



**Report of Suffolk County District Attorney Daniel F. Conley
On Findings in the June 2, 2015, Shooting Death of Usaamah Abdullah Rahim**

The Suffolk County District Attorney's Office has concluded its investigation into the June 2, 2015, shooting death of Usaamah Abdullah Rahim in the CVS parking lot at 4600 Washington Street in the Roslindale section of the City of Boston. This investigation revealed that law enforcement officers who were members of a surveillance team of the FBI Joint Terrorism Task Force (JTTF)¹ shot and killed Mr. Rahim when he aggressively advanced on them while armed with a large military-style knife as they attempted to question him. The involved task force officers had approached Mr. Rahim with their service weapons holstered after receiving information that Mr. Rahim had professed his allegiance to the Islamic State of Iraq and the Levant (ISIL)² and expressed his intent to attack police officers. It was during the attempt to

¹ Task force officers are local, state, or federal law enforcement officers assigned to the FBI Joint Terrorism Task Force created pursuant to 28 U.S.C. s.533, 28 C.F.R. s.085, Executive Order 12333, Presidential Decision Directive (PDD) 39, PDD 62, and pending approval of National Security Presidential Decision Directive (NSPD) 46 and Homeland Security Presidential Directive (HSPD) 15. Task force officers operate under the direction of the FBI.

² The Islamic State of Iraq and the Levant (ISIL) is a designated Foreign Terrorist Organization that, according to the United States Department of State, has "committed systemic abuses of human rights and violations of international law, including indiscriminate killing and deliberate targeting of civilians, mass executions and extrajudicial killings, persecution of individuals and communities on the basis of their identity, kidnapping of civilians, forced displacement of Shia communities and minority groups, killing and maiming of children, rape, and other forms of sexual violence ... has recruited thousands of foreign fighters to Iraq and Syria from across the globe, and has used technology to spread its violent extremist ideology and to incite others to commit terrorist acts." *United States of America v. David Daoud Wright and Nicholas Alexander Rovinsky* No. 15-10153-WGY. Moreover, "ISIL has been distributing beheading videos to demonstrate, among other things, an acceptable method of killing people who are believed to be non-believers or infidels [and] ... using social media, members of ISIL have encouraged individuals to kill specific persons or groups of persons such as members of the military and law enforcement in the United States." *Id.*

question Mr. Rahim in connection with this information that he brandished his knife and advanced on the retreating task force officers while ignoring their repeated commands to drop his weapon. Under the circumstances, the task force officers who fired their weapons did so in a lawful and proper exercise of self-defense and defense of others. Therefore, based on a thorough investigation into the facts and circumstances surrounding the shooting death of Mr. Rahim, I have determined that criminal charges are not warranted.³

The Suffolk County District Attorney has the statutory duty and authority to direct all death investigations within the City of Boston, including fatalities related to the use of force by law enforcement officers. The primary goal of this investigation, therefore, was to determine whether any person bears criminal responsibility for the death of Mr. Rahim. Pursuant to my authority to direct this and all death investigations in Boston, I went to the scene that morning and ordered two of my senior prosecutors to respond as well. Subsequently, I assigned a senior prosecutor to lead the investigation in consultation with me and the most senior attorneys of my staff.

The Scope of the Investigation. The investigation included a review of the materials compiled by the Boston Police Department Firearm Discharge Investigation Team (FDIT), working with supervisory special agents designated as assistant inspectors and assigned to the Inspection Division of the FBI. The FBI Inspector's Report – Agent Involved Shooting Boston Field Office June 2, 2015, and accompanying documents were provided to my office on June 5, 2015. The final Firearm Discharge Investigation Report was delivered to my office on April 12, 2016. The evidence we considered included: sworn, written statements of the involved task force officers; audio-recorded interviews of civilian witnesses; video surveillance footage; police radio transmissions; ballistics analysis of the task force officers' weapons and ammunition; physical evidence from the scene, including a knife recovered at the scene; criminalistics testing and analysis; the autopsy report with supporting documentation and photographs; scene photographs; and recordings of cell phone communications between Mr. Rahim and identified parties known to investigators. Although every detail of the investigation has been memorialized and documented, some of the investigative materials remain either classified or subject to a non-disclosure agreement with the FBI. We have reviewed all investigative materials, including those that are classified or subject to a non-disclosure agreement with the FBI.

Surveillance of Mr. Rahim. On the morning of June 2, 2015, officers of the JTTF were conducting surveillance of Mr. Rahim. The JTTF was investigating Mr. Rahim's ties to ISIL and his preparation – in concert with others – to commit acts of terrorism in the United States. That investigation revealed that Mr. Rahim and two co-conspirators had planned to behead a specific target in New York City at the behest of Junaid Hussain, an ISIL militant.⁴

In preparation for the planned attack, Mr. Rahim purchased three military-style knives that he obtained in the last week of May 2015. One of those knives was an Ontario Knife Company

³ The evidence developed in the course of our investigation, as well as the evidence supporting the indictment of Mr. Rahim's co-conspirators, establishes that Mr. Rahim conspired with others both in the United States and abroad to commit violent acts of terrorism against law enforcement on behalf of ISIL. I have concluded, therefore, that releasing the names of the involved law enforcement officers could seriously endanger their safety. Therefore, I will not release the names of the involved task force officers or their supervisors.

⁴ On or about August 24, 2015, Hussain was killed in an airstrike in Raqqah, Syria.

Model SP-6 Fighting Knife consistent with the one recovered at the scene. That knife was 13 inches long, with an eight-inch, double-edged blade. In addition, Mr. Rahim ordered and received two Ontario Knife Company Model SP-10 Marine Raider Bowie fighting knives. Those knives were each 15 inches long, with a 9¾ inch double edged blade.

As part of their investigation, JTTF agents and officers listened to recorded cell phone conversations between Mr. Rahim and one of his co-conspirators in which the two discussed the weapons and the plan to commit an act of terrorism – the beheading of a known individual in New York City. The involved task force officers were generally aware of the terrorist conspiracy, Mr. Rahim’s role in it, and his purchase and receipt of the weapons.

At approximately 5:00 AM on June 2, 2015, JTTF agents and officers listened to a recorded telephone conversation between Mr. Rahim and one of the co-conspirators in the murder/terrorism plot. In that conversation, Mr. Rahim stated his intention to abandon the plan to travel to New York City and instead expressed his intention to commit a terrorist attack immediately in Boston, where he lived. Specifically, Mr. Rahim told his co-conspirator that he intended to attack one of the “boys in blue” – a term the agents believed to be a reference to police officers – and to launch the attack that day. Mr. Rahim further told his co-conspirator that he knew that he likely would not survive the operation but that he welcomed the opportunity to “meet Allah” through “Jihad.” The two then discussed how to destroy electronic evidence of their conspiracy.

After listening to the 5:00 AM conversation, a JTTF supervisor notified the surveillance team that, due to the imminent threat to law enforcement officers and the public, the surveillance team should stop Mr. Rahim for questioning and prevent him from boarding public transportation. JTTF personnel were aware that a bus that Mr. Rahim frequently rode stopped at a bus stop on Washington Street on its way to the Forest Hills MBTA Station. JTTF personnel were also aware that a number of police officers and members of the public could be potential targets inside the Forest Hills MBTA Station.



At 6:53 AM, surveillance officers watched Mr. Rahim leave his home at 375 Blue Ledge Drive in Roslindale – a short walk to the CVS parking lot at 4600 Washington Street. Mr. Rahim walked directly to the CVS store and went inside. After approximately five minutes, the surveillance officers watched Mr. Rahim walk back to his apartment. As Mr. Rahim had not tried to board an MBTA bus, the JTTF supervisor told the surveillance team not to stop him, but, instead, to continue watching him. The JTTF alerted both Boston Police Department and FBI tactical units to come to the area.

Shortly after 7:00 AM, the surveillance officers watched Mr. Rahim leave his apartment and again walk towards the CVS parking lot. He was carrying a backpack and walked toward the bus stop on Washington Street. Because of Mr. Rahim's stated intention to attack a law enforcement officer and the threat to innocent civilians, the JTTF supervisor told the surveillance team to stop Mr. Rahim for questioning and prevent him from boarding public transportation.

Mr. Rahim walked from the back of the CVS parking lot to the sidewalk on the inbound side of Washington Street, near the MBTA bus stop. As he waited there, surveillance officers approached Mr. Rahim with their weapons holstered. Mr. Rahim had placed a call on his cellular telephone, speaking first with a brother and then to his father. Mr. Rahim was speaking

to his father as the surveillance officers approached him. That conversation was recorded, and the recording captured much of the ensuing confrontation with the involved task force officers. Mr. Rahim began the conversation by stating to his brother that “unfortunately, you will not be seeing me again.” Shortly thereafter, the closest task force officer (who will be referred to hereinafter as “BPD-1”) walked to within a few feet of Mr. Rahim.

As he approached Mr. Rahim, with his weapon holstered and his hands raised above his head displaying his badge in his left hand, BPD-1 identified himself as a police officer. When BPD-1 asked Mr. Rahim to put his hands in the air, Mr. Rahim responded “do I know you?” Mr. Rahim then drew the 13-inch Ontario Knife Company Model SP6 Fighting Knife from a sheath he was carrying in his waist area. In response, BPD-1 and the other approaching task force officers drew their guns and ordered Mr. Rahim to drop the knife. Mr. Rahim refused to drop his weapon and began to advance on the officers. The task force officers continued to shout commands to Mr. Rahim, ordering him repeatedly to drop the knife. Task force officers backed away from Mr. Rahim as he advanced on them with his knife in his hand. The task force officers backed away approximately 48 feet, essentially the entire distance of the parking lot from Washington Street to the first set of raised barriers in front of the CVS pharmacy. As he advanced on the task force officers, and apparently in response to their orders to him to drop the knife he was brandishing, Mr. Rahim repeatedly shouted back “you drop yours” and finally “why don’t you shoot me.”

At this point, one of the task force agents was backed up against the curb. Concerned for his safety and that of members of the public in the various establishments in the vicinity, BPD-1 fired a single round towards the center of Mr. Rahim’s torso. A second task force officer (who will be referred to hereinafter as “FBI-1”) fired two additional rounds. All three rounds struck Mr. Rahim, who collapsed, still holding the knife in his hand. Task force agents then contacted Boston Emergency Medical Services and kicked the knife away from Mr. Rahim.





Video Evidence. Specialized personnel from the Boston Police Department responded to the scene to collect any video evidence that might be relevant to the incident. Three cameras from three locations captured portions of the events that morning. The most significant video evidence was recorded by a surveillance camera mounted outside of the Burger King restaurant on the inbound side of the CVS parking lot toward the rear. That video evidence captured the entire incident from a distance. In the video, which was released to the public on June 8, 2015, Mr. Rahim is seen walking from the rear of the CVS parking lot toward the bus stop on Washington Street. The video depicts the task force officers approaching Mr. Rahim and then backing away from him as he advances on them. As the individuals approach the middle of the lot – in the area of the first set of raised barriers – the video depicts Mr. Rahim falling to the ground. The video corroborates the accounts of task force officers and civilian witnesses of Mr. Rahim’s movements and the task force officers’ retreat. Due to the graininess of the video and the distance of the camera from the scene of the incident, the viewer cannot see what is in each individual’s hand during these events.

Video from the Comcast building located at the rear of the parking lot depicts Mr. Rahim walking from the vicinity of Blue Ledge Drive toward Washington Street. The video then depicts Mr. Rahim waiting at the bus stop, the approach of the task force officers, and Mr. Rahim’s movements toward the task force officers as they retreat. The video from the Comcast building does not capture the shooting as the Dunkin Donuts building obstructs the camera’s view of the location of the shooting. Again, although the Comcast building video corroborates the accounts of the task force officers and civilian witnesses that the officers retreated from Mr. Rahim as he moved towards them, the view is too distant to discern what is in each individual’s hands.



Video from surveillance cameras inside the CVS does not depict any portion of the incident. It does, however, depict Mr. Rahim entering the CVS and then leaving shortly before 7:00 AM, just prior to his return to his apartment. As Mr. Rahim passes through the camera's view at the front vestibule of the CVS, a black string or rope appears to dangle from his waist area. The string or rope appears to be consistent with the string that is attached to the knife sheath recovered from Mr. Rahim's clothing after the shooting.



The Ballistics Evidence. All of the involved task force officers surrendered their firearms to the FBI and Boston Police immediately after the incident. The firearms, along with all ammunition magazines, were turned over to the Boston Police Department Firearms Analysis Unit at the scene and analyzed by Boston Police Department firearms examiners. In addition, three spent

shell casings were recovered from the area where Mr. Rahim collapsed. Finally, three spent bullets were recovered and analyzed – two from the body of Mr. Rahim at autopsy and a third in his clothing. The Boston Police Department Firearms Analysis Unit examiners conducted a toolmark examination of the three shell casings recovered from the scene and the three spent projectiles recovered from Mr. Rahim's clothing and from his body against test fires from the service weapons carried by BPD-1 and FBI-1.

From their analysis and conclusions, I have determined that, among all the officers involved, only BPD-1 and FBI-1 fired their service weapons. Toolmark examinations of the shell casings establish that two of the shell casings recovered from the scene were fired from FBI-1's Glock Model 22 Gen4 .40 caliber service weapon, and that the third shell casing recovered from the scene was fired from BPD-1's Glock Model 22 Gen4 .40 caliber service weapon. Toolmark examination of the three spent bullets establish that the spent bullet that the medical examiner recovered from Mr. Rahim's spine at autopsy and the spent bullet recovered from his clothing were fired from FBI-1's service weapon and that the spent bullet that the medical examiner recovered from Mr. Rahim's chest at autopsy was fired from BPD-1's service weapon. The findings of the Boston Police Department Firearms Analysis Unit corroborate the accounts that the task force officers provided in their sworn statements – specifically that BPD-1 fired once and that FBI-1 fired twice.

Autopsy Findings. Boston Emergency Medical Services personnel responded quickly to the scene, treated Mr. Rahim, and transported him rapidly to the Brigham and Women's Hospital. Despite efforts to revive him, Mr. Rahim was pronounced dead at 7:53 AM. Mr. Rahim's body was transported to the Office of the Chief Medical Examiner later that day. The Chief Medical Examiner of the Commonwealth of Massachusetts performed the autopsy that day. He determined that Mr. Rahim suffered a total of three gunshot wounds. The Medical Examiner could not determine the order in which the gunshot wounds were sustained.

One bullet entered the lower mid-chest region. That bullet travelled from front to back and downward. The bullet was recovered in the lumbar spine. The entrance wound showed no evidence of either fouling or stippling. Thus, the autopsy could offer no information about the distance from which the shot was fired.

A second bullet entered the right upper back, travelling forward and leftward. This entrance wound also showed no evidence of either fouling or stippling. The bullet was recovered from the mid-chest region.

A third bullet entered the groin area and exited the back. The bullet's direction of travel was front to back and down and to the right. The bullet recovered from Mr. Rahim's clothing was most likely the bullet associated with this gunshot wound. Again, there was no evidence of stippling or fouling.

The autopsy was documented with photographs, case notes, and the "Report of Autopsy." The Medical Examiner determined the cause of death to be "Gunshot wounds of torso and lower extremity" and the manner of death to be "Homicide (Shot by Police)." The description of the three gunshot wounds is consistent with the account of the shooting that both BPD-1 and FBI-1 provided in their sworn statements.

Forensic Examination. Officers collected Mr. Rahim’s clothing and submitted it to the Boston Police Department Crime Laboratory for analysis. Examination of the clothing revealed no gunshot residue surrounding the bullet holes in Mr. Rahim’s clothing. Without evidence of gunshot residue, the Boston Police Crime Laboratory could not draw any conclusions as to the distance from the barrel of the two weapons to Mr. Rahim at the time he was shot.

The Boston Police Latent Print Unit processed the sheath recovered from the inside of the ambulance that transported Mr. Rahim to the hospital. Latent print analysts did not recover any latent fingerprints from the sheath. The Boston Police Department Latent Print Unit also processed the Ontario Knife Company Model SP6 Fighting Knife that was recovered at the scene. The FBI retained the knife for analysis but provided it to the Boston Police Department in June of 2016. That knife was processed for latent prints. No latent prints were recovered.

Legal Standard and Conclusions. Our legal analysis as to whether the actions of the involved task force officers could constitute criminal acts was guided by applicable case law and legal precedent on the use of force by law enforcement. To be lawful, an officer’s use of deadly force must be objectively reasonable in light of all of the facts and circumstances confronting the officer. Whether such actions were reasonable is evaluated from the perspective of a reasonable officer at the scene rather than the 20/20 vision of hindsight. As the United States Supreme Court has explained, “[T]he calculus of reasonableness must embody allowance 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.” *Graham v. Connor*, 490 U.S. 386,396-397 (1989). Our Supreme Judicial Court has also noted that “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.” *Commonwealth v. Asher*, 471 Mass. 580, 589 (2015).

After a careful consideration of the facts and the law, I conclude that the task force officers who shot Mr. Rahim as he aggressively moved towards them wielding a large, military-style knife while ignoring repeated commands to drop his weapon, acted reasonably and lawfully. Mr. Rahim had been engaged in a conspiracy with both foreign and domestic actors to commit violent acts of terrorism and had taken active steps toward that goal. That morning, on a recorded cell phone call with one of his co-conspirators, Mr. Rahim had announced his intention to execute a law enforcement officer that day and indicated that he was willing to die to carry out his mission. Mr. Rahim set out that morning to murder a police officer and did not expect to escape. Based on the evidence of Mr. Rahim’s state of mind, the deadly confrontation was inevitable and the attempts by task force officers to deescalate the confrontation unfortunately failed.

Armed with one of the knives he had purchased in preparation for the terrorist attack that he and his co-conspirators had planned, Mr. Rahim walked to a bus stop on Washington Street on an MBTA bus route that would allow him to travel to the Forest Hills MBTA station – a facility that would have been crowded with commuters and where he would have found the law enforcement officers he had targeted. The task force officers therefore intervened appropriately.

I conclude that the task force officers had probable cause to arrest Mr. Rahim for the terrorism-related charges for which his co-conspirators were subsequently indicted in the United States District Court, as well as a variety of state charges including conspiracy to commit murder. Under the circumstances, the task force officers had the right – indeed, the duty – to at least detain Mr. Rahim, prevent him from boarding public transportation, and question him.

When the task force officers approached him with their weapons holstered and identified their office, Mr. Rahim responded aggressively and threateningly. He drew a large, military-style knife and advanced on the officers. As he moved towards them in a menacing manner, Mr. Rahim ignored their repeated requests to drop the weapon. The task force officers retreated approximately 48 feet in response to Mr. Rahim's aggressive actions and repeatedly shouted commands to him to drop the knife. In response, Mr. Rahim continued to advance on the retreating officers to a point where they could no longer safely retreat and two of the task force officers shot him. Those officers had a right to protect themselves and each other, and a duty to protect innocent civilians in the area.

Under the circumstances, the task force officers' use of force was a lawful and reasonable exercise of self-defense and defense of others. Accordingly, I have determined that criminal charges are not appropriate.

Daniel F. Conley
DISTRICT ATTORNEY