



**OFFICE OF SUFFOLK COUNTY
DISTRICT ATTORNEY RACHAEL ROLLINS**

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**Report of Suffolk County District Attorney
Rachael Rollins on Findings in the
February 22, 2019, Shooting Death of Kasim Kahrin**

The Suffolk County District Attorney's Office has concluded its investigation into the Friday, February 22, 2019, shooting death of Kasim Kahrin following an incident involving officers from the Boston Police Department. The investigation revealed that Boston Police Officer William Hull discharged his service weapon after Mr. Kahrin fired at least one shot striking Officer Mark Whalen in his right hand and wrist area. The investigation further revealed that Officer Hull acted in the proper exercise of his duties, both in self-defense and the defense of others. Officer Hull's actions and firing of his weapon occurred only after Mr. Kahrin removed a firearm from his right pocket and fired that weapon striking Officer Whalen and disabling him. Officer Hull fired his weapon immediately after the initial shot from Mr. Kahrin, as he stepped away from the vehicle operated by Mr. Kahrin, and as the vehicle fled from the initial scene. Officer Hull stopped firing his weapon at the point where an imminent threat no longer existed. The circumstances faced by Officers Hull and Whalen were extremely difficult and the actions of Officer Hull under these circumstances were reasonable and lawful. I conclude, therefore, that no criminal charges are warranted in connection with Mr. Kahrin's death. Although my findings address directly the lawfulness of Officers Hull and Whalen's actions, I am critically aware of the tragedy of this day and the trauma and loss suffered by Mr. Kahrin's family in its aftermath.

The Suffolk County District Attorney has the statutory duty and authority pursuant to M.G.L. Ch. 38, § 4 to direct and control all death investigations in Suffolk County. As District Attorney, I promised the public that should an incident such as this take place in Suffolk County, an independent investigation would occur and an outside committee would review the evidence and our investigation. In keeping with that promise, the Discharge Integrity Team ("DIT") was formed in 2019. The DIT is comprised of a member of the community, a retired superior court judge, a criminal defense attorney, and an active member of the law enforcement community. I am the fifth member of the DIT and personally attend, participate in, and oversee every

meeting. This outside independent team is led by my First Assistant District Attorney, Daniel Mulhern. The DIT conducts regular monthly meetings in person at a location outside of the District Attorney's Office or by telephonic conference. First Assistant Mulhern coordinates the presentation to the DIT with the assigned senior lawyer from my office with no staff outside of the investigation present. During these meetings, the DIT is presented with the status of the investigation and the evidence in the case. There is an active question and answer protocol throughout the presentation, and potentially a request for further investigation in identified areas.

In this case, our investigation included a review of the extensive report and investigative materials compiled by the Boston Police Department's Firearm Discharge Investigation Team. The evidence we considered included: (1) recorded interviews with the officers involved; (2) recorded interviews with civilian witnesses; (3) police radio transmissions; (4) ballistics analysis of the officers' weapons and ammunition; (5) ballistics analysis of Mr. Kahrim's weapon and ammunition; (6) physical evidence from the multiple scenes identified during the investigation; (7) photograph and video evidence from the scenes and area of the incident; (8) several sources of digital evidence, including surveillance video from nearby businesses; (9) recordings from ShotSpotter receivers capturing audio from the incident; (10) analysis of bullet trajectory; (11) criminalistics testing and analysis; (12) Mobile Forensic Analysis and cell phone records of Mr. Kahrim; (13) search warrant and forensic evaluation of the car driven by Mr. Kahrim; (14) the autopsy report and supporting OCME documentation; and (15) medical records of Officer Whelan.

SEQUENCE OF EVENTS

On Friday, February 22, 2019, at approximately 1:56 AM, Mr. Kahrim, driving a blue 2004 Toyota Sienna minivan, turned right onto Gerard Street from Norfolk Street and pulled his vehicle over to the right side of the road. Mr. Kahrim placed his vehicle in park between 102 & 105 Gerard Street, facing Massachusetts Avenue. This is an industrial section of Boston adjacent to Massachusetts Avenue and Melnea Cass Boulevard. There is virtually no residential housing on this section of the street.

Approximately nineteen minutes later, at 2:15 AM, Officers Whalen and Hull, who had just completed a traffic stop on nearby Southampton Street, turned left onto Gerard Street from Norfolk Street and immediately noticed the running Toyota Sienna with its lights on and parked on the right side of Gerard Street ahead of the direction they were driving in. The Officers were in a clearly marked Boston Police vehicle and were each in a BPD uniform. The officers ran a Criminal Justice

Information Services (“CJIS”) inquiry of the license plate (noting it was registered to a female on Harlow Street in Dorchester) and activated the alley-light on their patrol car. Officer Whalen continued to slowly pull their car up next to and slightly past the minivan, while Officer Hull used the alley light to peer into the driver’s side windows. Inside the running car, Officer Hull saw what appeared to be an unconscious male in the driver’s seat with his head on the steering wheel. Officers knew the area to be well known for drug use and became concerned that the operator was either in medical distress or under the influence of a substance. At that time, the officers decided a well-being check was necessary and backed their vehicle up, parking behind and off-center of the Toyota Sienna.

Officers Whalen and Hull exited their vehicle and approached the blue minivan. Officer Whalen went to the passenger side of the car, while Officer Hull approached the driver’s side. Both Officers Whalen and Hull’s weapons were holstered and secured at this time. Upon looking inside the driver’s window, Officer Hull again observed what appeared to be an unconscious male in the driver’s seat with his head down and leaning forward, almost on the steering wheel, with an illuminated cell phone in his lap. Concerned that the driver could be in medical distress, Officer Hull began tapping and then banging on the driver’s window with his flashlight, hoping to rouse the person. After repeated tapping and banging, Mr. Kahrin finally awoke. He seemed surprised to find the officers there.

The officers requested and received Mr. Kahrin’s driver’s license. The officers returned to their cruiser and conducted a second CJIS inquiry at approximately 2:17 AM. The officers learned Mr. Kahrin had an active driver’s license, but was currently on probation. The officers saw that Mr. Kahrin had been convicted of unlawful possession of a firearm in Suffolk Superior Court and was recently released.¹ As the officers concluded their records check of Mr. Kahrin, they returned to Mr. Kahrin’s vehicle to hand back his license and speak with him further to determine if he was under the influence.

As they approached Mr. Kahrin’s minivan for a second time, both officers did so on the driver’s side. Mr. Kahrin’s window was down. Officer Hull positioned himself near the driver’s side-mirror (described as the “A-Post” in police terminology) of the vehicle, while Officer Whalen stood between the driver’s door handle and rear passenger door on the driver’s side (“B-Post”). Officer Hull got to the car window and turned to speak with Mr. Kahrin. Officer Hull observed that Mr. Kahrin had put his

¹ Unlawful possession means that the individual did not have the required license to carry a firearm.

right hand in his pocket. This prompted Officer Hull to order Mr. Kahrim to remove his hands from his pocket. After multiple commands to remove his hand from his pocket, Mr. Kahrim finally complied, but did so in what Officer Hull would later describe as a very awkward manner. He noted Mr. Kahrim's fingers were spread and pointed down as though he had just been gripping something in his pocket. Based on his observations, Officer Hull believed Mr. Kahrim had something in his pocket, most likely a firearm. At this point Officer Hull put his hand on his weapon and told Mr. Kahrim to get out of the car. Officer Whalen began to open the driver's side door.

Officer Hull ordered Mr. Kahrim to slowly unbuckle his seatbelt, keep his hands visible, and exit the vehicle. Mr. Kahrim moved his right hand back, but not towards the seatbelt release button. Officer Hull observed Mr. Kahrim place his right hand back in his pocket. At that moment, Officer Hull then drew his department-issued firearm for the first time during the encounter, as he was in fear for his safety and the safety of his partner. Officer Hull continued to give commands to Mr. Kahrim to keep his hands visible. Officer Whalen grabbed Mr. Kahrim's left hand and Mr. Kahrim pulled Officer Whalen towards the inside area of the car. Officer Hull then observed Mr. Kahrim remove his right hand from his pocket with a firearm and he was then "looking down the barrel." He shouted that Mr. Kahrim had a gun and Officer Whalen then drew his department-issued firearm for the first time during the encounter. Officer Hull then "observed a flash...and heard a crack..." as he was shouting verbal commands to Mr. Kahrim. Officer Whalen also observed a revolver in Mr. Kahrim's right hand. Mr. Kahrim held his arm at a 90-degree angle against his stomach and pointed the firearm at Officer Whalen while firing. The officers observed Mr. Kahrim discharge his firearm from the area of his stomach towards the officers. He never extended his arm fully.

Immediately upon hearing a gunshot and seeing a flash, Officer Whalen felt pain in his right hand and dropped his department-issued firearm onto the street. Officer Whalen notified operations of "shots fired" and retreated to the rear of Mr. Kahrim's vehicle before retreating further to the rear of his cruiser. Upon seeing the flash and hearing the sound of Mr. Kahrim's gun firing, Officer Hull then discharged his firearm multiple times in the direction of Mr. Kahrim. As he fired, Officer Hull moved in front of the minivan toward the sidewalk, and continued to discharge his weapon. After he reached the sidewalk, on the passenger side of Mr. Kahrim's vehicle, Officer Hull's firearm went into lock-back, signaling he had discharged all the bullets in his weapon. Officer Hull moved to the rear of the minivan and reloaded his firearm in the process. While behind Mr. Kahrim's vehicle, he saw the lights on the rear of the vehicle turn white signifying the minivan was being placed into gear. At that

time, Officer Hull, still behind the vehicle, fired another burst of 5-6 shots at the back window. The minivan, with the driver's side door still open, then sped off in the direction of Massachusetts Avenue and took a right onto Allerton Street. Officer Hull later told investigators that as soon as the minivan began moving forward, he stopped firing his weapon.

Mr. Kahrim left the scene on Gerard Street by taking a right onto Allerton Street and traveled at a high rate of speed to end of that street. He then took a right onto Magazine Street and finally a left onto George Street. Mr. Kahrim's vehicle crashed into the corner of another vehicle at 90 George Street and came to a complete stop after traveling approximately .53 miles from the initial encounter. Numerous Boston Police units responded to the area and one of those units was flagged down by a George Street resident and located Mr. Kahrim in his car at approximately 2:25 AM. Officers observed a Taurus .357 Magnum revolver² at Mr. Kahrim's feet, which was secured and later tested. Boston EMS pronounced Mr. Kahrim's death on scene at 2:27 AM.

On Gerard Street, Officer Whalen was able to pick up his firearm and both he and Officer Hull returned to their vehicle and began to pursue Mr. Kahrim. After taking a right onto Allerton Street, Officer Whalen, who was driving, asked his partner if he would "holster his gun" for him. It was at that time Officer Hull first realized that Officer Whalen had been shot. Upon seeing the blood, Officer Hull instructed Officer Whalen to pull the patrol car over. Officer Whalen stopped their vehicle at the corner of Allerton and Pompeii Street. Officer Hull guided Officer Whalen to a leaning position against 15 Allerton Street and returned to the vehicle to get a medical kit. Officer Whalen, still on his feet, stumbled against the wall, before getting himself seated and waiting for medical assistance. Multiple police units arrived on the scene, as did Boston EMS. Both officers were relieved of their weapons, as is BPD protocol, and were transported to an area hospital.

CRIME SCENE & EVIDENCE

The first call for "shots fired" came in over the police radio at 2:18:40 AM. This was followed shortly after, at 2:19:41 AM, when Officer Hull informed dispatchers that Officer Whalen had been shot. He also provided their location at Allerton and

² As discussed below, the revolver recovered from Mr. Kahrim's vehicle contained two spent cartridge casings and three live cartridges. The revolver was unable to be unloaded on scene. Ballistics examination confirmed one of the shots fired from Officer Hull struck the cylinder of Mr. Kahrim's firearm and disabled his weapon.

Pompeii Streets. Surveillance video shows police vehicles swarming the area, some stopping to help the injured officer and secure the weapons of both Officer Hull and Officer Whalen, while other patrol cars continue to search for Mr. Kahrim's blue minivan. In all, over 100 officers (including patrol officers, detectives, and command staff) responded to the area. Sgt. Det. Marc Sullivan of the Boston Police's Firearm Discharge Investigation Team (Red Team) was notified of a "Rule 303" police involved shooting. He responded and immediately took command of the scene. With the information he received, he determined there to be three separate scenes: 1) Gerard Street, 2) Allerton & Pompeii Streets, and 3) George Street. Sgt. Det. Sullivan ordered each scene to be secured (if they had not been already) and processed for evidence by the Crime Scene Response Unit. The scenes were meticulously photographed, searched for physical evidence, and analyzed by specialized units. All efforts and work were documented and reports written by those involved in that process.



*** The Taurus .357 Magnum revolver found at Mr. Kahrim's feet inside his vehicle.**

BALLISTICS EVIDENCE

Pursuant to department policy, both of the involved officers' firearms were immediately secured and submitted for testing. Mr. Kahrim's .357 Magnum revolver with two spent cartridge casings and three live cartridges was also secured and processed. A total of twenty shell casings from a police weapon(s), as well as an empty police magazine, were collected from the area of 102 Gerard Street. Additionally, several discharged bullets and fragments were recovered in and around the scene. Other ballistic evidence of bullet strikes was also observed and documented through photographs and video. Two projectiles and one fragment were removed from Mr. Kahrim's body during autopsy.

The Boston Police Firearms Analysis Unit analyzed all of the submitted ballistic evidence and made the following significant conclusions based upon microscopic examination and testing: the 20 shell casings recovered were fired from Officer Hull's department-issued firearm; one of the discharged bullets recovered from the Gerard Street scene was fired from Mr. Kahrim's .357 Magnum revolver; and Mr. Kahrim's revolver fired at least one time before it became disabled by a force consistent with being struck from a bullet being fired at it.³

CRIME LABORATORY TESTING AND RESULTS

The Taurus .357 Magnum revolver recovered from Mr. Kahrim's vehicle was fumed and tested for latent prints; none were recovered. The revolver was also swabbed and tested for DNA. Analysis revealed DNA was present on the revolver recovered from Mr. Kahrim's vehicle. Furthermore, the detected DNA was consistent as being a mixture of two or more persons; Mr. Kahrim was included as being the major contributor to the DNA from the revolver and Officer Whalen was excluded as being the possible major contributor of the DNA. Additional testing revealed that Mr. Kahrim was included as being the possible source of a DNA profile on a reddish brown stain at 102 Gerard Street. Officer Whalen was included as being the possible source of a DNA profile on two other reddish brown stains at 102 Gerard Street.

SURVEILLANCE VIDEO

³ This became evident based on the observation that the lead core of a bullet was embedded in the cylinder of the .357 Magnum revolver found at Mr. Kahrim's feet inside his vehicle.

The areas surrounding Gerard Street, Allerton Street, Magazine Street, and George Street were thoroughly searched for any cameras that may have captured the incident and the sequences of events. In all, investigators found forty-three cameras in eleven locations in the surrounding areas and collected over 100 hours of video from those locations. This video was reviewed and the following was determined.

Cameras capture: both Mr. Kahrim's minivan and the officers' patrol car at the point each vehicle initially turns onto Gerard Street; the path of flight of Mr. Kahrim's vehicle after the encounter where he discharges his weapon and Officer Hull returns fire; the pursuit by Officers Whalen and Hull in their patrol car; Officers Whalen and Hull stopping their patrol car on Allerton Street; and the final turn by Mr. Kahrim onto George Street.

Only one camera, located at 65 Gerard Street, was pointing in the direction of where the shooting occurred. That camera is owned and operated by a construction company located at that address. Upon review of the video, two crucial aspects (defects) of the civilian construction company's surveillance system were evident. First, it was determined that the time stamp on the company's surveillance system was off by approximately 1hr 5min 47secs. Taking that into account, Mr. Kahrim's van turned right onto Gerard Street from Norfolk Street at approximately 1:56:40 AM (3:02:27 AM timestamp on the video) and pulls to the right side of Gerard Street between 102 & 105 Gerard Street and remains there with the headlights on.⁴ The interviews with Officers Whalen and Hull and CJIS Records reveal they encountered Mr. Kahrim's minivan at approximately 2:15:18 AM. The video shows the Officers driving up slowly behind Mr. Kahrim's car and activating their alley-light as they drove slowly past his motor vehicle. The Officers' patrol car then comes to a stop, the alley-light is turned off, and the Officers' patrol car backs up. Their vehicle comes to a stop behind Mr. Kahrim's minivan and the alley-light is reactivated. The brightness of the BPD vehicle's alley-light obscures the ability to see any activity or motion around either vehicle.

Second, this civilian construction company's camera is motion activated. It records only when motion is detected within a certain grid or distance of the sensor. From the time Mr. Kahrim pulls over on Gerard Street to the time the Officers turn onto Allerton Street, the surveillance video jumps seventeen times.

⁴ A warrant was obtained to view Mr. Kahrim's phone and related records. Based on Mr. Kahrim's cell phone records, this is right after he received three text messages from a female friend. Texts are date and time stamped.

From	To	Length of jump
3:02:37	3:03:02	25sec
3:03:26	3:03:40	14sec
3:04:09	3:04:16	7sec
3:04:47	3:05:19	32sec
3:05:49	3:05:57	8sec
3:06:20	3:07:45	1min 25sec
3:08:59	3:09:19	20sec
3:09:44	3:10:09	25sec
3:10:42	3:10:52	10sec
3:11:38	3:12:31	53sec
3:12:56	3:14:59	2min 3sec
3:15:22	3:15:52	30sec
3:16:16	3:17:31	1min 15sec
3:18:57	3:19:07	10sec
3:21:56	3:22:35	39sec
3:23:30	3:24:47	1min 17sec
3:25:14	3:25:19	5sec

* Again, these times are from the civilian construction company's time stamp. Accordingly, they are each off by approximately 1 hour 5 minutes and 47 seconds.

The Crime Scene Response Unit later measured the distance from the civilian construction company's camera to the approximate location of Mr. Kahrim's vehicle to be 444'02" (approximately 148 yards). Due to this distance and lack of motion picked up by the camera's sensor, the time in which the shots are fired is not captured on video.⁵

⁵ It should be noted that the long distance and poor lighting in the area would very likely not have provided any viewable footage even if the civilian construction company's sensors had been activated at the time of the shots.



* View from civilian construction company's camera of the activated alley-light on the BPD patrol vehicle.

MOBILE FORENSIC ANALYSIS AND CELL PHONE RECORDS

The statements made by Officer Hull regarding his observations of Mr. Kahrim's cell phone led officers to request and obtain a warrant to inspect the contents of the phone. The carrier records for his cellular phone number were also obtained from T-Mobile. From the review of these two sources of information, we learned that at approximately 1:56:20 AM, Mr. Kahrim received a series of three text messages in four seconds from the same phone number. According to the records, at 2:05:05 AM, Mr. Kahrim gives a lengthy response followed by a short response one second later. One minute later, he sends another text message to the same number and receives a phone call in response. He then traded multiple phone calls with this person, who we later learned was a female friend, just prior to the officers pulling up behind his minivan. With that information, investigators located that individual and

interviewed her. During that interview, she stated that she was on the phone with Mr. Kahrin and he said that the police had just pulled up and he had to go.

THE AUTOPSY OF KASIM KAHRIM

The autopsy revealed Mr. Kahrin suffered a total of eight gunshot wounds on February 22, 2019, and his cause of death was determined to be multiple gunshots to his upper torso. One bullet was recovered from Mr. Kahrin's left chest and another from the clothing of his right leg. Bullet fragments were recovered from Mr. Kahrin's clothing. Toxicology reports revealed Mr. Kahrin had a blood alcohol content level of .13% and tested positive for the presence of marijuana.

The following is a summary of the bullet wounds documented, but the order in which the wounds were sustained cannot be definitively determined.

- There was a perforating gunshot wound of the chest and right upper extremity. The entrance was on the right upper chest, which then exited the chest before re-entering and exiting the right upper arm. The bullet traveled left to right and downward. No bullet was recovered.
- There was a penetrating gunshot wound of the left upper extremity and chest. The entrance was in the left upper arm and likely exited the left arm before re-entering through the left axilla. The projectile was recovered from the left chest cavity. The trajectory was from left to right, slightly front to back, and slightly downward.
- There was a gunshot wound of the left axilla. No projectile was recovered.
- There was a perforating gunshot wound of the left upper extremity. The entrance wound was on the left upper arm and exited through the left upper arm. No projectile was recovered.
- There was a perforating gunshot wound of the left forearm. An entrance wound was on the left forearm and the projectile exited the left forearm. No projectile was recovered.
- There was a penetrating gunshot wound of the left forearm. The entrance wound was on the left forearm. A fragment penetrated the skin and soft tissues.

- There was a gunshot wound of the left forearm. No projectile was recovered.
- There was a perforating gunshot wound of the right leg. The entrance wound was on the right thigh, and a projectile was recovered from the right leg clothing.
- Mr. Kahrim also sustained abrasions and lacerations to his lower lip, fingers, and both thighs.

INJURIES TO OFFICER MARK WHALEN

Officer Whalen was taken by ambulance from Allerton Street to an area hospital. He was treated for gunshot wounds to his right hand and wrist, as well as two graze wounds to his left arm. Officer Whalen was also treated for ballistics burns on his hands and face and foreign particles in his eyes, which were most likely gunshot residue. Due to the nerve damage he sustained to his right hand and wrist, Officer Whalen has undergone multiple surgeries to regain the mobility and use of his hand and will continue to undergo treatment and physical therapy.

THE LEGAL STANDARD AND CONCLUSION

Our legal analysis as to whether the actions of the involved 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), and that "if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2016 (2014). The Massachusetts Supreme Judicial Court has also noted, "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 Officer Hull acted reasonably and lawfully when he discharged his weapon. The facts clearly establish that Mr. Kahrim used deadly force upon Officer Whalen, by shooting at and striking him in his right hand, placing both officers in real and immediate danger of death or serious bodily injury. The involved officers had an absolute right to protect themselves and each other after being shot at and nearly killed.

Under these circumstances, Officer Hull’s use of deadly force was a lawful and reasonable exercise of self-defense and defense of others. Accordingly, I have determined that criminal charges are not warranted.

Rachael Rollins

A handwritten signature in blue ink, appearing to read 'Rachael', with a large, stylized initial 'R' and a flourish at the end.

District Attorney