



COMMONWEALTH OF MASSACHUSETTS
Office of the
HAMPDEN DISTRICT ATTORNEY
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FINAL REPORT OF HAMPDEN DISTRICT ATTORNEY ANTHONY D. GULLUNI
REGARDING THE JANUARY 9, 2022 SHOOTING DEATH OF ORLANDO TAYLOR, III

I. Introduction

The Hampden District Attorney's Office has concluded its homicide investigation into the January 9, 2022 shooting death of Orlando Taylor, III on Genesee Street in Springfield. Mr. Taylor was shot and killed by Springfield Police Department Officer Arjel Falcon during a proper investigative stop. Police approached Mr. Taylor as a suspect in a nearby attempted stabbing. During this encounter, Mr. Taylor stabbed Officer Falcon in the face and fled a short distance before turning and charging at officers with a knife. Officer Falcon and his partner used verbal commands and attempted to maintain a safe physical distance from Mr. Taylor; however, Mr. Taylor, armed with a knife, continued to charge at Officer Falcon before Officer Falcon shot Mr. Taylor twice. The entirety of the contact between Mr. Taylor and police officers was captured by body-worn camera footage and Ring camera footage recovered from across the street of the incident. This investigation concludes that Officer Falcon acted in the lawful exercise of his duties and used only necessary and reasonable force in both self-defense and defense of others.

The Hampden District Attorney has the statutory duty and authority to direct and control all death investigations in Hampden County. G. L. c. 38, § 4; *Dist. Attorney for the Norfolk Dist. v. Magraw*, 417 Mass. 169, 172 (1994). Massachusetts case law further directs that during an active investigation into a death, certain investigatory materials may be exempted from public disclosure because of their release's possible effect on effective law enforcement. *WBZ-TV4 v. Dist. Attorney for the Suffolk Dist.*, 408 Mass. 595, 603 (1990).

As such, the ultimate purpose of this investigation is to determine whether any person bears criminal responsibility in connection with Mr. Taylor's death. Accordingly, the Hampden District Attorney's Office collected and exhaustively reviewed all available evidence with regard to the shooting. These materials include: body-worn camera (BWC) footage from both officers involved in the shooting, Ring camera footage recovered from an address on Genesee Street, written statements of the involved officers, first responder reports, crime scene reports, crime scene photographs, recorded witness interviews, Shotspotter report, 911 audio recordings, Springfield Police Department dispatch logs, video footage from Cass Street, physical evidence recovered from the scene, the Springfield Police Department Electronic Control Weapon (taser) policy, the ballistics report from the Firearms Identification Section of the Massachusetts State Police, and autopsy and toxicology reports from the Office of the Chief Medical Examiner.

Based on this investigation, the following conclusions are made:

II. Findings of Fact

On January 9, 2022, at 8:33 a.m., the dispatch for the Springfield Police Department received a 911 call from “Victim 1”. The victim reported that he was in the area of Cass Street and Liberty Street in Springfield. He alleged that while he was walking an unknown individual approached him from behind and asked, “you good?”, before attempting to stab the victim in the neck three times. Victim 1 further alleged that during the attempted stabbing, the blade broke off the assailant’s knife. He described this assailant as a black male dressed in black Chuck Taylor Converse sneakers¹, black pants, a black hoodie with the hood up, black pea coat, and with a black mask-like object draped around his face. He described the suspect as fleeing on foot and taking a left on Cass towards Liberty Street, not towards Chestnut Street. This direction of travel would take the suspect in the direction of Genesee Street a few blocks away. Dispatch broadcasted the following information to officers: “Start for Liberty and Cass, knife incident. Caller states that a male approached him with a knife and attempted to stab him in the neck. It’s a black male, black pants, black hoodie, with a face covering, last seen towards Liberty from Cass. Caller’s not injured.” Dispatch records also indicate that the caller did not know who the suspect was. Dispatch requested that the echo two (E2) unit respond to this call.²

E2 consisted of Springfield Police Officers Christopher Roberts and Arjel Falcon. Officer Roberts was driving a marked Springfield Police Department Ford Explorer cruiser. Officer Falcon rode in the front passenger seat. This cruiser was black and white in color, equipped with emergency lights on the roof. The vehicle was plainly marked as that of the Springfield Police Department and assigned and marked as the number twenty-nine. Officers Roberts and Falcon were wearing standard Springfield Police Department navy blue uniforms. They were outfitted with duty belts and vests. Their badges were visible on their chests and their uniforms were marked with Springfield Police Department patches and the word “Police”.

At 8:45 a.m., E2 notified dispatch they had a possible suspect matching the description in the area of 110 Franklin Street. This location is around the corner from 92 Genesee Street. Officers Roberts and Falcon, in their written statements, reported that they were at the intersection of Liberty Street and Genesee Street when they observed Mr. Taylor walking on Genesee Street towards Liberty Street. Officers noted that as soon as Mr. Taylor saw their cruiser, he turned and began walking towards Franklin Street.³ Officer Roberts pulled the cruiser up next to Mr. Taylor on Franklin Street and both officers exited the cruiser. At the time the officers exited their vehicle, based on the information that had been provided to them and their own observations of Mr. Taylor, they had ample reasonable suspicion to perform an investigative stop. As they exited the cruiser, Officer Roberts stated that Mr. Taylor began moving away from officers while keeping his right hand in his pocket. BWC from Officer Roberts and Ring camera

¹ During the interview of Witness 1, a witness to the fatal shooting, he/she stated that the only clothing of Mr. Taylor that he/she could focus on was his Converse sneakers.

² This was the only call made to 911 regarding the suspect later identified as Mr. Taylor. No information regarding Mr. Taylor’s identity, residence, mental health history, or criminal history was available to officers before the encounter.

³ This reported observation is confirmed by footage captured from the Ring camera. Before officers arrive, Mr. Taylor is walking on Genesee towards Franklin Street before turning around and heading back toward Liberty Street. He then makes an abrupt turn back towards Franklin Street and looks back over his shoulder in the direction of the approaching cruiser before the cruiser enters the frame.

footage both recorded Officer Roberts loudly and clearly ordering Mr. Taylor to stop and “drop it” multiple times as soon as he exits the cruiser.⁴

BWC camera footage shows Mr. Taylor running away from police as both officers shout at him to “drop it”. As Officer Roberts chases behind Mr. Taylor, Officer Falcon comes from behind the rear of the cruiser and attempts to grab onto Mr. Taylor’s left side and arm with his hands. Officer Falcon had not un-holstered any weapons at that time. Officer Roberts’s BWC then shows Mr. Taylor lunge and thrust with a sharp object in his right hand into the face and neck area of Officer Falcon, stabbing him. This stab causes Officer Falcon to fall to the ground, as he bleeds from the wound.⁵ Officer Roberts’s BWC and Ring camera footage show that after the stabbing of Officer Falcon, Mr. Taylor turns back towards Officer Roberts and brandishes a blade in his right hand. Officer Roberts backs up until Mr. Taylor begins running around the corner onto Genesee Street, heading towards Liberty Street. Officer Roberts then runs past Officer Falcon and asks if he is ok. Officer Falcon responded, “Yo, I just got stabbed in the face”. Officer Falcon gets back on his feet with his gun drawn. Officer Roberts continues to pursue Mr. Taylor as he runs past 92 Genesee Street towards the Liberty Street intersection. As Mr. Taylor nears the intersection, he turns around and begins approaching Officers who are now in front of 92 Genesee Street. Both Officers had drawn their department-issued firearms and pointed them at Mr. Taylor. Both officers loudly and repeatedly order Mr. Taylor to drop the weapon as he approaches.



⁴ Footage from BWC shows Mr. Taylor’s clothing and sneakers to be consistent with the description given of the assailant by Victim 1 from the initial alleged attempted stabbing and relayed to officers by dispatch.

⁵ This is also confirmed by the BWC of Officer Falcon. The next time his hands are visible on BWC, there is blood present on Officer Falcon’s hands.



As Mr. Taylor began his approach towards the officers, a woman⁶ is standing in the front yard of 92 Genesee Street. She states to officers “that’s my grandson”. She yells “Don’t shoot him” multiple times. She calls out to Mr. Taylor by his first name, “Orlando.”

As Mr. Taylor approached the Officers, he was on the sidewalk closest to 92 Genesee Street. He then crossed the street in a diagonal fashion while still moving in the direction of officers. As he does this, BWC and Ring video show Officers Falcon and Roberts backpedaling with their guns drawn as they attempt to maintain distance from Mr. Taylor. Throughout this encounter, officers clearly and continuously order Mr. Taylor to drop the weapon.⁷ In the view of the various cameras, it is also apparent that both officers attempted to keep distance from Mr. Taylor when he faces them and ultimately charged at Officer Falcon. As Mr. Taylor charged, he raised his right hand to head level in a manner consistent with preparing for a downwards stabbing motion and runs directly toward Officer Falcon.⁸ Officer Falcon then discharged his service weapon twice at close distance. BWC from both officers and Ring video show Mr. Taylor to be approximately five to six feet away from Officer Falcon when the shots are fired. BWC from Officer Roberts and Ring video show that Officer Falcon was still backpedaling as he fired the shots as Mr. Taylor charged toward him and closed distance on the officer.⁹

⁶ This woman is later confirmed to be Mr. Taylor’s grandmother.

⁷ Both officers repeatedly yell “drop it” and “drop the weapon” up until the moment shots are fired.

⁸ Witness 1 was present on Genesee Street and witnessed the encounter between Taylor and police. S/he reported that she saw one of the officers bleeding from the left side of his face/neck area. S/he also reported seeing Taylor holding a bladed sharp object in his hands as he approached officers.

⁹ There were only two shots fired during this encounter. Both shots were fired by Officer Falcon. Crime Scene investigators located two discharged 9mm shell casings belonging to Officer Falcon’s weapon at the scene. Shotspotter reports indicate that two shots were fired near the corner of Genesee and Franklin streets at 8:46:29 a.m.



Mr. Taylor was struck by both shots and pitched forward to the ground. He moved briefly as Officer Roberts yelled for him to stay down. Officer Roberts then began to put on gloves and attend to Mr. Taylor's injuries as Officer Falcon ran back to the cruiser to obtain a medical bag. Officer Falcon called out for two ambulances, one for himself and one for Mr. Taylor. As Officer Roberts approached Mr. Taylor, two items are visible on the ground. One item is a black handle to a kitchen-style knife with no blade.¹⁰ The other item is a blue-colored retractable stiletto-style knife with the blade extended.¹¹ Officer Roberts kicked these items away from the area of Mr. Taylor. Officer Roberts's BWC captures glimpses of these items on the ground after he kicked them away. The blue knife was secured by responding Officers and placed in the rear of a police cruiser. These items are held and preserved as evidence.

Other responding officers applied pressure to the wound on Officer Falcon's face. Officer Falcon was bleeding heavily and complained of numbness. Officers shortly thereafter transported Officer Falcon to Baystate Medical Center in a police cruiser.

Officer Roberts noted in his statement that as he performed first aid, Mr. Taylor stopped breathing and had no pulse. Officer Roberts continued to perform chest compressions and utilized an AED on Mr. Taylor until an ambulance arrived. At that time, Mr. Taylor was transported to Baystate Medical Center by ambulance. Mr. Taylor was pronounced dead at 9:12 a.m.

¹⁰ The missing blade to this item is never recovered. Victim 1 described the knife with which s/he was assaulted as a serrated blade kitchen-style knife.

¹¹ This blue knife measured at approximately seven and a half inches in total. The blade was approximately three and a half inches long. The knife was processed for fingerprints. No usable latent prints were recovered from this item. A small apparent red/brown stain consistent with blood was noted at the tip of the blade.

On January 10, 2022, Dr. Robert Welton of the Office of the Chief Medical Examiner conducted an autopsy on the body of Mr. Taylor. He noted a gunshot wound to the neck area of Mr. Taylor and a gunshot wound to the lower abdomen of Mr. Taylor. Both of these injuries were visible on Officer Roberts's BWC as he conducted CPR at the scene. Dr. Welton listed Mr. Taylor's cause of death as gunshot wounds to the torso. Both projectiles were recovered from the body of Mr. Taylor at autopsy.

III. Relevant Law

A police officer is justified in using force in connection with his official duties, including effecting an arrest, as long as such force is necessary and reasonable. *Commonwealth v. Asher*, 471 Mass. 580, 588 (2015). "[A] police officer has an obligation to protect his fellow officers and the public-at-large that goes beyond that of an ordinary citizen, such that retreat or escape is not a viable option for an on-duty police officer faced with a potential threat of violence." *Asher*, 471 Mass. at 589. A police officer having a duty to arrest a person known to have committed a felony and reputed to be armed and dangerous has the right to use the force which is reasonably necessary to overcome resistance by the person sought to be arrested. *Commonwealth v. Young*, 326 Mass. 597, 601-02 (1950).

The totality of the circumstances is considered from the perspective "of a reasonable officer on the scene, rather than with the vision of hindsight." *Plumhoff v. Rickard*, 134 S.Ct. 2012, 2021 (2014), quoting *Graham v. Connor*, 490 U.S. 386, 396 (1989). "We thus allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Plumhoff*, 134 S.Ct. at 2020. Determining whether the force used to effect a particular seizure was reasonable requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the police officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. *Graham*, 490 U.S. at 396.

In Massachusetts, deadly force is "define[d] . . . as force intended or likely to cause death or great bodily harm. This tracks with our long-standing definition of a 'dangerous weapon,' viz.: an instrument that is likely to produce death or serious injury." *Commonwealth v. Klein*, 372 Mass. 823, 827 (1977). The Massachusetts Supreme Judicial Court has adopted section 3.07 of the Model Penal Code concerning the permitted use of deadly force by a police officer. See *Julian v. Randazzo*, 380 Mass. 391, 396-97 (1980); *Klein*, 372 Mass. at 830. That provision of the Model Penal Code permits a police officer to use deadly force when he or she is effecting an arrest for a felony, where that felony involved the use or threatened use of deadly force, or where there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed, and where the police officer reasonably believes that the force he employs creates no substantial risk to innocent persons. *Klein*, 372 Mass. at 830-32 & n.7 (quoting Model Penal Code §3.07).

IV. Legal Analysis

Mr. Taylor allegedly assaulted a civilian with a knife, and the civilian called 911 to report the assault and provided a detailed description of the assailant. Officers Falcon and Roberts responded to that report and reasonably identified Mr. Taylor as the person fitting the description

given for the knife assault. The officers were, therefore, in a position to lawfully approach Mr. Taylor. BWC camera footage shows that neither officer had his firearm drawn upon exiting the cruiser and approaching Mr. Taylor, despite the knowledge that this individual had allegedly attempted to stab a stranger moments prior.

The interaction immediately escalated as Mr. Taylor stabbed Officer Falcon in the face with a knife, inflicting serious injury to him. In Massachusetts, a crime punishable by imprisonment in state prison is a felony. G. L. c. 274, § 1. The offenses of assault by means of a dangerous weapon and assault and battery by means of a dangerous weapon are both punishable by a term in state prison and, therefore, are felonies. G. L. c. 265, §§ 15A, 15B. Thus, Mr. Taylor committed felonies that involved the use or threatened use of deadly force, and there was a substantial risk that he would cause death or serious bodily harm if he was not immediately apprehended. The officers acted reasonably and lawfully in then pursuing Mr. Taylor as he fled from the area where he stabbed Officer Falcon.

As police officers pursued Mr. Taylor on foot, they repeatedly and loudly ordered him to drop the weapon. Mr. Taylor then turned around and moved rapidly toward the police officers, who had their weapons drawn; he ignored their repeated orders to stop and brandished the knife in a threatening manner as he closed distance on Officer Falcon. The police officers had a right to protect themselves and each other, and a duty to neutralize the threat that Mr. Taylor posed to innocent civilians.

As a part of this investigation, the Hampden District Attorney's Office reviewed the Springfield Police Department's policy of Electronic Control Weapons, commonly known as "tasers". This policy states, "ELECTRONIC CONTROL WEAPONS ARE NOT A SUBSTITUTE FOR LETHAL FORCE. Officers are not expected to respond to a lethal force threat with a less lethal force option such as an electronic weapon." This aspect of the policy is consistent with national standards and this office opines that it is reasonable and appropriate.

After the stabbing, Mr. Taylor was too far away from the officer to allow for an effective taser deployment. Furthermore, Mr. Taylor had used deadly force in stabbing Officer Falcon in the face. Given the demonstrated and potential lethality of Mr. Taylor's actions, attempting to use a taser would have placed Officer Falcon and his partner at additional and avoidable risk. Officer Falcon's actions in using his firearm – and not his Electronic Control Weapon – comport with the policies of the Springfield Police Department and were objectively reasonable and lawful.

V. Conclusion

Officer Falcon's use of deadly force was clearly a last resort. Upon his arrival to the scene, he was presented with a man suspected of a nearby attempted stabbing. He did not confront the suspect with any weapons but rather attempted to grab him with bare hands. Mr. Taylor almost immediately exercised lethal force – in the form of a knife – against Officer Falcon, stabbing him in the face. After being seriously assaulted, Officer Falcon and his partner pursued the fleeing suspect with firearms drawn. Mr. Taylor then stopped running, turned towards officers, raised the knife in his hand, and charged. Officers Falcon and Roberts nevertheless still attempted to maintain physical separation from Mr. Taylor and rely on verbal commands in avoiding the application of lethal force. Mr. Taylor ignored these commands and charged rapidly at Officer Falcon with the knife in a position to inflict serious injury or death. Officer Falcon's decision to discharge his firearm came in the last possible seconds before he suffered further injury.

It was the actions of Mr. Taylor that dictated the reasonable and necessary use of lethal force by Officer Falcon. He fired two shots and ceased firing when the threat was neutralized. The entirety of the amassed, uncontroverted evidence all stand clearly in agreement that Officer Arjel Falcon's use of deadly force was his unavoidable last resort, to which he arrived after having suffered serious injury, issuing repeated verbal commands, and backpedaling to furnish Mr. Taylor with further opportunities to acquiesce.

The death of Orlando Taylor, III is an unmistakable tragedy. Yet, the role of this office is to find and consider the facts – as established by the undisputed evidence – and apply the relevant law. This report finds that Officer Falcon's decision to fire his weapon twice at Mr. Taylor under the foregoing circumstances constitutes a lawful and reasonable exercise of self-defense and defense of others. Accordingly, criminal charges are not warranted and this investigation is closed.



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Hampden District Attorney