

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Superior Court Department

CAMERON CASEY, SHAWN
DAVENPORT, and COMMITTEE FOR
PUBLIC COUNSEL SERVICES

Plaintiffs,

v.

MASSACHUSETTS STATE POLICE,

Defendant.

24-2947D

VERIFIED COMPLAINT

Civil Action No. _____

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND JURY DEMAND**

INTRODUCTION

1. Plaintiffs Cameron Casey, Shawn Davenport, and Committee for Public Counsel Services (CPCS) seek public records that are in the possession, custody, and control of Defendant Massachusetts State Police (MSP) but that MSP nonetheless failed to identify in response to a request pursuant to the Public Records Law, G. L. c. 66, § 10, submitted by Attorney Casey on August 13, 2024. Attorney Casey was appointed to represent Mr. Davenport in a criminal case, and the request was submitted as part of her defense investigation.

2. On information and belief, and as alleged with more particularity below, MSP had in its possession, at the time of the August 13th request, internal affairs records relating to MSP Trooper Austin Rose, a potential witness against Mr. Davenport. Those records should have been identified and provided in response to that public records request.

SUFFOLK SUPERIOR COURT
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JOHN E. POWERS III
ACTING CLERK

3. Instead, MSP affirmatively stated, on August 14, 2024, that it discovered no internal affairs records relating to Trooper Austin Rose.

4. Through a conversation with a colleague on October 2, 2024, Attorney Casey learned that the Norfolk District Attorney's Office had identified Trooper Rose, as an officer whose past misconduct must be disclosed in future cases.

5. At a hearing the next day, October 3, 2024, Attorney Casey told the court she had reason to believe that the Commonwealth had failed to turn over exculpatory information about Trooper Rose. The Commonwealth immediately declined to prosecute Mr. Davenport.

6. On information and belief, and as alleged with more particularity below, the public records that MSP failed to identify or provide pertained to the same prior misconduct which the prosecutor was required to disclose as exculpatory evidence – allegations that Trooper Rose was caught by his own body worn camera tampering with evidence to support false criminal charges.

7. Together, Plaintiffs bring this suit seeking a declaratory judgment that MSP failed to conduct a reasonably thorough or diligent search for records in violation of the public records law, an order that MSP produce the relevant records, statutory penalties, an award of attorney fees and costs, and any other relief the Court deems just and proper.

PARTIES

8. Plaintiff Committee for Public Counsel Services is responsible for “plan[ning], oversee[ing], and coordinat[ing] the delivery of criminal and certain noncriminal legal services by salaried public counsel, bar advocate and other assigned counsel programs and private attorneys serving on a per case basis” on behalf of indigent criminal defendants and other litigants who are entitled to counsel. G. L. c. 211D, § 1. See G. L. c. 211D, § 5. CPCS has a principal place of business at 75 Federal Street, 6th Floor, in Boston, Massachusetts, 02110.

9. Plaintiff Attorney Cameron Casey is a CPCS Staff Attorney. Her work address is 1515 Hancock Street, Suite 401, Quincy, MA 02169.

10. Plaintiff Shawn Davenport was Attorney Casey's client as a defendant in a criminal case in Norfolk County on whose behalf the public records request that is the subject of this suit was filed.

11. The Massachusetts State Police is a statewide law enforcement agency comprised of more than 2,000 Troopers and additional civilian personnel. It is organized within the Executive Office of Public Safety. See G. L. c. 22C. The general headquarters of the MSP are at 470 Worcester Road, Framingham, MA 01702.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to G. L. c. 66, § 10A(d)(1); G. L. c. 212, § 4; and G. L. c. 231A, § 1.

13. Venue is proper because any action to enforce the public records law "shall be filed in Suffolk superior court with respect to agencies." G. L. c. 66, § 10A(c).

FACTUAL ALLEGATIONS

14. Defendant is the custodian of public records for the purposes of G. L. c. 66, § 10.

15. The Public Records Law is an important tool of government oversight. It was designed to give broad access to government records and thereby promote the core value of trust between the people and their government. It is also a critical tool for defense attorneys investigating their cases because public records often contain and constitute evidence relating to police witnesses in those cases.

16. The lawfulness of police action and the integrity of police witnesses are often subject to scrutiny when defending criminal charges. Many prosecutions hinge on whether police

stops, frisks, searches, arrests, and interrogations were conducted in accordance with constitutional requirements. That question, in turn, often depends on whether police are credible when testifying about what they saw, heard, and did.

17. A failure to produce timely and reliable responses to public records requests in compliance with the Public Records Law impedes defense attorneys from efficiently investigating the facts and defenses available in their cases.

18. On March 7, 2024, a criminal complaint issued against Mr. Davenport in the Quincy District Court charging him with assault and battery on a police officer, resisting arrest, and two motor vehicle infractions.

19. After reviewing the bodycam footage of Mr. Davenport's arrest, Attorney Casey filed a motion to reconsider his bail revocation on June 17, 2024. A true copy of this motion and affidavit are attached as Exhibit B. In an affidavit in support of that motion, Attorney Casey described the arrest as follows:

7. The video shows Trooper Austin Rose of the Massachusetts State Police effectuating a traffic stop of the vehicle Mr. Davenport was driving.

8. The video shows Mr. Davenport remaining calm and attempting to comply with Trooper Rose's instructions throughout the encounter, and Trooper Rose escalating the situation significantly by shouting aggressively at Mr. Davenport. . . .

10. The video shows, through Trooper Rose's statements to Mr. Davenport and the other officers who responded, that Trooper Rose believed Mr. Davenport possessed illegal narcotics on his person or in his vehicle. No illegal narcotics were found in the vehicle after an extremely thorough search, despite a responding officer telling another responding officer, "You better find a hide in there buddy. I want you to tear this thing apart." No illegal narcotics were found on Mr. Davenport's person, despite a responding officer performing a highly invasive strip search of Mr. Davenport in a public and heavily trafficked parking lot.

11. After the conclusion of the searches, the video shows Trooper Rose telling a responding officer, "I was debating taking [Mr. Davenport] on A&BPO right now, but I think I'm just going to kick him. Is that OK?" and the other officer responding, "No. Mute that," in reference to Trooper Rose's body worn camera.

20. After these events, Trooper Rose returned to his cruiser and told Mr. Davenport he was under arrest.

21. After review of the body worn camera footage by the court, Attorney Casey's motion to reconsider Mr. Davenport's bail revocation was allowed.

22. A "Brady list" is a common term for a list of law enforcement witnesses whose prior misconduct is serious enough that, in the view of the relevant district attorney or prosecuting agency, it must be disclosed as exculpatory evidence in future cases.

23. In early August, a colleague mentioned to Attorney Casey that she had heard Trooper Rose was on the Norfolk County "Brady list." The colleague stated that she was not certain that he was on the list, nor did the colleague claim to know what may have caused Trooper Rose to be put on the Brady list.

24. On August 13, 2024, as part of her defense investigation, Attorney Casey submitted a public records request through MSP's online records portal. The request was for: "All internal affairs records, including complaints and investigative reports along with all other underlying documentation (interviews, photographs, video, etc.) for Trooper Austin Rose." A true copy of this request, and MSP's response, is attached as Exhibit C.

25. MSP responded the same day, acknowledging receipt of the request and assigning it reference # P009071-081324.

26. The next day a Research Analyst at the MSP Office of the Chief Legal Counsel, responded to Attorney Casey's request. The Research Analyst wrote: "Based upon the information provided, the Massachusetts State Police has conducted a diligent search of its records and is unable to locate any responsive records. If additional information becomes available to you indicating Department involvement, you may submit a new request." See Exhibit C.

27. On information and belief, any diligent search for records specified by the August 13th request would have identified all civilian complaints filed against MSP Trooper Rose.

28. On information and belief, MSP had received at least one complaint against Trooper Rose prior to the filing of Attorney Casey's request.

29. On July 18, 2024, Attorney Sarah Westra filed a complaint with the Massachusetts State Police alleging MSP Trooper Austin Rose, among other things, tampered with evidence in support of false charges. A true copy of that complaint is attached hereto as Exhibit D. Specifically, the complaint alleges that Trooper Rose's:

bodycam footage shows his arrival and search of [a crashed] vehicle. He discovered a scale and plastic bag inside a closed case, inside a closed backpack and placed/staged evidence on the driver's seat. Rose lied/mislead [sic] all other officers by affirmatively stating there was 'coke and a scale' on the driver's seat. The location of the staged evidence was used to charge [Defendant] with OUI drugs – Rose also yelled and used profanities at other operators "Move! What the fuck are you looking at[.] Rose then yelled in [Defendant's] face (who was still laying on the ground awaiting ambulance) "we smoking and driving?" There were at least three occasions [sic] where Rose could have advised he placed the evidence [sic] on the driver's seat and failed to so . . . Rose was summonsed (by the Commonwealth and myself) for a motion to suppress and failed to appear. Following the Commonwealth's review of the bodycam footage – a "nole pros" [sic] was filed.

30. The complaint also describes two other incidents, also captured by his bodycam, in which Trooper Rose conducted illegal searches during traffic stops and acted grossly unprofessionally. Specifically, after a traffic stop for speeding:

Rose issues an illegal exit order, invites an illegal pat-frisk, conducts an illegal search of the entire vehicle (including closed containers and trunk) and dumps the personal contents throughout the vehicle. No contraband was found. Rose exhibits unprofessional and illegal conduct throughout his interaction. The case was dismissed after Rose failed to appear for the hearing on the motion to suppress.

31. Finally, the complaint alleged that in a third incident:

[Defendant] was stopped for a supposed 'marked lanes violation[.]' Rose asked [Defendant] if the female passenger was his 'shorty' (both are non-white) and arrests [Defendant] for license suspension for failure to pay excise tax. He does not allow [Defendant] to make arrangements to have his vehicle removed by a friend

(despite [Defendant's] request to do so) and proceeds to search the entire vehicle as well as the female passenger's purse.

32. Because MSP failed to identify these records, on information and belief, MSP staff either failed to conduct a diligent search for records or failed to notify Attorney Casey of the records that were located during that search.

33. The Supreme Judicial Court has stated that “[c]oncealing police brutality against an arrestee, whether by the officer or a fellow officer, or making false statements that might lead to an unjust conviction are for law enforcement officers the equivalent of high crimes and misdemeanors,” when considering whether past misconduct is admissible for impeachment purposes in future cases. Matter of Grand Jury Investigation, 485 Mass. 641, 652 (2020).

34. Any civilian complaint should have been detected in response to Attorney Casey's request.

35. The failure to discover allegations that Trooper Rose committed precisely the kind of misconduct identified by the Supreme Judicial Court as admissible evidence in future cases is an even more egregious failure, especially when that complaint was supported by video evidence of the alleged misconduct that, on information and belief, was and is also within MSP's own care, custody, and control.

36. On October 2, 2024, Attorney Casey heard from the same colleague she had spoken to previously, this time more definitively, that Trooper Rose was on the Norfolk County Brady list.

37. At a later hearing in Mr. Davenport's case on October 3, 2024, Attorney Casey explained to the Court that she had reason to believe that exculpatory information about Trooper Rose existed which had not been turned over by the Commonwealth.

38. The prosecuting attorney, some minutes later, filed a nolle prosequi, declining to proceed with the Commonwealth's case against Mr. Davenport.

39. On information and belief, had Attorney Casey relied on MSP's public records response and not happened to have learned, fortuitously, of Trooper Rose's misconduct from a colleague, the criminal prosecution of her client would not have ended so quickly.

40. After the end of Mr. Davenport's case, Plaintiff CPCS obtained a copy of a "Brady" notice letter from the Norfolk District Attorney's Office regarding Trooper Rose. The letter indicates that the evidence which must be disclosed as exculpatory pertains to the events described in Attorney Westra's complaint, the very records that MSP failed to find and produce in response to Attorney Casey's request.

41. To date, Attorney Casey has not received any documents from MSP in response to her request for records about Trooper Rose.

CLAIM FOR RELIEF

Defendant's responses and non-responses to public records requests violate G. L. c. 66, § 10.

42. Plaintiff incorporates the preceding paragraphs of this Complaint as if fully set forth herein.

43. "[A] presumption shall exist that each record sought is public and the burden shall be on the defendant agency or municipality to prove, by a preponderance of the evidence, that such record or portion of the record may be withheld in accordance with state or federal law." G. L. c. 66, § 10A(d)(1)(iv).

44. Upon receiving a properly filed public records request, a records access officer has a duty to facilitate a “timely and thorough production of public records.” G. L. c. 66, § 6A(b); 950 Code Mass. Regs. § 32.04(5)(a).

45. Once a request for public records is made, a custodian of records must either permit inspection or furnish a copy of the public record, G. L. c. 66, § 10(a), 950 Code Mass. Regs. § 32.06(2), or provide written notice that it is denying the request to access the record. G. L. c. 66, § 10(b), 950 Code Mass. Regs. § 32.06(3).

46. When designing or acquiring an electronic record keeping system or database, Record Access Officers and Record Custodians must cooperate to ensure that: “the newly acquired or implemented electronic record keeping system allows for information storage and retrieval methods permitting retrieval of public portions of records to provide maximum public access.” 950 Code Mass. Regs. § 32.07(1)(e)(2).

47. On information and belief, namely MSP’s failure to identify any records in this case, MSP did not store information about Trooper Rose in an electronic record keeping system or database designed to maximize public access in violation of 950 Code Mass. Regs. § 32.07(1)(e)(2).

48. MSP’s failure to conduct an adequately thorough search for records and its subsequent failure to produce any documents that were in its possession, custody, and control violate the Public Records Law, G. L. c. 66, §§ 6A, 10.

PRAYER FOR RELIEF

WHEREFORE, pursuant to G. L. c. 66, § 10A(d)(1)(iii), Plaintiff respectfully requests that this Court expedite these proceedings, and grant the following relief:

1. Declare that Defendant violated G. L. c. 66, § 10 by failing to conduct an adequately thorough search for responsive records and by failing to notify the requester of records that were in Defendant's possession, custody, and control;
2. Declare that Defendant violated G. L. c. 66, § 10 by failing to produce responsive records.
3. Declare that Defendant violated 950 Code Mass. Regs. § 32.07(1)(e)(2) by failing to store records in an electronic system designed to maximize public access.
4. Order Defendant to produce, forthwith, all outstanding responsive records.
5. Award reasonable attorneys' fees and costs pursuant to G. L. c. 66, § 10A(d);
6. Assess punitive damages against Defendant as authorized by the Public Records Law in an amount to be determined by the Court to be deposited into the Public Records Assistance Fund established in section 35DDD of chapter 10 of the General Laws; and
7. Order such other and further relief as the Court deems necessary, just, and appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims and issues so triable.

Dated: November 7, 2024

Respectfully Submitted,

Cameron Casey, Shawn Davenport, and
Committee for Public Counsel Services

By their attorneys,

/s/ Mitchell Kosht

Mitchell Kosht, BBO #706334
Aaron Oakley (Pro Hac forthcoming)

For all Plaintiffs

THOMAS OAKLEY PLLC
285 Washington St., Suite 101
Somerville, MA 02143
(617) 455-9335
mitchell@thomas-oakley.com

/s/ Rebecca Jacobstein

Rebecca Jacobstein, BBO #651048

For the COMMITTEE FOR PUBLIC
COUNSEL SERVICES

75 Federal Street, 6th Floor
Boston, MA 02110
(617) 910-5726
rjacobstein@publiccounsel.net

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK ss.

SUPERIOR COURT DEPARTMENT

CAMERON CASEY, SHAWN
DAVENPORT and COMMITTEE FOR
PUBLIC COUNSEL SERVICES,

Plaintiffs,

v.

MASSACHUSETTS STATE POLICE,

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Civil Action No. _____

**TABLE OF EXHIBITS IN SUPPORT OF
VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND JURY DEMAND**

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COMMONWEALTH V. SHAWN DAVENPORT, QUINCY DIST. CT. NO.
2456CR0674 (ALLOWED ON JUNE 18, 2024) 5

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Exhibit A: Affidavit of Attorney Cameron
Casey

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT

CAMERON CASEY, SHAWN
DAVENPORT and COMMITTEE FOR
PUBLIC COUNSEL SERVICES,

Plaintiffs,

v.

MASSACHUSETTS STATE POLICE,

Defendant.

Civil Action No.

AFFIDAVIT OF ATTORNEY CAMERON CASEY
VERIFYING ALLEGATIONS OF FIRST AMENDED COMPLAINT

I, Cameron Casey, state the following is true and accurate to the best of my knowledge, information, and belief:

1. I am a Staff Attorney at the Committee for Public Counsel Services (CPCS).
2. In the course of representing Mr. Davenport, I submitted a request for public records pursuant to the Public Records Law, G. L. c. 66, § 10, to the Defendant Massachusetts State Police seeking civilian complaints against Trooper Austin Rose. I later learned of and reviewed a complaint filed against Trooper Austin Rose.
3. I have reviewed the allegations in the Complaint in the above captioned case. Based on my personal knowledge and review of the documents and video footage referenced

in this case, I affirm and verify that each allegation is true, except for those
allegations alleged on information and belief, which I believe to be true.

Signed under the penalties and pains of perjury,

Dated: 11/1/24

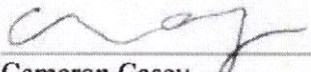

Cameron Casey

Exhibit B: Motion to Reconsider
Revocation of Bail, Commonwealth v.
Shawn Davenport, Quincy Dist. Ct. No.
2456CR0674 (Allowed on June 18, 2024)

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

QUINCY DISTRICT COURT
DOCKET NO. 2456CR0674

COMMONWEALTH

v.

SHAWN DAVENPORT

MOTION TO RECONSIDER REVOCATION OF BAIL

The defendant in the above-entitled matter respectfully moves this Court to reconsider its decision to order pretrial detention of the defendant pursuant to G.L. c. 276, §58B. "Judges may exercise their inherent authority to reconsider pretrial detention orders under §58B." Commonwealth v. Lougee, 485 Mass. 70, 147 N.E.3d 464 (2020). In support thereof, the defendant submits the attached affidavit of counsel.

*after hearing and after
review of the body camera
video*

ALLOWED

[Signature]
6-18-24

Respectfully submitted,
SHAWN DAVENPORT
By his attorney:

[Signature]

Cameron Casey
BBO # 709026
Committee for Public Counsel Services
1515 Hancock Street, Suite 401
Quincy, MA 02169
Office: 617-689-1090
Fax: 617-689-1096
ccasey@publiccounsel.net

June 17, 2024

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

QUINCY DISTRICT COURT
DOCKET NO. 2456CR0674

COMMONWEALTH

v.

SHAWN DAVENPORT

AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION TO RECONSIDER

I, Cameron Casey, state the following based on knowledge, information, and belief:

1. I am an attorney employed by the Committee for Public Counsel Services (“CPCS”), and was appointed to represent the defendant, Shawn Davenport, in the above-captioned matter.
2. Mr. Davenport is charged with assault and battery on a police officer, resisting arrest, and two civil motor vehicle infractions.
3. Mr. Davenport was arraigned on this matter on March 7, 2024.
4. On June 4, 2024, a new complaint issued against Mr. Davenport on unrelated charges, and the Commonwealth moved to revoke Mr. Davenport’s bail on the above-captioned docket under G.L. c. 276, §58B.
5. On June 4, 2024, the court granted the Commonwealth’s motion to revoke.
6. Following the revocation of Mr. Davenport’s bail, I was provided with the bodycam video of the conduct forming the basis of Mr. Davenport’s assault and battery and resisting arrest charges.
7. The video shows Trooper Austin Rose of the Massachusetts State Police effectuating a traffic stop of the vehicle Mr. Davenport was driving.
8. The video shows Mr. Davenport remaining calm and attempting to comply with Trooper Rose’s instructions throughout the encounter, and Trooper Rose escalating the situation significantly by shouting aggressively at Mr. Davenport.
9. The video shows that at least nine police officers and five police cruisers responded to assist Trooper Rose with what should have been a routine traffic stop of Mr. Davenport.
10. The video shows, through Trooper Rose’s statements to Mr. Davenport and to the officers who responded, that Trooper Rose believed Mr. Davenport possessed illegal

narcotics on his person or in his vehicle. No illegal narcotics were found in the vehicle after an extremely thorough search, despite a responding officer telling another responding officer, "You better find a hide in there buddy. I want you to tear this thing apart." No illegal narcotics were found on Mr. Davenport's person, despite a responding officer performing a highly invasive strip search of Mr. Davenport in a public and heavily trafficked parking lot.

11. After the conclusion of the searches, the video shows Trooper Rose telling a responding officer, "I was debating taking [Mr. Davenport] on A&BPO right now, but I think I'm just going to kick him. Is that OK?" and the other officer responding, "No. Mute that," in reference to Trooper Rose's body worn camera.

12. The video shows Trooper Rose conferring with other responding officers with his bodycam muted for approximately three minutes.

13. Then, the video shows Trooper Rose returning to his cruiser, where Mr. Davenport was already sitting handcuffed, and stating for the first time that Mr. Davenport was under arrest.

14. I believe that the contents of the bodycam video bears significantly on the questions before the court at the time of revocation, specifically whether Mr. Davenport is a danger to the community and capable of abiding by conditions of release.

15. If I had had knowledge of the bodycam video at the time of Mr. Davenport's revocation, I would have brought it to the court's attention so that the court could make a more informed decision on the question of revocation.

16. For those reasons, I respectfully request that the court reconsider its decision to revoke Mr. Davenport's bail on the above-captioned docket.

Signed under the pains and penalties of perjury this day June 17, 2024.

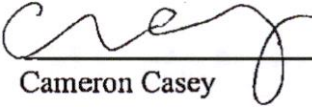

Cameron Casey

Exhibit C: Public Records Request of
August 13, 2024 and MSP Response

Email Redacted by Counsel for lack of relevance

CAUTION: This email originated outside of CPCS. Do not click links or open attachments unless you are confident they are safe.

--- Please respond above this line ---

RE: PUBLIC RECORDS REQUEST of August 13, 2024, Reference # P009071-081324

Dear Cameron Casey,

The Massachusetts State Police received your public records request on August 13, 2024, seeking the following information:

“All internal affairs records, including complaints and investigative reports along with all other underlying documentation (interviews, photographs, video, etc.) for Trooper Austin Rose”

Based upon the information provided, the Massachusetts State Police has conducted a diligent search of its records and is unable to locate any responsive records. If additional information becomes available to you indicating Department involvement, you may submit a new request.

The Department considers your request as a submission pursuant to M.G.L. c. 66, §10, the Massachusetts Public Records Law. If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Sincerely,

Laura Feula
Research Analyst
Office of the Chief Legal Counsel



The Massachusetts State Police received your public records request on 8/13/2024 9:50:44 AM seeking the following information:

"All internal affairs records, including complaints and investigative reports along with all other underlying documentation (interviews, photographs, video, etc.) for Trooper Austin Rose"

Your request is considered a submission pursuant to the Massachusetts Public Records Law. If the Department determines, given the nature and volume of records being requested, that a fee assessment is necessary, the estimated cost for the production of the requested records, and a request for prepayment, will be calculated and forwarded to you. PLEASE NOTE: the Massachusetts Public Records Law does not require a public agency to create a new record or answer questions.

To monitor the progress or update this request please log into the [MSP Records Center](#). You will receive an email notification when the MSP has provided a response to your request.

Your request has been assigned the following reference number for purposes of tracking your request: P009071-081324

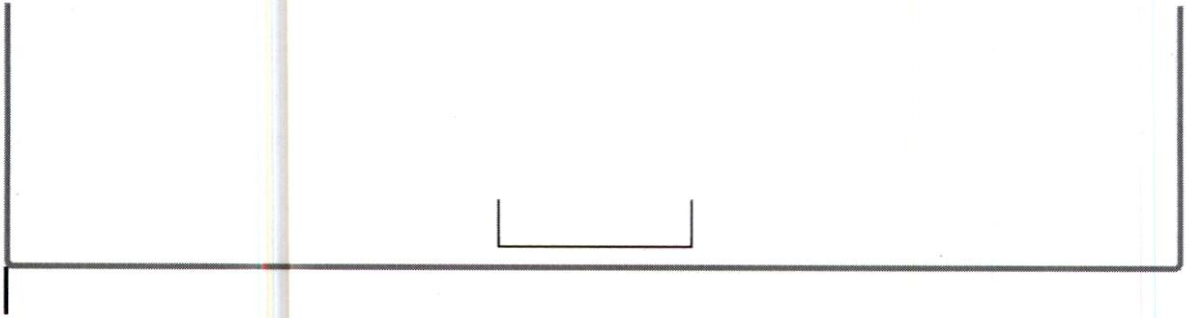


Exhibit D: July 18 complaint against
Trooper Austin Rose



Massachusetts State Police Public Response Form

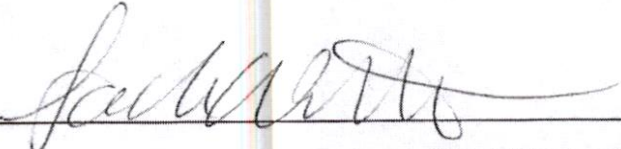
Responding Person's Information		
Name: Sarah L. Westra	DOB: BBO 683118	
Home Address: Law Office Sarah L. Westra 50 Braintree Hill Office Park Ste. 208 Braintree, MA 02184	Primary Phone Number: 617-472-2300	Secondary Phone Number: [REDACTED]
	E-mail Address: swestralaw@gmail.com	
Driver's License Number and State (if applicable):	Vehicle Registration and State (if applicable):	
Date of Occurrence: 11/13/23	Time of Occurrence: 0600	Location/Address of Occurrence: 93S Braintree

Narrative		
Type of Report (please check one):		
Compliment <input type="checkbox"/>	Complaint <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
Trooper/Employee name and/or ID#: Austin Rose #4979	Cruiser # and/or description (if applicable):	
Citation # (if applicable):	Incident report # (if applicable): 2023-0H7-008922	

NARRATIVE: Please provide a description of the event that you are reporting. In addition to the above information, please include any other pertinent information. (e.g. reason for interaction, other involved personnel, other witnesses, etc.)

MSP Austin Rose responded to MV crash where my client, [REDACTED] was ejected through the windshield and was lying on the ground awaiting ambulance.

Rose bodycam footage shows his arrival and search of vehicle. He discovered a scale and plastic bag inside a closed case, inside a closed backpack and placed/ staged this evidence on the driver's seat. Rose lied/mislead all other officers by affirmatively stating there was 'coke and a scale" on the driver's seat. The location of the staged evidence was used to charge Mr. [REDACTED] with OUI drugs - Rose also yelled and used profanities at other operators "Move! What the fuck are you looking at"

Signature  Date: 7/18/24

(Use additional pages if needed)

Submission of a Public Response Form

This form may be submitted in the following manner:

- Delivered in person to: The Massachusetts State Police General Headquarters 470 Worcester Road Framingham, MA 01702 / Public Response Form; or
- Faxed to: Division of Standards and Training/ Public Response Form 508-820-2149; or
- Mailed to: Massachusetts State Police Division of Standards and Training/ Public Response Form, 470 Worcester Road Framingham, MA 01702
- Emailed to: Division of Standards and Training/ Public Response Form at Publicresponsereports@pol.state.ma.us
(Ensure a completed copy of the Public Response Form is attached to your e-mail.)

For assistance with submitting this form, you may contact 508-988-7003

The Massachusetts State Police value your comments and take them seriously.

For all complaints, an officer assigned to the Division of Standards and Training will contact you when we receive this form.

If a complaint is found to be fabricated, the reporting party may be subject to criminal prosecution and/or civil proceedings.

Rose then yelled in Mr. [REDACTED]'s face (who was still laying on the ground awaiting ambulance) "we smoking and driving!?" There were at least three occasions where Rose could have advised he placed the evidenece on the driver's seat and failed to do so. The report (written by Tpr. Racine #4969) states the scale was located on the driver's seat.

Rose was summonsed (by the Commonwealth and myself) for a motion to suppress and failed to appear. Following the Commonwealth's review of the body cam footage - a "nole pros" was filed.

I also reopresented two other individuals, [REDACTED] and [REDACTED], in separte cases invovling Tpr Rose.

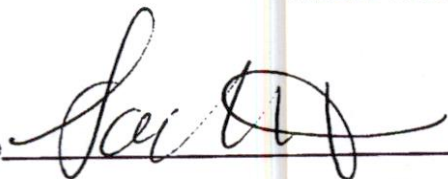
In Ms. [REDACTED] case, Tpr. Rose's body camera audio begins while he is in his cruiser listenting to a song with the lyrics "gonna beat that pussy like de la hoya, gonna beat that pussy make you wanna call a lawyer"

The MV stop was for speeding and Ms. [REDACTED] was a rear passenger. Rose issues an illegal exit order, invites an illegal pat-frisk, conducts an illegal search of the entire vehicle (including closed containers and trunk) and dumps the personal contents throughout the vehicle. No contaband was found. Rose exhibits unprofessional and illegal conduct throughout his interaction. This case was dismissed after Rose failed to appear for the hearing on the motion to suppress.

[REDACTED] was stopped for a supposed "marked lanes violation" Rose asked Mr. [REDACTED] if the female passenger was his "shorty" (both are non-white) and arrests Mr. [REDACTED] for license suspension for failure to pay excise tax. He does not allow Mr. [REDACTED] to make arrangments to have his vehicle removed by a friend (despite Mr. [REDACTED]'s request to do so) and proceeds to search the entire vehicle as well as the female passenger's purse.

I filed a complaint with POST and included the bodycam footage of all three of these incidents with that complaint.

Signature



Date:

7/18/24

(Use additional pages if needed)