-165

3 UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF MASSACHUSETTS

5 -----

6 MAURA O'NEILL, as administrator of the Estate of

7 Madelyn E. Linsenmeir,

8 Plaintiff,

9 vs. CA No. 3:20-cv-30036

10 CITY OF SPRINGFIELD, MOISES ZANAZANIAN,

11 REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN

12 COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES

13 NOS. 1-5,

14 Defendants.

15 -----

16 REMOTE AND IN-PERSON 30(b)(6) DEPOSITION OF CITY

17 OF SPRINGFIELD, by its designee CHERYL

18 CLAPPROOD, And Individually

19 Thursday, November 17, 2022, 9:56 a.m.

20 Via Zoom Video Conference and in person

21 ----Reporter: Kathleen L. Good, CSR, RPR----

22 Post Office Box 367

23 Swampscott, Massachusetts 01907

24 Tel. 781-367-0815 Kathleen.Good@verizon.net

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18 Department
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1 A. I probably did not, most likely.
 2 Q. Did you receive a copy of it at any
 3 point?
 4 A. No.
 5 Q. Have you seen it before today?
 6 A. No, sir.
 7 Q. What is the purpose of this type of
 8 document?
 9 A. It's to advise the officer that there's
 10 going to be charge brought against him and he can
 11 then notify his attorneys and take whatever
 12 action he needs to take.
 13 Q. So turning to -- do you see where it
 14 says Rule 27?
 15 A. Yes.
 16 Q. Can you read that paragraph, please.
 17 A. "Neglect of duty. This includes any
 18 conduct or omission which is not in accordance
 19 with established and ordinary duties or
 20 procedures as to such employees of which
 21 constitutes use of unreasonable judgment in the
 22 exercising of any discretion granted to an
 23 employee."
 24 Q. Do you agree that Sergeant

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1 judgment call should have been to send her to the
 2 hospital.
 3 Q. Turning to Rule 29, Conduct, do you
 4 see that?
 5 A. Yes.
 6 Q. Is it fair to categorize this as the
 7 rule against conduct unbecoming?
 8 A. Yes.
 9 Q. So in what way did -- do you believe
 10 that Sergeant Zanazanian's conduct violated
 11 this rule?
 12 A. I don't believe it did.
 13 Q. Why not?
 14 A. I don't see anything that Sergeant
 15 Zanazanian did for conduct unbecoming.
 16 Q. Do you see where it says Rule 29,
 17 Directives and Orders?
 18 A. Yes.
 19 Q. I'm going to read:
 20 "Employees shall obey and comply
 21 with all rules, orders and other directives of
 22 the department whether transmitted verbally or
 23 in writing. Employees shall obey al orders of
 24 a superior officer, officer of rank or

135

1 Zanazanian's conduct constitutes neglect of
 2 duty?
 3 A. After full review, yes.
 4 Q. "After full review" is referring to
 5 what?
 6 A. After looking at all the videos,
 7 looking at all the reports, looking at medical
 8 reports, should have been probably the better
 9 course of action to send her for medical
 10 treatment.
 11 Q. So when it refers to "any conduct or
 12 omission which is not in accordance with
 13 established and ordinary duties or procedures,
 14 what established and ordinary duties or
 15 procedures is that referring to?
 16 MS. DeSOUZA: Objection.
 17 A. It must be referring to the obligation
 18 to send a person for medical treatment if they're
 19 needed.
 20 Q. (By Mr. Milton) It refers to "use of
 21 unreasonable judgment."
 22 What is that referring to?
 23 A. Poor judgment. It is a judgment call.
 24 And I suppose after looking back at it, he, the

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1 supervisor."
 2 Do you believe that Sergeant
 3 Zanazanian violated this provision of Rule 29?
 4 A. No.
 5 Q. Why not?
 6 A. I don't think he intentionally
 7 disobeyed any rule or order and it was simply
 8 just a bad judgment call.
 9 Q. Whether or not it was intentional,
 10 did he disobey or not comply with any rule?
 11 A. No. Other than showing bad judgment in
 12 one call, I don't believe he violated any
 13 directive.
 14 Q. Turning to Rule 26, Section 1,
 15 Prisoners, do you see that?
 16 A. Yes, sir.
 17 Q. Can you read that out loud.
 18 A. "If, in the judgment of the superior
 19 officer, officer of rank in charge, the prisoner
 20 is suffering from wounds or injuries which
 21 require medical attention, the arrested person
 22 shall be taken to a hospital, and while in the
 23 hospital, such prisoner shall be in the legal
 24 custody of the police."

EXHIBIT Z

1

1 Volume 1, Pages 1-286

2 Exhibits: 171-176

3 UNITED STATES DISTRICT COURT

4 FOR THE DISTRICT OF MASSACHUSETTS

5 -----

6 MAURA O'NEILL, as administrator of the Estate of

7 Madelyn E. Linsenmeir,

8 Plaintiff,

9 vs. CA No. 3:20-cv-30036

10 CITY OF SPRINGFIELD, MOISES ZANAZANIAN,

11 REMINGTON McNABB, SHEILA RODRIGUEZ, HAMPDEN

12 COUNTY SHERIFF'S DEPARTMENT, and JOHN/JANE DOES

13 NOS. 1-5,

14 Defendants.

15 -----

16 REMOTE AND IN-PERSON DEPOSITION OF PHILIP TARPEY

17 Thursday, December 8, 2022, 10:04 a.m.

18 Via Zoom Video Conference

19

20 ----Reporter: Kathleen L. Good, CSR, RPR----

21 K. L. GOOD & ASSOCIATES

22 Post Office Box 367

23 Swampscott, Massachusetts 01907

24 Tel. 781-367-0815 Kathleen.Good@verizon.net

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 11 agambaccini@rja-law.com
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 14 Also Present:
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 16 Mary Brown, Fellow at ACLU
 17 Inina Kachelmeier, Intern at ACLU
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 18 and Sheila Rodriguez
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 24 of Ms. Rossman

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1 A. Yes.
 2 Q. What is the subject of this e-mail?
 3 A. The SO No. 18-261.
 4 Q. Do you understand that to be the
 5 18-261 SO that we've been discussing previously
 6 that was investigating the circumstances
 7 regarding Madelyn Linsenmeir?
 8 A. Yes.
 9 Q. And in the subject, in the text of
 10 this e-mail, do you see where it says:
 11 "This case is going to hearing on
 12 March 20"?
 13 A. Yes.
 14 Q. Looking at Exhibit No. 41 in
 15 conjunction with Exhibit No. 40, do you have an
 16 understanding of the hearing that Kara
 17 Goodchild was trying to schedule in Exhibit 40?
 18 MR. VIGLIOTTI: Objection.
 19 A. I think it's the Linsenmeir hearing.
 20 Q. (By Ms. Rossman) Do you know why
 21 Kara Goodchild chose to schedule the hearing
 22 for the Linsenmeir matter on February 22, 2019?
 23 MR. VIGLIOTTI: Objection.
 24 A. Doesn't appear she did.

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1 Supervisors Association, the City of Springfield
 2 and Moises Zanazanian.
 3 Q. Do you understand this agreement to
 4 be settling the issues surrounding SO 18-261?
 5 A. Yes.
 6 Q. Did you have any conversations with
 7 the Commissioner about this settlement
 8 agreement?
 9 A. I had conversations with the
 10 Commissioner about -- a discussion about it but
 11 not about the agreement itself.
 12 Q. Can you explain to me -- I want to
 13 make sure I understand what that nuance was --
 14 can you explain to me what the difference is?
 15 A. Not what the agreement would be; just
 16 that there would be an agreement.
 17 Q. So if I'm understanding correctly,
 18 you weren't discussing the contents of the
 19 agreement, but the existence of the agreement?
 20 A. Correct.
 21 Q. Do you recall when you had that
 22 conversation with the Commissioner?
 23 A. No.
 24 Q. Do you remember anything that you

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1 Q. (By Ms. Rossman) Do you know why she
 2 initiated scheduling for the Linsenmeir hearing
 3 on February 22, 2019?
 4 A. No.
 5 MS. ROSSMAN: I probably have one
 6 chunk left and we can take a break.
 7 MR. VIGLIOTTI: Off the record.
 8 (Discussion off the record.)
 9 (Recess.)
 10 Q. So we were just talking about
 11 potential hearing for SO 18-261.
 12 Do you know what the disposition of
 13 the hearing was for 18-261?
 14 A. No.
 15 MS. ROSSMAN: We can pull up what was
 16 previously marked as Exhibit 13.
 17 (Screen shared.)
 18 Q. Do you recall seeing Exhibit 13 at
 19 some point prior to today?
 20 A. No.
 21 Q. Do you recognize what Exhibit 13 is?
 22 A. Yes.
 23 Q. What is it?
 24 A. It's an agreement between the Police.

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1 said to the Commissioner during that
 2 conversation?
 3 A. No.
 4 Q. Do you remember anything that the
 5 Commissioner said to you during that
 6 conversation?
 7 A. Just that there was going to be an
 8 agreement.
 9 Q. Did you have any conversations --
 10 well, actually, let me pause there.
 11 If I look at the back, the final
 12 page of this memorandum, it appears that it was
 13 Acting Commissioner Cheryl Clapprood who signed
 14 this agreement; is that right?
 15 A. Yes.
 16 Q. When you were previously just
 17 mentioning conversations with the Commissioner,
 18 which Commissioner were you referencing at that
 19 time?
 20 A. I actually didn't differentiate. I
 21 guess the function of the Commissioner. I didn't
 22 recall whether it was one or the other.
 23 Q. Do you remember today which
 24 Commissioner it was that you had a conversation

230

1 with?

2 A. Not until I looked at the document.

3 Q. Looking at the document, do you

4 believe that the conversation you had was with

5 Acting Commissioner Clapprood about this?

6 MR. VIGLIOTTI: Objection.

7 A. I think so.

8 Q. (By Ms. Rossman) Do you remember

9 talking to anyone outside of the Commissioner

10 about this settlement agreement?

11 A. No.

12 Q. Who made the decision on the part of

13 the City of Springfield to enter into this

14 decision?

15 MR. VIGLIOTTI: Objection.

16 Q. (By Ms. Rossman) If you know.

17 A. I don't know.

18 Q. Do you know if Acting Commissioner

19 Clapprood had a conversation with anyone else

20 about the content of this settlement agreement

21 before entering into it?

22 MR. VIGLIOTTI: Objection.

23 MS. DeSOUZA: Objection.

24 A. No.

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1 helping to deliver this notice?

2 MR. VIGLIOTTI: Objection.

3 A. Not delivering, no. Signing it to be

4 delivered would be a possibility.

5 Q. (By Ms. Rossman) Do you recall

6 whether or not -- strike that.

7 Do you recall whether you assigned

8 someone to deliver this notice?

9 A. I don't recall if I was the person who

10 made the assignment.

11 Q. I guess we should identify this

12 first.

13 What is Exhibit 42?

14 A. Exhibit 42 is a notice of suspension

15 without pay associated with SO 18-261, dated

16 March 18, 2019.

17 Q. Who was it directed to?

18 A. Sergeant Moises Zanazanian.

19 Q. Who did it come from?

20 A. The Commissioner, I'm sorry, Acting

21 Commissioner.

22 Q. Do you recall if you had any

23 conversations with the Acting Commissioner in

24 drafting this notice?

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1 Q. (By Ms. Rossman) No, you don't know?

2 A. No, I don't know for sure.

3 (Screen share stopped.)

4 MS. ROSSMAN: If you could pull up

5 what was previously marked -- one more question,

6 I'm sorry, about Exhibit 13.

7 Q. Do you know who drafted the

8 settlement agreement?

9 A. No.

10 MS. ROSSMAN: Pull up Exhibit 42.

11 (Screen shared.)

12 Q. Do you recall seeing Exhibit 42 at

13 some point prior to today?

14 A. Yes, I think I did.

15 Q. When do you remember seeing it?

16 A. When the suspension came out.

17 Q. Do you recall how you saw this

18 document when the suspension came out?

19 A. It would be in my office.

20 Q. You would have seen the letter in

21 your office?

22 A. Yes.

23 Q. In your capacity as the executive

24 aide, would you have been responsible for

233

1 A. The Commissioner doesn't draft the

2 notice.

3 Q. Who drafts the notice, if you know?

4 A. I think, for the most part, they come

5 from the law department or Attorney Mahoney in

6 conjunction with IIU because they do the typing

7 sometimes.

8 But the Commissioner doesn't draft it

9 herself or himself.

10 Q. Did you have any conversations with

11 the people who were drafting this letter before

12 it was drafted?

13 A. Not that I recall.

14 Q. Did you have any conversations with

15 the Acting Police Commissioner about the

16 contents of this notice?

17 A. Eventually, yes.

18 Q. When did you have a conversation

19 with her about the contents of the notice, if

20 you recall?

21 A. After the determination of the

22 suspension, there needs to be a personnel order

23 generated in order to document the suspension.

24 And that's where myself and the ad/min would come

EXHIBIT AA

Springfield Police Department
130 Pearl Street. P.O. Box 308
Springfield MA 01101
(413) 787-6300



Clapprood
Exhibit for ID

No. 163

11/17/22 KLG-RPR

March 18, 2019

VIA HAND DELIVERY

Sergeant Moises Zanazanian
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re:	Notice of Suspension Without Pay, SO#18-261
-----	---

Dear Sergeant Zanazanian;

You are hereby advised that as the Acting Police Commissioner of the Springfield Police Department ("SPD"), I am suspending you without pay for two (2) working days for your actions and/or omissions on or about September 29, 2018 when you failed to follow the below listed rules and regulations of the Springfield Police Department.

The actual dates of suspension are: March 19 and 20, 2019

FACTUAL BACKGROUND

On September 29, 2018, you were assigned as the booking supervisor when Ms Madelyn Linsenmeir was arrested and booked at 130 Pearl Street. During the booking procedure, Ms Linsenmeir complained of being thirsty, having chest pain, shortness of breath, as well as, right foot and knee pain and stated that she, "might need to go to the hospital." Ms Linsenmeir was given the opportunity to make a phone call but chose not to because she wanted to drink something prior to making her call.

Ms Linsenmeir was brought out to make her phone call two hours after she was booked. You did not push the button to record this interaction with her or the phone conversation, so there was no audio available. After Ms Linsenmeir finished her phone call she had a conversation with you, backed away from the desk and appeared to show you her knees and feet, pointed to her chest and rib cage and was then escorted back to her cell.

You stated that while observing Ms. Linsenmeir, it did not appear that she was in any form of physical distress and you observed no swelling to her feet and knees. You stated that Ms. Linsenmeir was able to respond to all of your questions and made no further complaints of feeling unwell or being injured during the shift.

Ms Linsenmeir passed away in the custody of the Western Massachusetts Women's Correctional Center, 7 days after being transferred from the Springfield Police Department's custody.

As a supervisor, it is your job to use good judgement and to be conscientious of when someone is in need of medical attention and to provide it when needed. I have concluded that you used poor judgement in not calling an ambulance to assess Ms Linsenmeir's condition and failed to send her to the hospital for treatment.

This is an agreed upon decision between the CITY OF SPRINGFIELD, you, (Sergeant Moises Zanzanian) and the SPRINGFIELD POLICE SUPERVISORS ASSOCIATION.

The information contained above is a summary of the incident and does not contain all of the information in the investigation. Additional information is contained in the completed Internal Investigative Report which was provided to you on December 26, 2018 along with your charge letter.

SPD RULES:

Rule 29: CONDUCT: Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department or tends to impair the operation of the Department or its employees.

Rule 29: DIRECTIVES AND ORDERS: Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all orders of a Superior Officer, Officer of Rank, or Supervisor.

Copies of Massachusetts General Laws chapter 31, sections 41 through 45 are attached and incorporated as Addendum D and explain your rights under Civil Service law.

INTER-DEPARTMENTAL CHARGES

I find that your actions described above constitutes violations of the Springfield Police Department and "just cause" for a **Two (2) DAY SUSPENSION FROM DUTY** under the collective Bargaining Agreement between the City of Springfield and the SPRINGFIELD POLICE SUPERVISORS ASSOCIATION.

Sincerely,


CHERYL C. CLAPPROOD
ACTING POLICE COMMISSIONER

Notice: In accordance with Section 52C of chapter 149 of the General Laws, please be advised that the contents of this *[or the attached]* communication is, has been used or may be used, to positively or negatively affect your qualification for employment, promotion, transfer, additional compensation or the possibility of disciplinary action.

Return of Service

I hereby certify that I have served the foregoing document upon Sergeant Moises Zanzanian on 3.18.19, 2019 by giving to his in hand, a true and attested copy of same at 130 Maple St, Massachusetts.
(street, city, location)

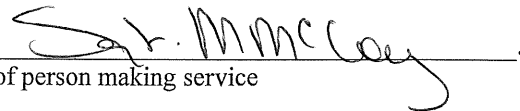

Signature of person making service

EXHIBIT BB

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator of the
Estate of Madelyn E. Linsenmeir,

Plaintiffs,

v.

CITY OF SPRINGFIELD, MOISES
ZANAZANIAN, REMINGTON MCNABB,
SHEILA RODRIGUEZ, HAMPDEN COUNTY
SHERIFF'S DEPARTMENT, and JOHN/JANE
DOES NO. 1-5,

Defendants.

Civil Action No. 3:20-cv-30036-MGM

**PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO DEFENDANTS CITY OF SPRINGFIELD, MOISES ZANAZANIAN,
REMINGTON MCNABB, AND SHEILA RODRIGUEZ**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and Rule 34.1 of the Local Rules for the U.S. District Court for the District of Massachusetts, plaintiff Maura O'Neill, as administrator of the Estate of Madelyn E. Linsenmeir, hereby requests that defendants City of Springfield, Moises Zanzanian, Remington McNabb, and Sheila Rodriguez (collectively, the "Springfield Defendants") produce the documents and electronically stored information described below that are in their possession, custody or control, including without limitation, the possession, custody or control of any of their attorneys, agents, employees or representatives, for inspection and copying within thirty (30) days from the date of service of this request at the offices of Goulston & Storrs PC, 400 Atlantic Avenue, Boston, MA 02110.

ADDITIONAL INSTRUCTIONS

1. The defendants are not required to produce again any documents already produced with their Rule 26 Initial Disclosures.
2. Any document responsive to the Requests for Production but not produced because of a claim of privilege or any other claimed protection from disclosure should be identified in a privilege log describing (a) the kind of document or information withheld (*e.g.*, memorandum, letter, e-mail), (b) its date, (c) the document or information's author and all of its recipients, (d) a brief statement of the document or information's subject matter, and (e) the grounds or reasons asserted for withholding the document or information, including without limitation the particular privilege rule that is being invoked.
3. These Requests for Production are continuing in nature, including pursuant to Fed. R. Civ. P. 26(e).

DEFINITIONS

1. The Uniform Definitions in Discovery Requests of Rule 26.5 of the Local Rules for the United States District Court for the District of Massachusetts shall apply as if fully restated herein.
2. "CPHB" refers to the Community Police Hearing Board for the Springfield Police Department, including without limitation its members and staff.
3. "SPD" refers to the Springfield Police Department, including without limitation its officers, commissioner, officials, bureaus, squads, divisions, internal investigation unit, employees, agents, representatives, and any person acting for it or on its behalf.

4. “Springfield” refers to defendant City of Springfield, including without limitation the SPD and the CPHB, and the City of Springfield’s officials, departments, officers, directors, employees, agents, representatives, and any person acting for it or on its behalf.

5. “Zanazanian” refers to defendant Moises Zanazanian.

6. “McNabb” refers to defendant Remington McNabb.

7. “Rodriguez” refers to defendant Sheila Rodriguez.

8. “The Springfield Defendants” refers collectively to defendants Springfield, Zanazanian, McNabb, and Rodriguez.

9. “Madelyn Linsenmeir” refers to Madelyn E. Linsenmeir, the decedent in this case.

10. “WCC” refers to the Western Massachusetts Regional Women’s Correctional Center, including its officers, employees, agents, representatives, and any person acting for it or on its behalf.

11. “HCSD” refers to defendant Hampden County Sheriff’s Department, including without limitation the WCC, and the Hampden County Sheriff’s Department’s officers, employees, agents, representatives, and any person acting for it or on its behalf.

12. The terms “and” and “or” shall be construed in order to bring within the scope of these requests the broadest response possible.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All documents concerning Madelyn Linsenmeir’s arrest, booking, and detention by the Springfield Defendants, including without limitation any and all reports, forms, logs, notes, communications, case files, database files and search results, electronic mail, photographs, audio recordings, and video recordings.

REQUEST FOR PRODUCTION NO. 2: All documents concerning Madelyn Linsenmeir's transfer by any of the Springfield Defendants to any other custodian, including without limitation any and all reports, forms, logs, notes, communications, case files, database files and search results, electronic mail, photographs, audio recordings, and video recordings.

REQUEST FOR PRODUCTION NO. 3: All documents concerning Madelyn Linsenmeir's medical condition, evaluation, and/or treatment.

REQUEST FOR PRODUCTION NO. 4: All documents concerning any inquiry, investigation, and/or disciplinary proceedings concerning Madelyn Linsenmeir, her time in the custody of the Springfield Defendants, and/or the circumstances leading up to her death (including Special Order 18-261 and CPHB Complaint SO-18-261), including without limitation any and all complaints, orders, communications, electronic mail, interview notes, witness statements, reports, evidence, SPD case files, CPHB case files, CPHB Case Review forms, CPHB minutes, CPHB transcripts and recordings, CPHB findings, CPHB recommendations, communications sent or received by the SPD and/or its Commissioner, communications with any other municipal, state, or federal agency, agreements, and records of any discipline imposed.

REQUEST FOR PRODUCTION NO. 5: All documents that are the SPD Commissioner's records for any matter concerning Madelyn Linsenmer (including Special Order 18-261 and CPHB Complaint SO-18-261), including all reports, findings, conclusions, communications, and decisions.

REQUEST FOR PRODUCTION NO. 6: All documents that are communications between or among Springfield, any current or former SPD officer or employee, any police union, and/or their respective attorneys, concerning Madelyn Linsenmeir or any matter concerning her (including Special Order 18-261 and CPHB Complaint SO-18-261).

REQUEST FOR PRODUCTION NO. 7: All documents concerning the negotiation, drafting, and execution of the “MEMORANDUM OF AGREEMENT BETWEEN AND AMONG THE CITY OF SPRINGFIELD AND THE SPRINGFIELD POLICE SUPERVISORS ASSOCIATION AND MOISES ZANAZANIAN” dated March 13, 2019, including without limitation all drafts of that agreement and all communications between and among Springfield, Zanzanian, any police union, and/or their respective attorneys concerning that agreement.

REQUEST FOR PRODUCTION NO. 8: All documents concerning the negotiation, drafting, and execution of the “Notice of Suspension Without Pay, SO#18-261” dated March 18, 2019, including without limitation all drafts of that document and all communications between and among Springfield, Zanzanian, any police union, and/or their respective attorneys concerning that agreement.

REQUEST FOR PRODUCTION NO. 9: All documents that are records of any discipline imposed on Zanzanian, McNabb, and/or Rodriguez for their conduct concerning Madelyn Linsenmeir.

REQUEST FOR PRODUCTION NO. 10: The complete personnel files for Zanzanian, McNabb, and Rodriguez, including without limitation any and all records concerning their interactions with Madelyn Linsenmeir, and including without limitation any and all complaints of misconduct against them and the resolution of any such complaints.

REQUEST FOR PRODUCTION NO. 11: All documents that are policies and procedures of the SPD in effect at any time from January 1, 2013, to the present, and any amendments, exhibits, and addenda thereto, concerning each of the following subjects:

- a. The housing, care, treatment and management of persons in SPD custody;
- b. The booking process for persons in SPD custody;

- c. Making and maintaining audio and/or visual recordings of the booking process for persons in SPD custody;
- d. Making and maintaining records of injuries to persons in SPD custody;
- e. Making and maintaining records of medical complaints and requests for medical assistance by persons in SPD custody;
- f. Providing medical evaluation, treatment, and other medical care to persons in SPD custody;
- g. The transport of persons in SPD custody to a hospital, medical clinic, or other medical facility;
- h. The transfer of persons in SPD custody to a different custodian;
- i. The operation of the Internal Investigations Unit; and
- j. The investigation and/or resolutions of complaints or other allegations of misconduct against SPD officers.

REQUEST FOR PRODUCTION NO. 12: All documents that are training materials prepared by the SPD, or presented to SPD officers or employees, concerning the subjects listed in Request 11, above.

REQUEST FOR PRODUCTION NO. 13: A blank copy of any form used from January 1, 2013, to the present to document the investigation, review, and/or resolution of complaints or other allegations of misconduct against SPD officers, including without limitation any such form(s) used by the CPHB.

REQUEST FOR PRODUCTION NO. 14: All documents that are policies, procedures, and training materials for the CPHB from January 1, 2013, to the present.

REQUEST FOR PRODUCTION NO. 15: Unredacted copies of all documents previously produced with redactions in response to Public Records Requests R000251-101518, R000847-041119, and R000952-050819, and all documents responsive to those requests that were collected but withheld from production in their entirety, including without limitation SPD Interdepartmental Correspondence #PO 18-455 and 18-466 dated November 13, 2018, and the

unredacted email dated March 14, 2019, at 9:40 a.m. from Kara Goodchild cancelling the March 20, 2019 CPHB hearing.

REQUEST FOR PRODUCTION NO. 16: All documents concerning the City's collection of records and preparation of responses concerning Public Records Request R000251-101518, including without limitation all correspondence between and among any officers, employees, attorneys, or agents of Springfield and/or the SPD.

REQUEST FOR PRODUCTION NO. 17: All documents that are communications between the Springfield Defendants and the HCSD concerning Madelyn Linsenmeir.

REQUEST FOR PRODUCTION NO. 18: All documents that are reports by the Police Executive Research Forum from 2016 to the present concerning the SPD and/or the CPHB.

REQUEST FOR PRODUCTION NO. 19: All documents concerning the cancellation of the CPHB's hearing concerning CPHB Complaint SO-18-261 scheduled for March 20, 2019, including without limitation electronic mail and other communications.

REQUEST FOR PRODUCTION NO. 20: All documents that are complaints alleging mistreatment of a prisoner by the SPD from January 1, 2013, to the present, and that are records of the adjudication of those complaints, including any findings made and any discipline imposed.

REQUEST FOR PRODUCTION NO. 21: All documents that are communications between Springfield and the U.S. Department of Justice concerning Madelyn Linsenmeir or this case.

REQUEST FOR PRODUCTION NO. 22: All documents that are referenced in defendants' initial disclosures and responses to interrogatories in this case.

REQUEST FOR PRODUCTION NO. 23: All documents that are provided to any person retained as a testifying expert in this action.

REQUEST FOR PRODUCTION NO. 24: All documents that will be introduced or otherwise displayed or referenced at the trial of this action.

REQUEST FOR PRODUCTION NO. 25: All documents that are produced to any other party pursuant to a discovery request or obligation arising from this action.

MAURA O'NEILL

By her attorneys,



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Dated: September 30, 2021

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2021, a true copy of the foregoing document was served on counsel of record for all parties by mail and electronic mail.

A handwritten signature in blue ink, appearing to read 'JL', is positioned above a horizontal line.

Joshua M. Looney, Esq.

EXHIBIT CC

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator of the
Estate of Madelyn E. Linsenmeir,

Plaintiffs,

v.

CITY OF SPRINGFIELD, MOISES
ZANAZANIAN, REMINGTON MCNABB,
SHEILA RODRIGUEZ, HAMPDEN COUNTY
SHERIFF'S DEPARTMENT, and JOHN/JANE
DOES NO. 1-5,

Defendants

Civil Action No. 3:20-cv-30036-MGM

**DEFENDANTS CITY OF SPRINGFIELD, MOISES ZANAZANIAN, REMINGTON
MCNABB, AND SHEILA RODRIGUEZ RESPONSE TO PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW COME the above-named Defendants and hereby respond to Plaintiff's request as follows.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All documents concerning Madelyn Linsenmeir's arrest, booking, and detention by the Springfield Defendants, including without limitation any and all reports, forms, logs, notes, communications, case files, database files and search results, electronic mail, photographs, audio recordings, and video recordings.

RESPONSE: Please see exhibits 1-25 of Defendant City of Springfield's initial disclosures.

REQUEST FOR PRODUCTION NO. 2: All documents concerning Madelyn Linsenmeir's transfer by any of the Springfield Defendants to any other custodian, including

without limitation any and all reports, forms, logs, notes, communications, case files, database files and search results, electronic mail, photographs, audio recordings, and video recordings.

RESPONSE: The City has no other documents other than the documents disclosed in the initial disclosures.

REQUEST FOR PRODUCTION NO. 3: All documents concerning Madelyn Linsenmeir's medical condition, evaluation, and/or treatment.

RESPONSE: Please see exhibits 1, 2 and 15-17 of Defendant City of Springfield's initial disclosures.

REQUEST FOR PRODUCTION NO. 4: All documents concerning any inquiry, investigation, and/or disciplinary proceedings concerning Madelyn Linsenmeir, her time in the custody of the Springfield Defendants, and/or the circumstances leading up to her death (including Special Order 18-261 and CPHB Complaint SO-18-261), including without limitation any and all complaints, orders, communications, electronic mail, interview notes, witness statements, reports, evidence, SPD case files, CPHB case files, CPHB Case Review forms, CPHB minutes, CPHB transcripts and recordings, CPHB findings, CPHB recommendations, communications sent or received by the SPD and/or its Commissioner, communications with any other municipal, state, or federal agency, agreements, and records of any discipline imposed.

RESPONSE: Please see exhibits 1, 2, and 25a-c of Defendant City of Springfield's initial disclosures.

REQUEST FOR PRODUCTION NO. 5: All documents that are the SPD Commissioner's records for any matter concerning Madelyn Linsenmer (including Special Order

18-261 and CPHB Complaint SO-18-261), including all reports, findings, conclusions, communications, and decisions.

RESPONSE: Please see exhibits 1 and 2 of Defendant City of Springfield's initial disclosures.

REQUEST FOR PRODUCTION NO. 6: All documents that are communications between or among Springfield, any current or former SPD officer or employee, any police union, and/or their respective attorneys, concerning Madelyn Linsenmeir or any matter concerning her (including Special Order 18-261 and CPHB Complaint SO-18-261).

RESPONSE: Please see exhibits 1 and 2 of Defendant City of Springfield's initial disclosures.

REQUEST FOR PRODUCTION NO. 7: All documents concerning the negotiation, drafting, and execution of the "MEMORANDUM OF AGREEMENT BETWEEN AND AMONG THE CITY OF SPRINGFIELD AND THE SPRINGFIELD POLICE SUPERVISORS ASSOCIATION AND MOISES ZANAZANIAN" dated March 13, 2019, including without limitation all drafts of that agreement and all communications between and among Springfield, Zanzanian, any police union, and/or their respective attorneys concerning that agreement.

RESPONSE: Objection. The above requested documents are protected settlement negotiations and work product documents. Therefore, they are privileged attorney/client communications that the City will supplement with a detailed privilege log.

REQUEST FOR PRODUCTION NO. 8: All documents concerning the negotiation, drafting, and execution of the “Notice of Suspension Without Pay, SO#18-261” dated March 18, 2019, including without limitation all drafts of that document and all communications between and among Springfield, Zanzanian, any police union, and/or their respective attorneys concerning that agreement.

RESPONSE: Objection. The above requested documents are protected settlement negotiations and work product documents. Therefore, they are privileged attorney/client communications that the City will supplement with a detailed privilege log. Without waiving such objection, please see exhibit 25a of Defendant City of Springfield’s initial disclosures.

REQUEST FOR PRODUCTION NO. 9: All documents that are records of any discipline imposed on Zanzanian, McNabb, and/or Rodriguez for their conduct concerning Madelyn Linsenmeir.

RESPONSE: Please see exhibits 25a, 25b, and 25c of Defendant City of Springfield’s initial disclosures.

REQUEST FOR PRODUCTION NO. 10: The complete personnel files for Zanzanian, McNabb, and Rodriguez, including without limitation any and all records concerning their interactions with Madelyn Linsenmeir, and including without limitation any and all complaints of misconduct against them and the resolution of any such complaints.

RESPONSE: Please see exhibits 25 a-c and 26 a-c of Defendant City of Springfield’s initial disclosures.

REQUEST FOR PRODUCTION NO. 11: All documents that are policies and procedures of the SPD in effect at any time from January 1, 2013, to the present, and any amendments, exhibits, and addenda thereto, concerning each of the following subjects:

- a. The housing, care, treatment and management of persons in SPD custody;
- b. The booking process for persons in SPD custody;
- c. Making and maintaining audio and/or visual recordings of the booking process for persons in SPD custody;
- d. Making and maintaining records of injuries to persons in SPD custody;
- e. Making and maintaining records of medical complaints and requests for medical assistance by persons in SPD custody;
- f. Providing medical evaluation, treatment, and other medical care to persons in SPD custody;
- g. The transport of persons in SPD custody to a hospital, medical clinic, or other medical facility;
- h. The transfer of persons in SPD custody to a different custodian;
- i. The operation of the Internal Investigations Unit; and
- j. The investigation and/or resolutions of complaints or other allegations of misconduct against SPD officers.

RESPONSES:

- a. Please see exhibit 11 (COS RPOD 000158-932), City of Springfield Police Department Rules and Regulations.
- b. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding the booking process policy (G.O. 19-009).
- c. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding the booking process policy (G.O. 19-009).
- d. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding prisoner injury- arrest reports (G.O. 10-004) and the Prisoner Injury Report Form Amended (G.O. 18-05).

- e. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding medical documentation (G.O. 10-08).
- f. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations.
- g. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding the transportation of Prisoners Policy and Procedure no. 700).
- h. Please see ex. 11 above, City of Springfield Police Department Rules and Regulations regarding the transportation of Prisoners (G.O. 17-06 and G.O. 17-06A).
- i. Please see exhibit 11 (COS RPOD 000111-135), IIU General Guidelines and exhibit 11i, (COS RPOD 0001103-1118).
- j. Please see ex. 11i above.

REQUEST FOR PRODUCTION NO. 12: All documents that are training materials prepared by the SPD, or presented to SPD officers or employees, concerning the subjects listed in Request 11, above.

RESPONSE: Please see CPHB training documents attached hereto as exhibit 12 as well as all documents attached hereto as exhibit 11a-j above.

REQUEST FOR PRODUCTION NO. 13: A blank copy of any form used from January 1, 2013, to the present to document the investigation, review, and/or resolution of complaints or other allegations of misconduct against SPD officers, including without limitation any such form(s) used by the CPHB.

RESPONSE: Please see Springfield Police Department Citizen Complaint form attached hereto as exhibit 13.

REQUEST FOR PRODUCTION NO. 14: All documents that are policies, procedures, and training materials for the CPHB from January 1, 2013, to the present.

RESPONSE: Please see response to 12 above.

REQUEST FOR PRODUCTION NO. 15: Unredacted copies of all documents previously produced with redactions in response to Public Records Requests R000251-101518, R000847-041119, and R000952-050819, and all documents responsive to those requests that were collected but withheld from production in their entirety, including without limitation SPD Interdepartmental Correspondence #PO 18-455 and 18-466 dated November 13, 2018, and the unredacted email dated March 14, 2019, at 9:40 a.m. from Kara Goodchild cancelling the March 20, 2019 CPHB hearing.

RESPONSE: The City has redacted the documents to protect the privacy interests of uninvolved persons. The City will be willing to provide unredacted copies if the parties can enter into a confidentiality order. A proposed confidentiality order is being forwarded to counsel for the Plaintiff. Notwithstanding nor waiving the above, please find the unredacted email cancelling the March 20, 2019 CPHB Hearing attached as Ex. 19.

REQUEST FOR PRODUCTION NO. 16: All documents concerning the City's collection of records and preparation of responses concerning Public Records Request R000251-101518, including without limitation all correspondence between and among any officers, employees, attorneys, or agents of Springfield and/or the SPD.

RESPONSE: OBJECTION: The City objects to this request on the grounds that the requested documents, in whole or in part, are protected by work product privilege and attorney client privilege. Further objecting the City states that the burden of compiling documents requested substantially outweighs any potential benefit to the Plaintiff, as these documents are wholly irrelevant to the within lawsuit.

REQUEST FOR PRODUCTION NO. 17: All documents that are communications between the Springfield Defendants and the HCSD concerning Madelyn Linsenmeir.

RESPONSE: Other than documents from counsel relative to this lawsuit, no such communications exist.

REQUEST FOR PRODUCTION NO. 18: All documents that are reports by the Police Executive Research Forum from 2016 to the present concerning the SPD and/or the CPHB.

RESPONSE: Please see the PERF report attached hereto as exhibit 11 above (COS RPOD 000136-153).

REQUEST FOR PRODUCTION NO. 19: All documents concerning the cancellation of the CPHB's hearing concerning CPHB Complaint SO-18-261 scheduled for March 20, 2019, including without limitation electronic mail and other communications.

RESPONSE: Please see email cancelling the CPHB hearing attached hereto as exhibit 19 (COS RPOD 0001405).

REQUEST FOR PRODUCTION NO. 20: All documents that are complaints alleging mistreatment of a prisoner by the SPD from January 1, 2013, to the present, and that are records of the adjudication of those complaints, including any findings made and any discipline imposed.

RESPONSE: The City is still undergoing a diligent search for same and will supplement this response upon completion of same.

REQUEST FOR PRODUCTION NO. 21: All documents that are communications between Springfield and the U.S. Department of Justice concerning Madelyn Linsenmeir or this case.

RESPONSE: The City is unable to find any documents that would be responsive to this request.

REQUEST FOR PRODUCTION NO. 22: All documents that are referenced in defendants' initial disclosures and responses to interrogatories in this case.

RESPONSE: Please see exhibits 1-28 of Defendant City of Springfield's initial disclosures sent via Dropbox link on 9/3/2021.

REQUEST FOR PRODUCTION NO. 23: All documents that are provided to any person retained as a testifying expert in this action.

RESPONSE: The City has not yet retained a testifying expert regarding this matter. Further answering, the requested documents are protected from disclosure by the work product doctrine, and this answer will only be supplemented to the extent required under the Federal Rules of Civil Procedure relative to expert disclosures.

REQUEST FOR PRODUCTION NO. 24: All documents that will be introduced or otherwise displayed or referenced at the trial of this action.

RESPONSE: The City has not yet designated what documents it intends to introduce at trial in this matter. Further answering, the requested documents are protected from disclosure by the work product doctrine, and this answer will only be supplemented to the extent required under the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 25: All documents that are produced to any other party pursuant to a discovery request or obligation arising from this action.

RESPONSE: The City has produced no other documents to any party other than those produced to the Plaintiff.

The Defendants,
City of Springfield, Moises Zanazanian,
Remington McNabb and Sheila Rodriguez,
By their attorneys,

Date: November 29, 2021

/s/ Lisa C. deSousa

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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true copy of the within document was this day served upon the parties via email and Drop Box to:

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Matthew R. Segal, Esq.

Jessie J. Rossman, Esq.

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Dated: November 29, 2021

/s/ Lisa C. deSousa
Lisa C. deSousa, Esq.

EXHIBIT DD

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MAURA O'NEILL, as administrator of the
Estate of Madelyn E. Linsenmeir,

Plaintiffs,

v.

CITY OF SPRINGFIELD, MOISES
ZANAZANIAN, REMINGTON MCNABB,
SHEILA RODRIGUEZ, HAMPDEN COUNTY
SHERIFF'S DEPARTMENT, and JOHN/JANE
DOES NO. 1-5,

Defendants

Civil Action No. 3:20-cv-30036-MGM

**DESIGNATION OF FED. R. CIV. P. Rule 30 (b) (6) WITNESSES BY CITY OF
SPRINGFIELD**

NOW COME the City of Springfield and designates the following witnesses to testify in the Fed.

R. Civ. P. Rule 30 (b) (6) deposition, per the topics enumerated in Plaintiff's Schedule A:

1. Duties and responsibilities of personnel working in the SD's police station(s), including the watch commanders, booking sergeants, booking officers, and female detention attendants/matrons: DESIGNEE: Superintendent Cheryl Clapprood;
2. The SPD's policies, procedures, practices, and training, both formal and informal concerning:
 - a. Booking and detention of prisoners: DESIGNEE: Superintendent Cheryl Clapprood;
 - b. Cell checks, wellness checks, and monitoring prisoners: DESIGNEE: Superintendent Cheryl Clapprood;
 - c. Sick or injured prisoners, medical emergencies of prisoners, hospitalizations of prisoners, and when and how to obtain medical assistance for prisoners: DESIGNEE: Superintendent Cheryl Clapprood;

- d. The transfer of the SPD's prisoners to the custody of another custodian, including without limitation to the WCC: DESIGNEE: Superintendent Cheryl Clapprood;
 - e. The custody and care of prisoners believed to have consumed alcohol or drugs and prisoners believed to be undergoing withdrawal from drugs or alcohol: DESIGNEE: Superintendent Cheryl Clapprood;
 - f. Prisoner phone calls, including recording of prisoner phone calls: DESIGNEE: Superintendent Cheryl Clapprood;
 - g. Audio and/or video recording of prisoners in the booking area: DESIGNEE: Superintendent Cheryl Clapprood; and
 - h. The investigation of officer rule violations or other misconduct, and concerning discipline of officers found to have violated rules or committed other misconduct, from 2013 to the present, including as applicable to the IIU: DESIGNEE: Larry Murphy
- 3. Policies, procedures, practices, and training for the CPHB and BOPC, from 2013 to the present: DESIGNEE: Attorney Talia Gee
 - 4. The SPD's policies, procedures, rules, orders, manuals, and guidelines governing officer conduct: DESIGNEE Larry Murphy;
 - 5. The SPD's policies, procedures, practices, and training, formal and informal, in response to any aspect of the SOD's custody of Madelyn Linsemeir or her death: DESIGNEE: Superintendent Cheryl Clapprood;
 - 6. The investigation and discipline of Moises Zanzanian for his conduct, acts, and/or omissions concerning Madelyn Linsenmeir, including without limitation the negotiation and drafting of the "Memorandum of Agreement Between and Among the City of Springfield and The Police Supervisors Association and Moises Zanzanian" dated March 13, 2019. This topic includes without limitation all communications between and among the City, Zanzanian any police union, and their respective attorneys concerning the investigation, discipline, and agreement: DESIGNEE: Attorney William Mahoney
 - 7. Any and all investigations into any aspect of the SPD's custody of Madelyn Linsenmeir and/ or her death, including SO #18-261, SO #18-247, and PIE #18-053: DESIGNEE: Monique McCoy;

8. The SPD's termination of maria Sanchez: DESIGNEE: Superintendent Cheryl Clapprood;
9. The SPD's PO 18-466, and the resignation and/or termination of Shanice Linnehan: DESIGNEE: Lynn Vedovelli;
10. Any and all violations by any Springfield employee of any policies, procedures, practices, rules, orders, or guideline during the SPD's custody of Madelyn Linsenmeir, from her arrest on September 29, 2018 through her transfer to HCSD custody on September 30, 2018, including, for each violation, any investigation, discipline, termination, or other action taken by SPD or the City in response: DESIGNEE: Larry Murphy;
11. Complaints, investigations, and/or discipline of an Springfield employee concerning violations of any of the policies, procedures, and practices with regard to Topics 2(b), (c), and (d) from 2013 to the present: DESIGNEE: Larry Murphy;
12. Any and all lawsuits against the City or any of its police officers alleging wrongful death from 2013 to the present: DESIGNEE: Superintendent Cheryl Clapprood;
13. Any and all lawsuits against the City or any of its police officers alleging inadequate medical care for prisoners or denial of medical care to prisoners from 2013 to the present: DESIGNEE: Superintendent Cheryl Clapprood;
14. Circumstances of the death of any other prisoners who died in SPD custody since 2013: DESIGNEE: Superintendent Cheryl Clapprood;
15. Reports or responses to inquiries concerning Madelyn Linsenmeir from the Mayors office, City Council, or any state or federal agency: DESIGNEE: Superintendent Cheryl Clapprood;
16. The City's and SPD's response to public records request R000251-101518: DESIGNEE: Capt. Jeff Martucci;
17. Searched for material in response to document requests in this litigation, and the authenticity of the records produced by the City and/or SPD in this litigation: DESIGNEE: Capt. Jeff Martucci;
18. Efforts to preserve documents concerning Madelyn Linsenmeir's custody in Springfield: DESIGNEE: Capt. Jeff Martucci;

19. Any and all agreements, contracts, memoranda of understanding, collective bargaining agreements, or other obligations, promises, or understandings between the City and each of the individual Defendants, respectively, concerning the payment of any judgement or settlement in this matter: DESIGNEE: Superintendent Cheryl Clapprood;
20. Any insurance policy providing or potentially providing coverage for the City in connection with this litigation and the claims raised therein: DESIGNEE: Superintendent Cheryl Clapprood.

City of Springfield and
Sheila Rodriguez,
By their attorneys,

Date: May _____, 2022

/s/ Lisa C. deSousa

Lisa C. deSousa, Esquire BBO#546115
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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true copy of the within document was this day served upon the parties via email and Drop Box to:

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Matthew R. Segal, Esq.
Jessie J. Rossman, Esq.
Areeba Jibril, Esq.
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Dated: May ____, 2022

/s/ Lisa C. deSousa
Lisa C. deSousa, Esq.

EXHIBIT EE

Daniel McFadden

From: Santaniello, Natalie <NSantaniello@springfieldcityhall.com>
Sent: Wednesday, January 4, 2023 12:17 PM
To: Daniel McFadden; DeSousa, Lisa; Kenefick, Tyler; Thomas E. Day; Michael G. McDonough; Lauren F. Olanoff; Lori A. Pegoraro; attycoyle@aol.com; John K. Vigliotti
Cc: Matthew Segal; Jessie Rossman; Mary Brown; Rosensweig, Richard J.; Looney, Josh; Halstead, Julius A.; Milton, David
Subject: RE: [External] RE: Documents reviewed by Bill Mahoney prior to his 30(b) (6) deposition

Counsel:

Below is a breakdown of the documents Attorney Mahoney reviewed prior to his 30(b)(6) deposition.

Privilege Log:

Privilege log line item 1

Privilege log line item 5 w. attachment containing draft edits

Privilege log line item 7 w. attachment containing draft edits

Privilege log line item 9 w. attachment containing draft edits

Privilege log line item 35 (produced)

Privilege log line item 57 w. attachment containing draft edits

Privilege log line item 61 w. attachments containing draft edits

Produced:

City's 2nd Supp. Response

Bates #2005-2006

City's 7th Supp. Response

Bates #8362

Bates #8440-8441

Bates #8444-8457

Bates #8458

Please reach out if you have any questions or concerns.

Best,

Natalie Santaniello
City of Springfield Law Department
1600 East Columbus Avenue, 2nd Floor
Springfield, MA 01103
Phone: 413-750-2414
Fax: 413-750-2363

Exhibit FF

**MAURA O'NEILL, as administrator of
the Estate of Madelyn E. Linsenmeir,**

By her attorneys,



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Richard J. Rosensweig (BBO # 639547)
Joshua M. Looney (BBO # 703636)
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Matthew R. Segal (BBO # 654489)
Jessie J. Rossman (BBO # 670685)
Daniel L. McFadden (BBO # 676612)
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UNION FOUNDATION OF
MASSACHUSETTS, INC.
211 Congress Street
Boston, MA 02110
(617) 482-3170

Elizabeth Matos (BBO # 671505)
David Milton (BBO # 668908)
PRISONERS' LEGAL SERVICES
OF MASSACHUSETTS
50 Federal Street
Boston, MA 02110
(617) 482-2773

Dated: October 25, 2022

CERTIFICATE OF SERVICE

I, Michael Nzoiwu, certify that I have served the foregoing document on all counsel of record by email on this 25th day of October, 2022.

Michael Nzoiwu

Michael Nzoiwu Esq.

SCHEDULE A

DEFINITIONS AND INSTRUCTIONS

1. The timeframe for each topic is from September 1, 2018 to the present unless otherwise specified.
2. “The City” refers to the City of Springfield.
3. “SPD” means the Springfield Police Department, a component of the City.
4. “IIU” means the Internal Investigations Unit of the SPD.
5. “Springfield employee” means any employee of the City, including SPD officers of all ranks and titles.
6. “Prisoners” means any person under arrest by the SPD, held in the SPD’s booking and lockup areas, or otherwise held in the SPD’s custody.
7. “CPHB” means the City of Springfield’s Community Police Hearing Board.
8. “BOPC” means the City of Springfield’s Board of Police Commissioners.
9. “HCSD” means the Hampden County Sheriff’s department.
10. “WCC” means the Western Massachusetts Regional Women’s Correctional Center, a component of HCSD.

TOPICS

Duties and Responsibilities of SPD Officers

1. Duties and responsibilities of personnel working in the SPD’s police station(s), including the watch commanders, booking sergeants, booking officers, and female detention attendants/matrons.

Policies, Procedures, Practices, and Training

2. The SPD’s policies, procedures, practices, and training, both formal and informal, concerning:
 - a. Booking and detention of prisoners;

- b. Cell checks, wellness checks, and monitoring for prisoners;
 - c. Sick or injured prisoners, medical emergencies of prisoners, hospitalizations of prisoners, and when and how to obtain medical assistance for prisoners;
 - d. The transfer of the SPD's prisoners to the custody of another custodian, including without limitation to the WCC;
 - e. The custody and care of prisoners believed to have consumed alcohol or drugs and prisoners believed to be undergoing withdrawal from drugs or alcohol;
 - f. Prisoner phone calls, including recording of prisoner phone calls;
 - g. Audio and/or video recording of prisoners in the booking area; and
 - h. The investigation of officer rule violations or other misconduct, and concerning discipline of officers found to have violated rules or committed other misconduct, from 2013 to the present, including as applicable to the IIU.
- 3. Policies, procedures, practices, and training for the CPHB and BOPC, from 2013 to the present.
 - 4. The SPD's policies, procedures, rules, orders, manuals, and guidelines governing officer conduct.
 - 5. Any and all changes in any of the SPD's policies, procedures, practices, and training, formal and informal, in response to any aspect of the SPD's custody of Madelyn Linsenmeir or her death.

Complaints, investigations, and discipline concerning Madelyn Linsenmeir

- 6. The investigation and discipline of Moises Zanzanian for his conduct, acts, and/or omissions concerning Madelyn Linsenmeir, including without limitation the negotiation and drafting of the "Memorandum Of Agreement Between And Among The City Of Springfield And The Springfield Police Supervisors Association And Moises Zanzanian" dated March 13, 2019. This topic includes without limitation all communications between and among the City, Zanzanian, any police union, and their respective attorneys concerning the investigation, discipline, and agreement.
- 7. Any and all investigations into any aspect of the SPD's custody of Madelyn Linsenmeir and/or her death, including SO #18-261, SO #18-247, and PIE #18-053.
- 8. The SPD's termination of Maria Sanchez.
- 9. The SPD's PO 18-466, and the resignation and/or termination of Shanice Linnehan.

10. Any and all violations by any Springfield employee of any policies, procedures, practices, rules, orders, or guidelines during the SPD's custody of Madelyn Linsenmeir, from her arrest on September 29, 2018 through her transfer to HCSD custody on September 30, 2018, including, for each such violation, any investigation, discipline, termination, or other action taken by the SPD or the City in response.

Other Topics

11. Complaints, investigations, and/or discipline of any Springfield employee concerning violations of any of the policies, procedures, and practices with regard to Topics 2(b), (c), and (d) from 2013 to the present.
12. Any and all lawsuits against the City or any of its police officers alleging wrongful death from 2013 to the present.
13. Any and all lawsuits against the City or any of its police officers alleging inadequate medical care for prisoners or denial of medical care to prisoners from 2013 to the present.
14. Circumstances of the death of any other prisoners who died in SPD custody since 2013.
15. Reports or responses to inquiries concerning Madelyn Linsenmeir from the Mayor's office, City Council, or any state or federal agency.
16. The City's and SPD's responses to public records request R000251-101518.
17. Searches for material in response to document requests in this litigation, and the authenticity of the records produced by the City and/or SPD in this litigation.
18. Efforts to preserve documents concerning Madelyn Linsenmeir's custody in Springfield.
19. Any and all agreements, contracts, memoranda of understanding, collective bargaining agreements, or other obligations, promises, or understandings between the City and each of the individual Defendants, respectively, concerning the payment of any judgment or settlement in this matter.
20. Any insurance policy providing or potentially providing coverage for the City in connection with this litigation and the claims raised therein.