

Suffolk County District Attorney's Office Boston Police Department



City of Boston 2015 Homicide Review

Introductory Message

The following report presents data on homicides committed, solved, and adjudicated in the City of Boston during the past 12 months. An accompanying interactive map can be viewed [here](#).

In addition to revealing trends and patterns that set us apart from many other big cities, this report highlights a key fact that police and prosecutors are confronting nationwide: Homicides committed with unlawfully-owned firearms are by far the most common and by far the most difficult to solve and prosecute. Because gun crimes are much less likely to generate physical evidence at the scene, the critical difference between a solved case and an unsolved case is very often a cooperating witness or a well-placed security camera.

This report also illustrates the high quality of homicide investigations in Boston, which are marked by collaboration between Boston Police detectives and Suffolk County prosecutors from the first response to the final appeal. That rare partnership produces strong and ethical cases built to withstand scrutiny in the grand jury, at trial, and before our state's appellate courts. By any measure – solving cases, prosecuting defendants, or defending convictions on appeal – the Boston model is a highly successful one compared with other major cities.

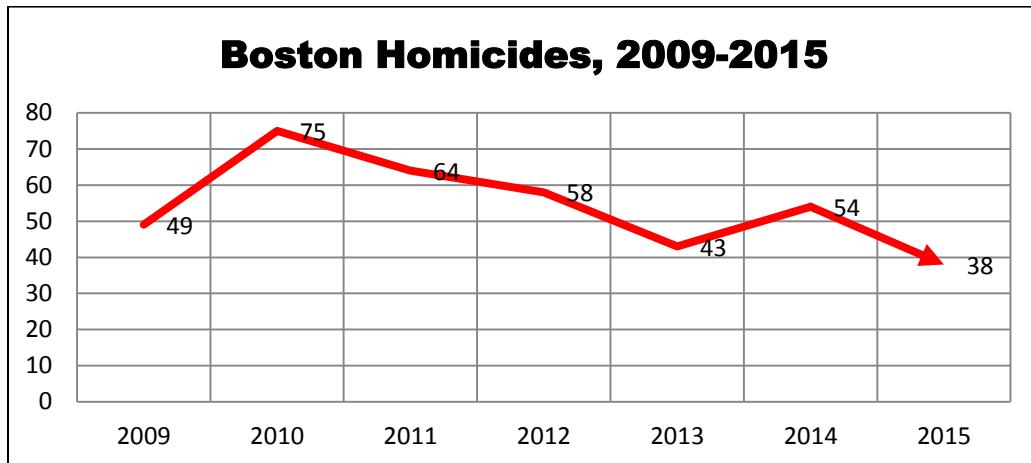
What this report cannot illustrate is the depth of loss that homicide inflicts upon a community. It extends far beyond the immediate victim to traumatize loved ones, their families, and their neighborhoods. We dedicate this report – and our efforts every day, in every case, at every stage of the process – to them.

Daniel F. Conley
Suffolk County District Attorney

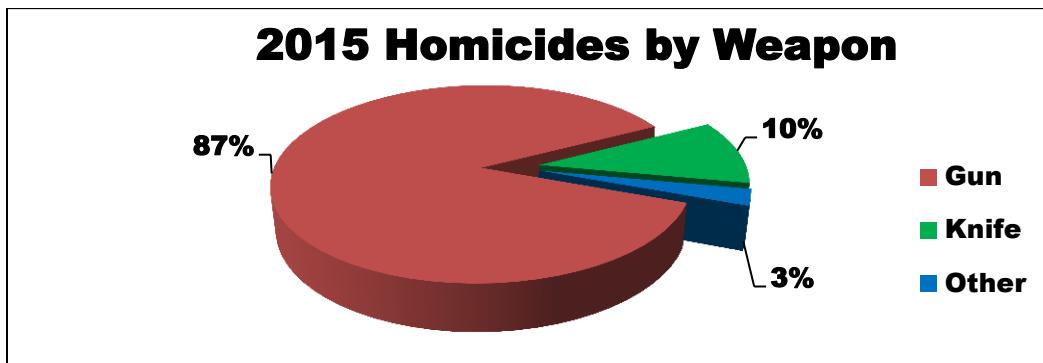
William B. Evans
Boston Police Commissioner

I. Homicides

This section will cover the 38 homicides committed during 2015 and investigated by the Boston Police Department and Suffolk County District Attorney's office. It will not cover two additional homicides assigned to the Suffolk County State Police Detective Unit¹ or three prior-year deaths that the Office of the Chief Medical Examiner this year ruled to be homicides.²



As in years past, and consistent with big cities across the country, more of the year's homicides were committed with unlawfully-owned firearms than all other weapons combined. This remains a source of concern because, as will be explained later, gun homicides are the most challenging for investigators: No other weapon makes a homicide easier to commit or harder to solve.

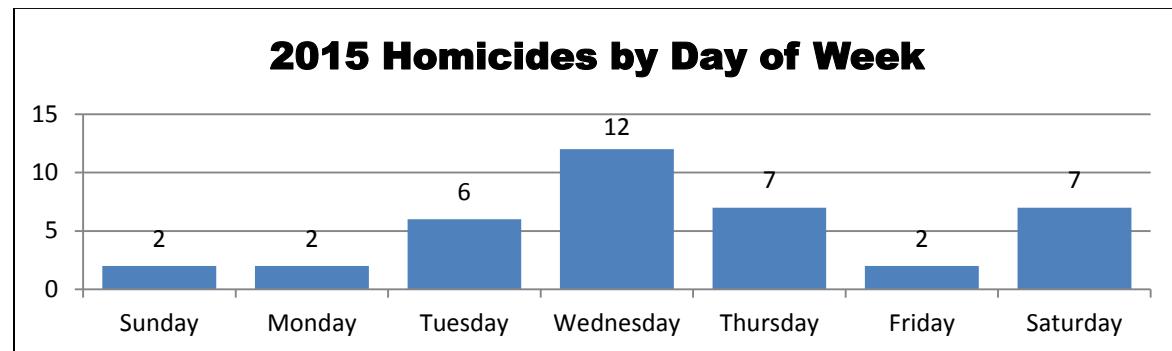
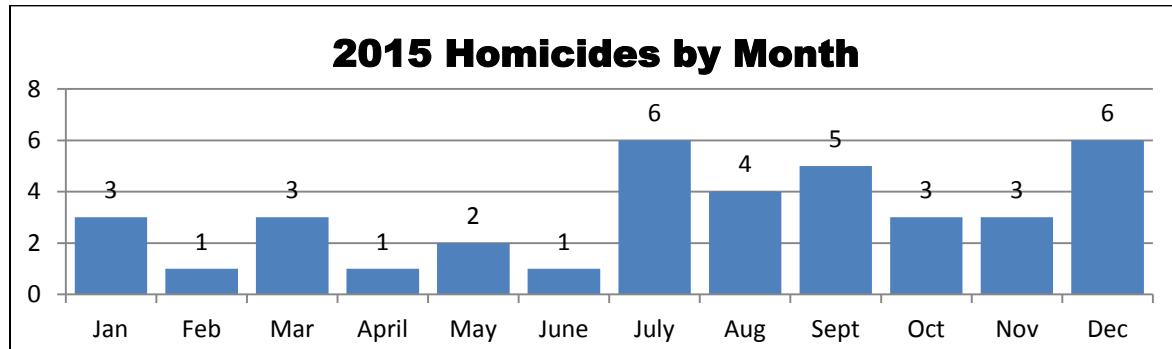


There was some speculation that heavy, frequent snowstorms drove down the number of homicides early this year. Only seven homicides were recorded between January and March, compared with 16 during the same time last year. The trend continued into the spring, however, with homicides between April and June 2015 declining to less than one-third the 14 that were

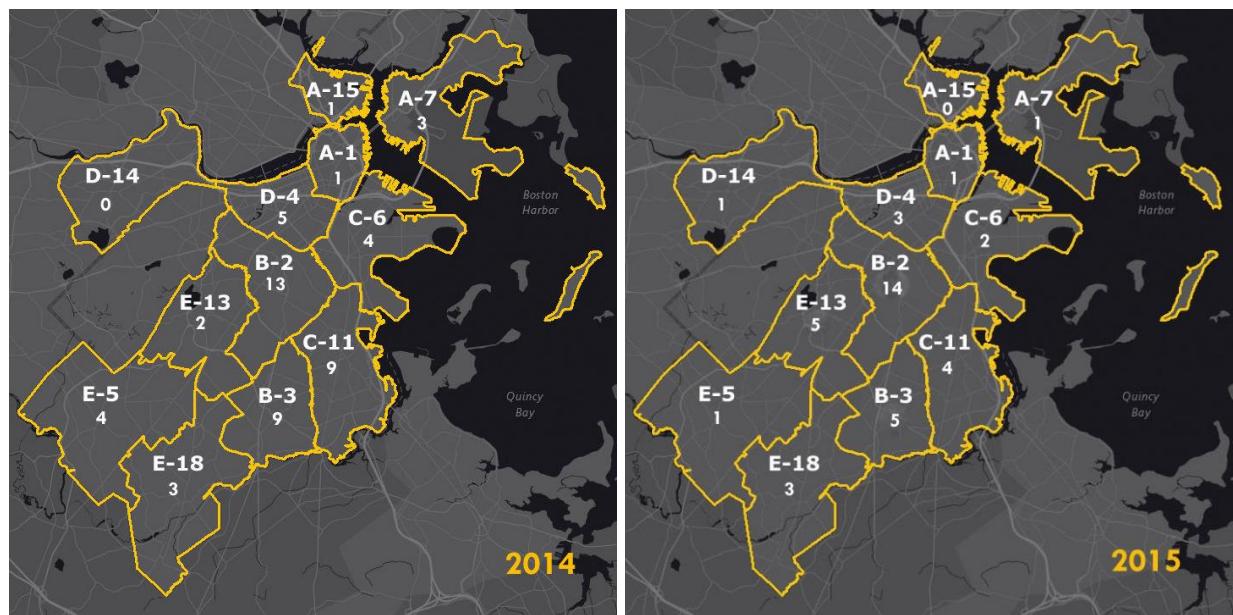
¹ May 27 homicide of Bella Bond, killed in Dorchester but found on Deer Island, and Sept. 7 homicide of Wilson Martinez, killed on DCR property in East Boston

² Nov. 12, 2013, homicide of Yarelis Rosario-Pereira; July 13, 2014, homicide of Pippin Roe; and Nov. 18, 2014, homicide of Stephanie McMahon, which will be included in the 2015 homicide tally for purposes of calculating the clearance rate (see next section).

committed during the same period in 2014. Unexpectedly, many more homicides took place on Wednesdays this year than on any other day.



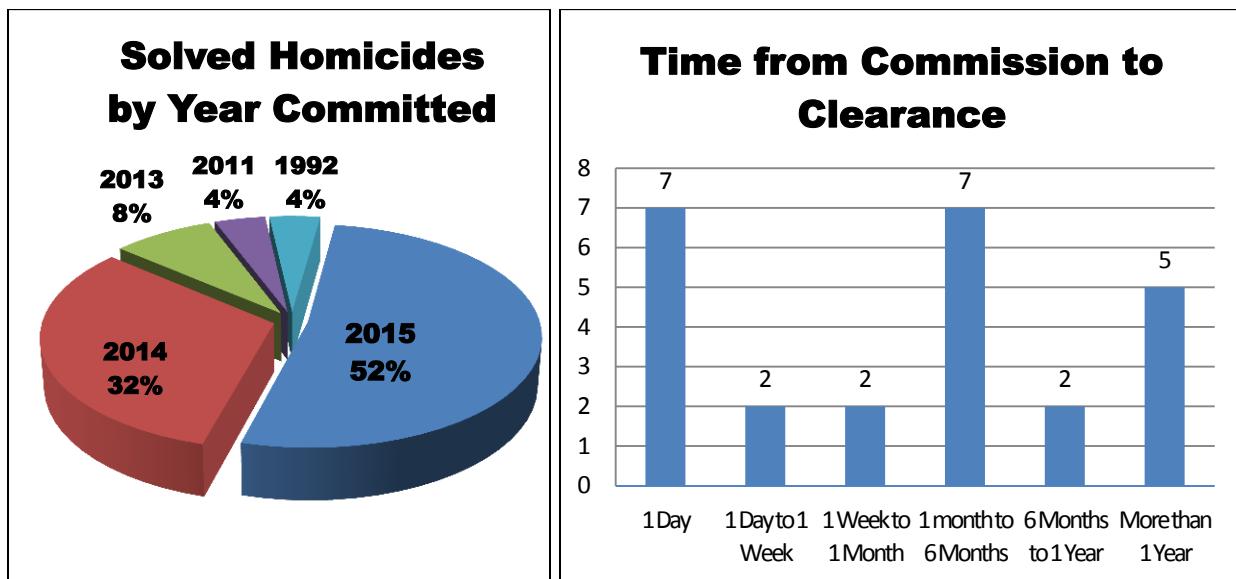
Homicides this year took place in each of the city's 12 police districts except for A-15 (Charlestown); the district with the greatest number of homicides was B-2 (Roxbury), with 38% of the total. Most districts saw a decline from last year, with the sharpest drops in C-11 (Dorchester), where homicides fell from nine to four, and B-3 (Mattapan), where they fell from nine to five. Only District E-13 (Jamaica Plain) saw an increase of more than one homicide.



II. Clearances

A total of 25 Boston homicides were solved during 2015. Using the FBI's Uniform Crime Reporting formula, which includes three deaths from prior years that were ruled homicides this year,³ this represents a 2015 clearance rate of 61%, higher than the 2014 rate of 45% and the highest in at least five years.

Boston's clearance rate this year is significantly higher than 56%, the most recent average available for cities of similar size. Under the UCR formula, this is the number of given offenses reported during a calendar year divided by the number of offenses "cleared" that year, regardless of when the cleared or reported offense took place.⁴ Why does the FBI apply prior-year offenses toward the UCR clearance rate? Confining the clearance rate to current-year offenses would not only fail to account for older cases that were recently discovered or recently determined to be homicides, but would also favor investigations that begin early in the year and penalize those that begin later: A crime committed on January 1 could be solved in 364 days and be included, whereas a crime committed on December 31 could be solved the very next day and not be included. A clearance rate based solely on calendar year, which consistently fails to account for the statistic it measures, is inherently invalid.



In Boston, this year's rate reflects 13 solved homicides from 2015, eight from 2014, two from 2013, and one each from 2011 and 1992. Seven homicides were solved within 24 hours, while nine were solved between a month and a year after the offense took place. Five cases took a year or more to solve. The length of an investigation is based on a variety of factors including, obviously, the complexity of the facts and the nature of the evidence. But other factors may also weigh on the timing of a charging decision: a suspect incarcerated on an unrelated charge, for example, poses no public safety threat, allowing investigators to build the case while he remains

³ Nov. 12, 2013, homicide of Yarelis Rosario-Pereira; July 13, 2014, homicide of Pippin Roe; and Nov. 18, 2014, homicide of Stephanie McMahon

⁴ "Crime in the United States," FBI, 2014

behind bars; officials may need to relocate critical witnesses through the state's Witness Protection Program if witnesses fear retaliation for their testimony; and preliminary findings in DNA, ballistics, or other forensic analysis may need to be confirmed by further specialized testing.

The true flaw of the UCR clearance rate is not its inclusion of prior-year cases but its failure to account for "clearance" standards that vary widely across jurisdictions. In most cities nationwide, police investigate homicides alone, then "clear" them when investigators feel they have enough evidence to charge at least one person, generally under the low standard of probable cause. The case remains "cleared" even if a prosecutor's office dismisses it for insufficient evidence – or even if it never reaches a prosecutor's desk at all: In one major city that boasted a high homicide clearance rate, reporters found nearly 200 "cleared" cases in which no one was ever charged.⁵ This is in stark contrast to Boston, where police and prosecutors share the same high standards.

Under Massachusetts law, homicide investigations are directed and controlled by the district attorney with jurisdiction. In most cities and towns, these investigations are undertaken by county-based State Police detective units. The Boston Police Department, however, is one of only three municipal police departments in the Commonwealth with the size, sophistication, and staff necessary for effective homicide investigations, and the Suffolk District Attorney has traditionally designated the BPD Homicide Unit as his statutory law enforcement representative within city limits.⁶

As a result, Boston Police homicide detectives and Suffolk County homicide prosecutors work together from the first response at the scene to the final appeal before the state's higher courts. They are supplemented by the world-class Boston Police Crime Laboratory, the only municipal crime lab in Massachusetts accredited by the American Society of Crime Laboratory Directors' Laboratory Accreditation Board. They are also assisted by highly proficient teams of victim advocates who offer survivors and witnesses support and services, including relocation through the state's Witness Protection Program, and other personnel.

Under this model, Boston homicides aren't cleared – they're solved. A Boston homicide is considered cleared only when there is sufficient evidence to bring a case to trial or, in certain rare exceptions, such as when the evidence would be sufficient to charge a person who is now deceased. This threshold is based on prosecutors' ethical obligation not to "institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction."⁷ As a result, pre-trial dismissals are almost unheard of in Boston, where nearly every cleared case is bound for indictment and adjudication: the lone exceptions in 2015 were a case in which the perpetrator committed suicide⁸ and a case

⁵ "D.C. homicides: In 15 percent of closed cases, no charges and no arrests," *Washington Post*, Oct. 14, 2012

⁶ There are certain exceptions for State roadways, waterways, and other property within the City of Boston.

⁷ American Bar Association Prosecution Standard 3-3.9(a)

⁸ Stephen Pasceri shot himself to death shortly after killing Dr. Michael Davidson at Brigham & Women's Hospital.

in which a previously-suspicious death was found to be an exercise of self-defense.⁹ In contrast, an average big-city prosecutor's office dismisses 17% of its "cleared" cases each year.¹⁰

Given these widely-varied qualitative differences in "clearances," it can be at best difficult and at worst misleading to compare Boston's homicide clearance rate with those of other cities.¹¹ Boston's clearance rate exceeded the reported UCR average for cities of similar size three times in the past five years,¹² but if the UCR rate is reduced by the 17% dismissal rate to adjust for cases that are "cleared" only to be thrown out, we can roughly estimate an actual "solve rate" that Boston easily surpasses every year.

Every homicide is unique in facts and circumstances. The likelihood that any case will be solved is based solely on the evidence available to investigators. No matter how good the investigative team, no matter when or where it took place, a homicide with no witnesses and no leads is almost impossible to solve, while a homicide captured on security cameras with multiple cooperative witnesses and the defendant's biological material at the scene is likely to be solved very quickly.

In cases of deadly domestic violence, for example, perpetrators are generally identified in short order – often at the scene – and the defense is generally based on circumstance, such as mental impairment or self-defense, rather than identity. Similarly, most homicides at or near MBTA stations lead to arrests and convictions, thanks in large part to a network of high-resolution public safety cameras that provide critical evidence for investigators on a moment's notice. In contrast, the chief justice of the Supreme Judicial Court has called shooting homicides by street gangs "among the most difficult crimes to solve and prosecute."¹³

Homicides committed with guns were about half as likely to be solved this year as those committed with knives or other implements. Homicides committed indoors were more likely to be solved, whereas those committed outdoors were less likely. Broken down by these categories, the 2015 clearance rate by UCR standards is 45% for outdoor shootings, 75% for indoor shootings, and 100% for all non-gun homicides.

	Shooting	Stabbing	Other	Total
Outdoor	13/29 (45%)	2/2 (100%)	2/2 (100%)	17/33 (48%)
Indoor	3/4 (75%)	3/2 (100%)	2/2 (100%)	8/8 (100%)
Total	16/33 (48%)	5/4 (100%)	4/4 (100%)	25/41 (61%)

The reason for this is simple: The perpetrator of an outdoor shooting generally flees the scene immediately, touching nothing and leaving no fingerprints, DNA, or other trace evidence behind. Unless a suspect is apprehended shortly afterward with a firearm that can be matched to shell casings or projectiles, there is no physical evidence to link to a gunman. Without cooperating witnesses or footage from video cameras such as those used by the MBTA, the chances of solving the case become very slim.

⁹ Nov. 4, 2014, homicide of Darison Pujols during a home invasion.

¹⁰ "Felony Defendants in Large Urban Counties," Bureau of Justice Statistics, 2009 (most recent year available)

¹¹ "Case Closed? How 'Solved' Murder Stats Are Misleading." *Governing*, April 2015

¹² "Crime in the United States," FBI, 2010-2014

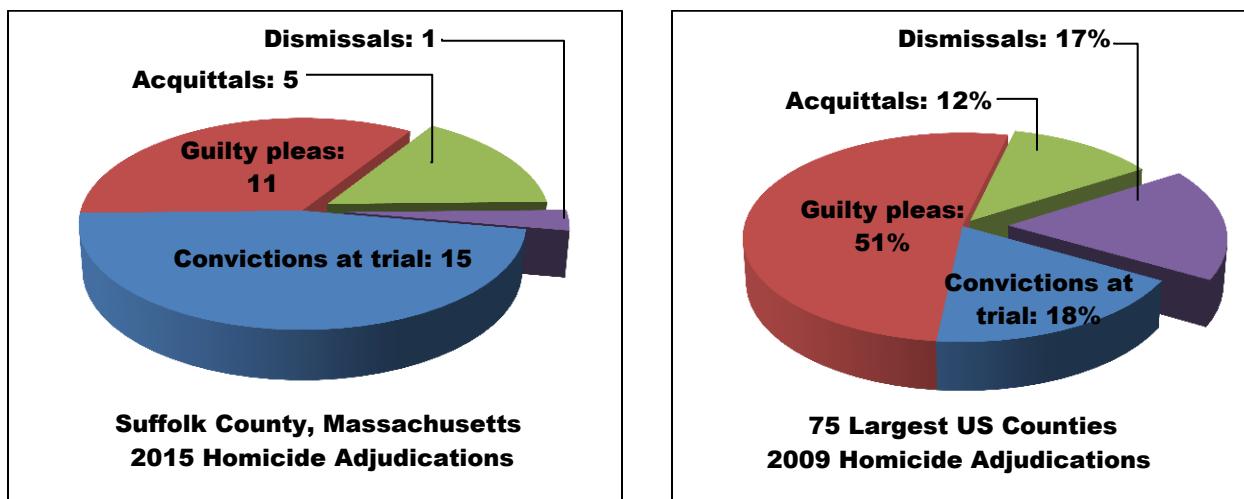
¹³ *Commonwealth v. Paulo Tavares*, 2011, Chief Justice Ralph Gants, concurring opinion

III. Adjudications

In adjudicative proceedings on 31 homicide indictments this year, 26 ended with a guilty finding by a judge or jury, for a conviction rate of 84%. Of these convictions, 15 were secured after jury trials and 11 through guilty pleas, reflecting a much higher trial rate than the average big city prosecutor's office.¹⁴

Given the flaws inherent in the UCR clearance rate, many criminologists look elsewhere to judge the quality and success of homicide investigations. The most telling statistic toward that end is the homicide conviction rate, which in Suffolk County averages 85.5% over the past 10 years.

"The conviction rate is the litmus test of investigations," says Anthony Radost, vice president of the New Orleans-based Metropolitan Crime Commission.¹⁵ "It will determine the quality of the investigation. Going to trial requires more than probable cause. It requires solid investigation, evidence and good witnesses." David Simon, creator of *The Wire*, puts it more bluntly: "[T]he FBI's crime reporting logic allows police departments to take credit for all cases cleared by arrest, regardless of whether those arrests are any good at all," he writes.¹⁶ "Once an arrest has been made – even if charges are subsequently dropped – the case is credited as cleared, and its status as a cleared case doesn't change."



In Suffolk County, pre-trial dismissal of cleared cases is extremely rare because the quality of investigations is extremely high. Thanks to the partnership between Boston Police and Suffolk prosecutors, only one murder indictment – far lower than the most recent available big-city average of 17% – was dismissed in 2015, after a critical witness died unexpectedly.¹⁷

¹⁴ "Felony Defendants in Large Urban Counties," Bureau of Justice Statistics, 2009 (most recent year available)

¹⁵ "Getting away with murder is easier than you think," *Shreveport Times*, Nov. 18, 2014. Reporters found more than a dozen cases in a four-year period "officially listed as 'closed by arrest' in which charges against the person in custody were later dropped."

¹⁶ "Dirt Under the Rug," <http://davidsimon.com>, June 18, 2012

¹⁷ *Commonwealth vs. Giovani Carter*.

Contributing to the low dismissal rate and high conviction rate in Boston and Suffolk County is the use of the grand jury as an investigative tool rather than simply a mechanism to obtain an indictment. Suffolk County is the only jurisdiction in Massachusetts to host two simultaneous grand juries that compel testimony, subpoena records, and check each piece of evidence against others before a case goes to trial – and, in many cases, before a suspect is even arrested. Nine of the year’s adjudicated homicide cases, nearly a third of the total, were directly indicted, meaning the case was first cleared and the suspect first charged via grand jury indictment rather than district court complaint. Of those cases, each one ended in a conviction. This extensive use of the grand jury serves the dual purpose of building stronger cases and preventing wrongful convictions and other miscarriages of justice.

The difficulty in gathering evidence to solve fatal shootings was also present in prosecuting them this year. The 2015 conviction rate for fatal shootings was about 76%, while the rate for all other forms of homicide was 100%.

	Guilty	Not Guilty	Conviction Rate
Indoor Shooting	6	2	75%
Outdoor Shooting	9	3	77%
Indoor Stabbing	2	0	100%
Outdoor Stabbing	8	0	100%
Other	1	0	100%
Total	26	5	84%

With the exception of a fatal stabbing on State property,¹⁸ all of the year’s adjudicated homicide indictments arose out of cases investigated by Boston Police. The 13 indictments arising out of homicides in District B-2 (Roxbury) accounted for more than 40% of the total, followed by 11 homicides out of C-11 (Dorchester), three out of D-4 (Back Bay / South End), and one each out of B-3 (Mattapan), C-6 (South Boston), D-14 (Allston/Brighton), and E-18 (Hyde Park).

These adjudication totals do not include two additional cases that defy neat categorization: those in which the evidence established that the defendants were too mentally ill at the time of a homicide to be found criminally responsible.¹⁹ In those trials, the facts of the homicides were introduced in summary form and the parties called concurring mental health experts with the expectation that the defendants would be committed to secure mental health facilities for lengthy periods. In both cases, after extensive direct and cross-examination of the experts, the defendants were adjudicated not criminally responsible and committed.

IV. Appellate Decisions

Of 14 Boston homicide convictions considered by Massachusetts’ appellate courts on direct appeal this year, all but one were affirmed.²⁰ The reversal was in a two-defendant case in which

¹⁸ *Commonwealth v. Christopher Powell*

¹⁹ *Commonwealth v. Joseph Sterling* and *Commonwealth v. Sara Navarro-Reid*

²⁰ Three additional homicide convictions out of Chelsea and Revere were also affirmed. Two 1994 convictions for a homicide in Chelsea were reversed this year; this case was not investigated by Boston Police and predates the investigative and trial practices covered in this report.

the Supreme Judicial Court found error in a judge’s jury instruction and reversed the murder conviction of a defendant who retrieved a firearm, pointed it at an unarmed man, and prepared to fire it before his convicted co-defendant took it from him.²¹

The consistently high rate of appellate success in Suffolk County reflects countless hours of meticulous work by appellate prosecutors who scour the record for error and defend just convictions against unwarranted reversal. It also reflects the high-quality “front end” efforts of diligent investigators and ethical trial prosecutors – including, many times, appellate prosecutors themselves, who assist in those efforts as key members of the trial team. These lawyers frequently play an active role in prosecuting cases at trial and arguing points of law in various pre- and post-adjudicative hearings to ensure that justice is done. No other appellate team in the state, or even the region, handles as many cases, or cases with as many novel issues, as that of the Suffolk DA’s office.

Appellate prosecutors were critical in defeating the motion to dismiss an indictment against a man who fired on a group of rivals, prompting an innocent bystander to run for his life and die of a fatal asthma attack. The motion was denied, the case went to trial in June, and a jury convicted the gunman of manslaughter.²² In another particularly challenging case tried by a homicide prosecutor second-seated by an appellate lawyer, the defendant was found not guilty of murder but guilty of unlawful possession of ammunition.²³ Because of the defendant’s prior record, the appellate prosecutor led a second trial on his indictment as an armed career criminal, introducing two convictions for cocaine distribution and one for assault and battery. As a result, the defendant was sentenced to 15 years in state prison despite his acquittal on the homicide.

In a case argued this year but not yet decided by the Supreme Judicial Court, an appellate prosecutor reviewing trial transcripts noted an omission of testimony that, while not dispositive of the defendant’s guilt, could still benefit him on appeal. The omission went unnoticed by the parties at trial, the presiding judge, and even the defendant’s appellate counsel. When the prosecutor brought it to the attention of the defendant and the state’s highest court, Chief Justice Ralph Gants commended him for “acting in the highest tradition of the prosecutive trade”²⁴ and a statewide attorneys’ periodical applauded him for “putting the interests of justice first.”²⁵

The men and women who investigate and prosecute homicides in Boston all embrace this standard of excellence at every step of their work. No clearance, arrest, trial, or affirmed conviction will return those whose lives were taken, and too many families wait too long for closure. But by ensuring that investigations are thorough and complete before being charged, and by conducting every prosecution with ethics and integrity before, during, and after trial, they seek true justice for victims, their families, and their communities in the highest tradition of law enforcement.

²¹ *Commonwealth v. Sandro Tavares*

²² *Commonwealth v. Michael Stallings*

²³ *Commonwealth v. Devone Suber*

²⁴ *Commonwealth v. Adam Cassino*, Dec. 11 oral arguments

²⁵ “Suffolk ADA deserving of praise for disclosure,” *Mass Lawyers Weekly*, Editorial, Dec. 23, 2015

*This report is dedicated to the memory of all those who lost their lives to violence in the City of Boston,
and to the families and loved ones they leave behind.*

2015

Alex DoSouto, 24
Michael Davidson, 44
Charles Floyd, 28
Kenny Lamour, 21
Luis Ramos, 40
Willie Williams, 21
Richard Long, 37
Jeromie Johnson, 33
Nevin King, 24
Larry Moore, 27
Bella Bond, 2
Jonathan Dos Santos, 16
Rahim Ramirez, 24
Ryan Alexander, 26
Yuzhen Lei, 72
Jean Louis, 20
Jose Castillo, 27
Grisel Sanchez, 31
Angel Oller, 20
Andrew Reed, 28
Darwin Adilas, 21
Tedford Davis, 27
Wilson Martinez, 15
Zachary Pinnick, 32
Luis Bodden-Maximo, 23
Irvin Depaz, 15
Natho Bellegard, 21
Jeffrey Randall, 30
Mason Raymond, 17
Desmond Joseph, 30
Clive Francis, 49
Dominic Owens, 21
Bryan Santos, 24
Jephthe Chery, 30
Maurice Scott, 38
Anthony Sinclair, 28
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Eric Durham, 27
D'Andre King-Settles, 17
Joshua Morales, 18