



The Commonwealth of Massachusetts

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Police Commissioner Edward Davis
Boston Police Department
1 Schroder Plaza
Boston, MA 02120

Re: June 29, 2008 Death of David Woodman

Dear Commissioner Davis:

The Suffolk County District Attorney's Office has concluded its investigation into the June 18, 2008 arrest of David Woodman near the intersection of Brookline Avenue and The Fenway, and his subsequent death due to cardiac arrhythmia¹ at Beth Israel Hospital on June 29, 2008.

After a comprehensive and objective examination of all the evidence in this case, my office has determined, and the medical evidence conclusively supports, that Mr. Woodman's initial cardiac arrhythmia at the scene and his second, fatal arrhythmia eleven days later were the result of a preexisting heart abnormality, and not the result of overzealous conduct by officers of the Boston Police Department. Furthermore, a comprehensive and objective review of the evidence surrounding police conduct in this case has concluded that Boston Police officers did not engage in the use of excessive force or any other improper conduct in effectuating the June 18, 2008 arrest of David Woodman for public drinking. For these reasons, I have determined that criminal charges are not warranted in connection with this case.

David Woodman's death was a devastating tragedy to his family and friends, particularly since his death occurred in the aftermath of what was otherwise a routine interaction with police officers who were assigned to monitor fan conduct following the Boston Celtics' NBA championship win on June 17, 2008. In the days following Mr. Woodman's arrest and eventual death, widespread speculation ensued whether Mr. Woodman's death was caused by the use of excessive force by the Boston Police officers during their arrest of Mr. Woodman.

Given the importance of this investigation to the Woodman family, to the officers involved, and to all citizens concerned with fair and effective law enforcement, and

¹ Cardiac arrhythmia is the term for any number of conditions in which the normal electrical activity in the heart is disrupted. The most severe types of cardiac arrhythmia can result in sudden death.



understanding the public scrutiny that accompanies any suggestion of police violence, my office took the greatest care to conduct every investigative step fairly, objectively, and without bias or preconception – a practice that is followed in any and every death investigation we undertake. Pursuant to my statutory duty and authority to direct all death investigations within the City of Boston, I designated the Commander of the Boston Police Department Homicide Unit, Lt. Det. Robert Merner, to coordinate a full and thorough examination of the facts. The working group also included the most senior attorneys of my staff, who have collectively participated in hundreds of death related cases. Every detail of their work was memorialized and documented for eventual examination by the media, the Boston Police Department, and the Woodman family.

Although every detail of the factual circumstances surrounding the arrest and subsequent death of Mr. Woodman was painstakingly examined and considered, the medical evidence remains the most revealing and significant. As the result of a congenital heart abnormality that was surgically repaired in infancy, Mr. Woodman lived in almost constant danger of suffering a cardiac arrhythmia.² After performing the autopsy in this case, reviewing Mr. Woodman's medical history, and consulting with experts in the fields of cardiopathology and neuropathology, the Chief Medical Examiner concluded that Mr. Woodman's death was indeed the result of natural causes associated with his heart condition, and not due to the infliction of injury by police through the use of excessive force. The autopsy revealed no fractures, internal injuries to the organs, or bruising or bleeding in the brain typically associated with blunt force trauma. These medical facts are also consistent with the accounts of the several civilians, who reported that the police never struck, punched, or kicked Mr. Woodman, and never employed the use of any weapons, batons, sprays, or other equipment to subdue Mr. Woodman. Such findings are inconsistent with individual culpability, and therefore inconsistent with homicide.

The Scope of the Investigation. Our investigation consisted of numerous witness interviews, which included all civilians who could be identified and located,³ emergency medical technicians who rendered medical assistance to Mr. Woodman at the scene, and every uniformed officer who interacted with Mr. Woodman. The investigation also included reviews of the physical evidence from the scene, tapes of police radio transmissions, and the medical records and autopsy of Mr. Woodman. This latter review included an ongoing consultation with Chief Medical Examiner, who conducted and documented the autopsy, and consultations with doctors specializing in cardiology and neuropathology, who examined and analyzed heart and brain tissue samples sectioned as part of the autopsy.

Prelude to the Police Encounter. On the evening of June 17, 2008, David Woodman and several friends gathered at his apartment at 88 Boylston Street in Brookline to watch Game 6 of the NBA finals between the Boston Celtics and Los Angeles Lakers. By all accounts, Mr. Woodman consumed alcohol while watching the game first at his apartment and later at Boston Billiards, a bar located at 126 Brookline Avenue in Boston. Rogelio Duran, a friend of Mr.

² The heart abnormality is commonly known as *transposition of the great arteries*, which is explained later in this letter. Dr. James R. Stone, who is the Chief of Cardiovascular Pathology Service at Massachusetts General Hospital and a consultant in this case, observed that, "Patients who have undergone the [same] procedure to correct congenital transposition of the great arteries are known to be at risk for sudden death due to arrhythmia, particularly in the setting of exertion."

³ The investigation also consisted of interviews of civilian witnesses located and referred to us by representatives of the Woodman family.

Woodman's, stated that while at Woodman's apartment, Woodman informed him that he had consumed five beers. Duran reported that he then observed Mr. Woodman drink an additional beer or two in Duran's presence. At halftime of the game, Mr. Woodman left the apartment with others and went to Boston Billiards. Mr. Woodman's roommate, Ian Benson, estimated that during the course of the evening, Mr. Woodman consumed about five beers, while another friend, Lucas Gale, estimated that he consumed two shots and four beers.⁴

Mr. Woodman and his friends remained at Boston Billiards until the conclusion of the game. Shortly after midnight, Mr. Woodman, Ian Benson, Sarah Tisdale, and Lucas Gale left Boston Billiards to walk back to Woodman's apartment in Brookline. As the group walked west on Brookline Avenue, Mr. Woodman was carrying a clear plastic cup of beer that he took with him from the bar. At the intersection of Brookline Avenue and The Fenway, Mr. Woodman and his friends came across a group of uniformed Boston Police officers who were deployed to monitor fan conduct after the game. Although specifically assigned for crowd control, the officers were not in riot gear nor were they armed with any specialized weapons.

The Encounter with Police. As Mr. Woodman passed the group of officers, he made an audible comment about what he perceived as an unnecessarily large number of officers in that area. Several of the uniformed officers then noticed the plastic cup of beer that Mr. Woodman was carrying. The officers asked him to stop, but Mr. Woodman continued walking west on Brookline Avenue with the beer in his hand. After repeated requests to stop went unheeded, Officer Michael McManus walked up behind Mr. Woodman and took hold of Woodman's left arm. Officer McManus stated, "I'm talking to you." Mr. Woodman then took a sip from the cup of beer and threw the cup to the ground, splashing the contents on the officer and himself. Officer McManus attempted to place Mr. Woodman in custody for drinking in public, but as the officer reached for Woodman's right hand to handcuff him, Woodman grabbed a wrought iron fence that ran along the sidewalk. Several officers arrived and attempted to pull Mr. Woodman away from the fence, but Woodman would not let go.

Although officers eventually overcame Mr. Woodman's grip on the fence, Woodman continued to resist being handcuffed. As a result, officers were forced to wrestle Mr. Woodman to the ground face down and handcuff him from a prone position. Approximately 5 officers were involved in subduing Mr. Woodman. Based on our investigation of the facts and our review of all eyewitness accounts, there was no evidence that any police officer struck, punched, or kicked Mr. Woodman, nor used a weapon of any kind. Likewise, there was no evidence that any kind of chokehold or other potentially lethal tactic was employed to restrain Mr. Woodman. The evidence instead shows that the officers used a level and type of force that (1) is prescribed in the Boston Police Department's Rules and Procedures and in its training guidelines for the control and restraint of prisoners, and (2) was commensurate with the level of resistance that Mr. Woodman was providing.

Once officers were able to handcuff Mr. Woodman, they attempted to get him to his feet. Before he could stand up under his own power, however, Mr. Woodman collapsed to the ground. Because it appeared to the police that Mr. Woodman had been drinking, officers positioned him on his side in the event he vomited. While attempting to assess Mr. Woodman, officers quickly noted that he had become unconscious and pulseless. Mr. Woodman's handcuffs were removed and Officer Steven Bourne began to administer mouth to mouth resuscitation while Officer McManus performed chest compressions.

⁴ David Woodman's blood alcohol level was .137%.

Sergeant James Blake, who was the group supervisor, made a request for Boston Emergency Medical Services over his police radio. In addition, three officers ran on foot toward Park Drive after observing a Boston EMS ambulance that had responded to an unrelated call. Before any Boston EMS ambulance arrived, however, a private ambulance from Cataldo Ambulance Services drove past the scene. After being flagged down, paramedics from Cataldo immediately took over life support from Officer Bourne and transported Mr. Woodman to Beth Israel Hospital. During the transport to the hospital, an EKG administered to Mr. Woodman revealed that he had suffered a cardiac arrhythmia.

Medical Intervention, History, and Autopsy. Emergency doctors at Beth Israel successfully resuscitated Mr. Woodman. Over the next several days Mr. Woodman experienced moderate improvement, but it had become apparent that he had suffered some measure of irreparable brain injury as a result of the oxygen deprivation that accompanied the cardiac arrhythmia. On June 29, 2008, Mr. Woodman suffered a second cardiac arrhythmia while still hospitalized. He died as a result of this second event.

During their treatment of Mr. Woodman, doctors learned that at birth Mr. Woodman was diagnosed with a significant heart defect known as *transposition of the great arteries*. This heart problem occurs when the aorta (the blood vessel that supplies blood to the body) originates out of the right (instead of the left) ventricle, while the pulmonary artery (the blood vessel that transports blood to the lungs) originates out of the left ventricle. Transposition results in a situation where the systemic (to the body) and pulmonary (to the lungs) circulations are in parallel rather than in series. As a result, oxygen-poor blood returning from the body to the right atrium and right ventricle is pumped out to the aorta and back to the body, while the oxygen-rich blood returning from the lungs to the left atrium and ventricle is sent back to the lungs via the pulmonary artery. This condition requires surgical intervention usually within the first two weeks of life, a procedure that Mr. Woodman underwent as an infant. One of the consequences of the disease and the procedure was that over time, Mr. Woodman's heart enlarged to twice its normal size, placing him at acute risk for a cardiac arrhythmia.

After a comprehensive and ongoing consultation with the Chief Medical Examiner and other medical experts, who examined numerous histologic sections from the heart and brain, reviewed Mr. Woodman's medical history, and reviewed the documents and statements from various witnesses to the incident, our investigation found a consensus on two key facts. First, Mr. Woodman's initial cardiac arrhythmia, which occurred at the time he was taken into custody, was the result of the heart defect he suffered at birth and the cumulative toll this defect had taken on his adult heart. Second, there appears to be no correlation between Mr. Woodman's first cardiac arrhythmia and the second arrhythmia he suffered ten days later that resulted in his death.⁵

⁵ Dr. Stone specifically concluded:

Thus in my opinion both the initial arrhythmic event on 6/18/08 and the subsequent arrhythmic event ~ 10 days later were both due to the patient's abnormal heart. Furthermore in my opinion the initial event on 6/18/08 did not cause the subsequent event, and in my opinion this patient would have died from cardiac arrhythmia even if the first arrhythmic event had not occurred.

Boston Police Department Policy. Although there is no credible evidence that anything other than Mr. Woodman's pre-existing medical condition caused his death, we have independently examined the conduct of the Boston Police Department in the moments leading up to Mr. Woodman's initial arrhythmic event. We undertook this examination in an effort to determine whether any departmental policies or procedures underlying the apprehension and control of prisoners should be re-examined or modified. Our findings are as follows.

Based on the accounts provided by both civilians and police witnesses, we find that the techniques that were employed to gain control of Mr. Woodman were the least physically coercive means available to the officers. At no time was there any evidence that officers struck, kicked, or punched Mr. Woodman, nor evidence that any weapon, clubs, sprays, or other devices were used to subdue him. The results of the autopsy are consistent with these findings, disclosing no fractures, internal damage to organs, or bruising or bleeding in the brain.⁶ We also find that the actions of the officers were consistent with articulated departmental policies and procedures regarding the subduing and handling of prisoners. We further find that the officers responded appropriately upon discovering that Mr. Woodman was in physical distress. Immediate efforts were made to summons paramedics, and any delay in treatment did not result from a failure to act quickly by police or medical personnel.

Conclusion. As I mentioned at the outset of this letter, David Woodman's death was an unspeakable loss for his family and caring friends, and their genuine concern for him has been obvious in the days, weeks, and months since his death. Given all of the factual circumstances surrounding the events that culminated in his death, my office has undertaken a careful, fair, and objective approach to the investigative process. After examination of all of the evidence, I have concluded that David Woodman's death was a medical tragedy resulting from natural causes, namely the weakened condition of his heart from birth. I have further concluded that there is no evidence that any Boston Police officers acted inappropriately, excessively, or criminally and therefore no criminal charges are warranted in connection with this case.

Very truly yours,

Daniel F. Conley
DISTRICT ATTORNEY

⁶ Mr. Woodman did have abrasions on his forehead and facial area, injuries that were consistent with the accounts of officers who stated that Mr. Woodman had to be taken to the ground on his stomach in an effort to subdue and place handcuffs on him. Although two civilians stated that Mr. Woodman was "thrown" and "slammed" to the ground, other civilians contradicted this characterization. At least one other civilian specifically denied that officers threw Mr. Woodman to the ground, and another civilian stated that officers were trying to "bring him down."