

ESTRELLA CONCLUSIONS OF LAW

The Berkshire District Attorney's Office has concluded its homicide investigation into the shooting death of Miguel Estrella, age 22, by Pittsfield Police Officer Nicholas Sondrini on March 25, 2022, at the intersection of Woodbine Avenue and Onota Street, Pittsfield. This investigation was conducted in coordination with the Massachusetts State Police assigned to Berkshire District Attorney's Office and with cooperation from the Pittsfield Police Department.

Based upon the facts as detailed further in our Findings of Fact and review of controlling law, I find that Officer Sondrini's shooting of Miguel Estrella was a lawful use of force in self-defense in response to the assaultive behavior of Estrella that was likely to cause serious bodily injury or death. I also find that Officer Coffey and Officer Sondrini's taser deployments were similarly a lawful use of force in self-defense and defense of another.

Summary of Facts

On March 25, 2022, at about 10:00 p.m., Officers Sondrini and Coffey were dispatched to the Bartlett School apartments for a call relating to Miguel Estrella. According to a 911 caller, who was not on the scene, Estrella was outside of the building, cutting himself. The officers arrived and spoke with Estrella. They saw that

he had a cut on his cheek, which he said he got at work. Officer Coffey requested EMS assistance to evaluate the cut. EMS arrived and determined that the cut did not require stitches. Estrella refused medical care, and the EMTs left. The EMTs were on the scene for about five minutes. Estrella was drinking alcohol, but appeared calm and coherent, and stated that he wanted to return inside and go to bed. The officers left the scene after confirming with Estrella's girlfriend that she would stay with him. Estrella went inside without further incident, and the officers left the scene. The officers' first call lasted about fifteen minutes.

Approximately fifteen minutes later, dispatch directed Officers Sondrini and Coffey back to the scene. The officers' accounts of this second encounter are consistent with several civilian witnesses and surveillance camera footage from an adjacent business.

On arrival, Officer Coffey saw Estrella and his girlfriend on the street in what appeared to be a "pushing match." The girlfriend stated that when the officers drove up, she went to them and asked them not to hurt Estrella, that he was drunk and needed help. Coffey immediately radioed for back-up. He also saw that Estrella was holding a large kitchen knife. Several witnesses also described Estrella as having a knife that was consistent with the officer's description. This knife was recovered from the scene. According to the officers, Estrella's demeanor, which had been contained and lethargic in the first call, had completely changed. One civilian

witness said that Estrella was yelling at the officers and cursing. Both the officers and this witness describe Estrella as holding the knife in a fighting position, with his hands up, and the knife held in his right fist with the blade against his forearm. This posture and demeanor is consistent with the surveillance video. The officers gave commands, and verbally attempted to persuade Estrella to drop the knife, efforts that several witnesses said continued throughout the encounter.

Despite the officers' verbal command, Estrella did not drop the knife. The officers then attempted to disarm and secure Estrella by deploying their tasers, a less lethal weapon, but without effect. Several civilian witnesses described these two taser deployments, and how they did not work. Estrella responded by sweeping the taser probes from his body, and one civilian witness said that he became angrier.

After the taser deployments, which occurred in front of the Bartlett School building, the officers drew their firearms. Witnesses said that Estrella advanced on the officers with the knife, and they slowly backed up, retreating "in a line" with their backs to Onota Street. The video also confirms that the officer's retreated, and that their pace, in response to Estrella's approach, was relatively slow. In this time, the officers radioed for back-up, a less lethal shotgun and for a clinician.

Ultimately, the officers backed up onto an active roadway, and were at risk of being hit by a car. The video shows a car passing behind them going north on Onota

Street. They all paused for a short time with the officers in the middle of the roadway and Estrella on the side of the road. The officers and the neighbor estimated that there was about eight to twelve feet between the officers and Estrella. In the video, Estrella points at Officer Coffey, and Coffey describes a final conversation in which he tried again to persuade Estrella to let them help him. After Estrella spoke to Officer Coffey, he then turned toward Officer Sondrini alone. One civilian witness heard Sondrini pleading with Estrella, to not to make him do this. Another witness said that right before the two shots, she heard Estrella tell Sondrini to shoot him, and Sondrini refused.

At this point, an attack on Officer Sondrini appeared imminent. Both officers described Estrella charging Officer Sondrini with the knife as if he was a boxer and the bell had just rung. One civilian witness said that Estrella singled out Officer Sondrini, and moved towards him, getting “real close.” In the video, Estrella is standing on the side of the road in one moment, and in the next moment has advanced and gunshot flashes are visible.

Unable to safely back-up any farther, Officer Sondrini shot his firearm to defend himself from a knife strike by Estrella. At this point in time, when Estrella quickly advanced with a knife in his hand, Sondrini had no alternative but to use force to defend himself. Therefore, no criminal charges are warranted.

Applicable Massachusetts Law

Self-Defense

In Massachusetts, an individual may act in self-defense by using a dangerous weapon likely to cause injury or death where there is evidence that he had a reasonable apprehension of great bodily harm or death and a reasonable belief that no other such means would suffice to prevent such harm. (*Commonwealth v. Jordan*, 464 Mass. 1004, 1005 (2012)). The individual must also have actually believed that he was in imminent danger of serious harm or death. (*Id.*). A person may not use force in self-defense until he has availed himself of all proper means to avoid physical combat, and must use no more force than reasonably necessary in all the circumstances. (*Id.*). A person is not guilty of a crime if he acted in self-defense. (See *Commonwealth v. Allen*, 474 Mass. 162 (2016)).

Officer Sondrini's use of a firearm constituted use of deadly force. Deadly force is defined as force intended or likely to cause death or serious bodily harm. (*Commonwealth v. Wolmart*, 57 Mass. App. Ct. 780, 783 (2003)). In Massachusetts, "deadly force" tracks the definition of a dangerous weapon, which is an instrument likely to produce death or serious bodily injury. (*Id.*). The relevant inquiry regarding use of deadly force is what level of force was used, not what the resulting injuries were. (*Id.*). Such force can be used in self-defense by an individual only on a

reasonable belief that one is in imminent danger of death or serious bodily harm. (*Id.*).

Restrictions on an Officer's Use of Force

Where the individual who claims self-defense is an officer, and the victim is a civilian, the elements of justification take into account the officer's lawful authority to use force as a part of their official duties. (See *Commonwealth v. Asher*, 471 Mass. 580, 588-589 (2015), citing *Commonwealth v. Young*, 326 Mass. 597, 601-602 (1950)). Massachusetts recently enacted G.L. c. 6E, § 14, a statute which restricts a police officer's authority to use force.¹

Under the statute and related regulations, for an officer to be acting within lawful authority and justified in the use of deadly force, three elements need to be present: 1) as many attempts at de-escalation as feasible, 2) the necessity to prevent imminent death or serious bodily harm, and 3) proportionality of the force to the threatened harm that is objectively reasonable. (See G.L. c. 6E, § 14 (b); 550 CMR 6.05 (1) (a) (b) (c)).

¹ The majority of G.L. c. 6E, § 14 became effective on July 1, 2021. Subsection (a) became effective December 1, 2021. This law was in place at the time Officer Sondrini shot Estrella on March 25, 2022.

The primary differences between the elements required for an individual's justification for the use of force and that of an officer, are the additional requirements that: 1) an officer must attempt as many de-escalation tactics as feasible, and 2) the proportionality of the use of force is viewed objectively, from the perspective of another reasonable officer. Thus, while a civilian must avoid combat, an officer may have a duty to engage with a subject, but must use de-escalation tactics first, before any use of force could be considered lawful. (*C.f. Asher*, 471 Mass. at 589).

“De-escalation tactics” are defined as “proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force” (G.L. c. 6E, § 1; see also 550 CMR 6.03). These tactics include, but are not limited to, 1) “verbal persuasion” and “warnings”; 2) “slowing down the pace of an incident” and “waiting out a person”; 3) “creating distance between the officer and a threat,” 3) “requesting additional resources to resolve the incident,” and; 4) “calling in medical or licensed mental health professionals . . . to address a potential medical or mental health crisis.” (G.L. c. 6E, § 1; see 550 CMR 6.03). Use of deadly force regulations also explicitly include “utilizing barriers where feasible.” (550 CMR 6.05 (b)).

An officer’s conduct must also be viewed from the perspective of another reasonable officer on the scene, not that of a civilian. (*C.f. Asher*, 471 Mass. at 589;

550 CMR 6.05 (1) (c)). A “reasonableness” standard requires that “a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” (*Graham v. Connor* 490 U.S. 386, 396 (1989)). Also, it “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.” (*Id.* at 396-397). Finally, the inquiry is “an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397).

Defense of Another

Massachusetts law further provides that an individual may legally act in defense of another, as both Officers Sondrini and Coffey did so here. An individual is justified in using force against another to protect a third person when: 1) a reasonable person in the individual’s position would believe his intervention to be necessary for the protection of the third person, and 2) in the circumstances as that reasonable person would believe them to be, the third person would be justified in using such force to protect himself. (*Commonwealth v. Allen*, 474 Mass. 162, 168 (2016)). The intervening individual must have had a reasonable belief that the third

party was being unlawfully attacked, and the reasonableness of the belief may depend on the relationships among the persons involved. (*Id.* at 169).

Officer Sondrini and Officer Coffey's use of a taser constituted non-deadly force because tasers are considered a less-lethal weapon. In most cases, when effective, a taser causes temporary pain and immobilization. The right to use non-deadly force arises at a somewhat lower level of danger than the right to use deadly force. (*Commonwealth v. Pike*, 428 Mass. 393, 395 (1998)). The statutory and regulatory restrictions on an officer's use of non-deadly force are similar to those for deadly force, but are more specific as to the legitimate law enforcement goal. (See G.L. c. 6E, § 4 (a); 555 CMR 6.04)). Such force is lawful when an officer first attempts de-escalation, and the force is necessary and proportionate. (See G.L. c. 6E, § 4 (a); 555CMR 6.04)). As relevant here, non-deadly force can be used to "effect the lawful arrest or detention of a person," or "defend against an individual who initiates force against an officer." (See G.L. c. 6E, § 4 (a); 555 CMR 6.04)).

Analysis: Less Lethal Use of Force in Self-Defense and Defense of Others

When Officer Coffey arrived for the second call, he saw Estrella and his girlfriend in the street, in a "pushing match." Coffey immediately radioed for back-up. He also saw that Estrella was holding a knife. The officers and witnesses consistently described it as a large kitchen knife, and estimated it was

eight to twelve inches long. This knife was located on the scene and is consistent with this description. Estrella's girlfriend was pleading with him to drop the knife and appeared to be trying to get it away from him. Officer Sondrini arrived approximately twenty seconds after Officer Coffey.

Estrella's attention was focused on the officers, and his conduct appeared to be challenging them. A neighbor who was an eye-witness to the scene said that he had "tunnel vision" on the officers and that he was yelling at them and swearing. He described Estrella with his hands up, "clenched" on the knife. This neighbor said that he was "intimidating" the officers, to show that he was "a threat," indicating to the officers, "[l]eave me alone." The officers said that Estrella held the knife in a closed fist "boxer's grip" with the blade flat against his forearm. He appeared to maintain a fighting stance and was "bobbing and weaving" in a way that suggested he was trained in using a knife as a weapon.

The officers also knew from their previous encounter that he had been reported as self-harming and had been drinking alcohol. From these observations and prior knowledge, they could assess Estrella as a threat to himself, themselves and others.

In this initial period of the second call encounter, each officer deployed his taser once in an attempt to disarm and secure Estrella. Officer Coffey, on arrival, exited his cruiser and drew his taser. Coffey chose not to draw his firearm initially,

which would have been an appropriate choice when faced with a dangerous weapon. Instead of escalating immediately to lethal force, he first attempted a less than lethal method of employing his taser. He based this decision on the rapport he had built with Estrella during the first encounter, and the fact that Officer Sondrini would be arriving very soon.

Several witnesses confirmed that he attempted verbal de-escalation in the form of commands and persuasion for Estrella to drop the knife, and attempted to build back the former rapport from the first call. Officer Sondrini arrived and drew his firearm in order to provide lethal coverage to Coffey, who had his taser drawn. He also used verbal commands and persuasion to coax Estrella into dropping the knife. Estrella ignored these attempts, and retained the knife. During this time, Estrella's girlfriend attempted to intervene between Estrella and the officers. She placed herself in front of Officer Coffey, who pulled her behind him. Several other civilians were gathered near-by in the vicinity of the Bartlett School entrance. At some point in this chaotic encounter, Coffey deployed his taser. Sondrini holstered his firearm and transitioned to his taser in a second attempt to contain Estrella without using lethal force.

Both deployments were reasonable attempts to disarm and detain Estrella to stop his assaultive and dangerous behavior toward the officers and his girlfriend. Each officer was engaged in self-defense, and also defense of the other officer, and

the girlfriend. These facts show that the officers attempted feasible de-escalation tactics. A reasonable officer in similar circumstances would believe that both officers were justified in using such force to protect themselves, each other, and those on the scene, especially his girlfriend, who was the closest civilian. Their actions thus constituted proper self-defense and defense of another.

Analysis: Deadly Use of Force in Self-Defense

After the unsuccessful taser deployments, the officers drew their firearms and trained them on Estrella. The pointing of a firearm is considered a use of force. (See 555 CMR 6.04). Witnesses along with the officers said that Estrella advanced on the officers with the knife, and the officers slowly retreated, with their backs to Onota Street. Estrella's girlfriend continued her attempts to intervene, and Officer Coffey kept pushing her behind him.

At this time, although their firearms were drawn, the officers continued to employ other de-escalation tactics, such as creating distance, by backing up "on a line" together. They both understood that they were buying time and, in effect slowing down the encounter, until additional officers could arrive with other less lethal options. Sondrini specifically thought about trying to sweep right to use the cruisers as a barrier. But this strategy was not feasible because Coffey was actively restraining the girlfriend from moving past him, and they were unable to move as a coordinated unit. Coffey also radioed for more units, told them to step it up, and

specifically asked for a co-responder clinician and a less lethal shotgun to be brought to the scene. Sondrini also radioed for immediate back-up.

The officers continued to use verbal commands, persuasion, and warnings, all of which failed. Both officers reported using “commands” for Estrella to drop the knife, as well as “telling,” and eventually “begging” him to drop the knife. Coffey said that he asked Estrella to “talk this out” and both officers said that they asked Estrella to let them get him some help. The neighbor heard the officers offering help, as well as another witness who was out walking her dogs on Onota Street. Here, despite repeated requests to drop the knife, Estrella slowly continued to approach the officers with the knife held in a clenched fist “boxing” position.

At the point where the officers and Estrella were backed up to Onota Street, Estrella addressed Coffey alone. He yelled at Coffey that this was what the officers wanted, to shoot people like him, who were minorities. Coffey took this opportunity to persuade Estrella that, as a man who was also a minority, he understood how he felt and “where he was coming from.” He begged him to put down the knife and let them help him.

Verbal warnings also failed to stop Estrella’s approach on the officers, or prevent his eventual charge on Sondrini. The girlfriend’s sister, who was also on the scene, heard Coffey repeatedly warn Estrella that “you don’t want to do this.” When Estrella and the officers were backed up to the intersection with their firearms drawn,

Sondrini said he told Estrella, “please don’t make me do this, please don’t make me hurt you.” The neighbor also heard him say this. Right before the shooting, the dog walker heard Estrella say, “shoot me,” twice. She said that both times, Sondrini replied, “I’m not going to shoot you.”

In the context of Estrella’s potential suicidality, instead of the officers warning Estrella to put down the knife or they would shoot, they were warning Estrella that, if he continued to advance with the knife, they would be forced to shoot, which they did not want to do.

Sondrini saying, “Don’t make me do this,” and Coffey saying, “You don’t want to do this,” are warnings to Estrella that, by approaching the retreating officers with a knife, he could instigate being shot. These are attempts to warn him to reconsider the potential outcome of his actions. Sondrini saying, “I’m not going to shoot you,” is a desperate response to Estrella’s order to do so, and perhaps a warning that he would not do it, so that Estrella would not persist. Unfortunately, these warnings failed to deter Estrella.

Estrella’s failure to give up the knife increased the risk of harm by forcing the officers and his girlfriend into an active roadway in order to maintain distance. Officer Coffey described a car passing behind them, close enough to almost have hit them. At this “standpoint,” the neighbor said that he thought that there was about twelve feet between Estrella and the officers. The officers estimated the distance

between them as being about eight to ten feet, or the distance from the edge of the road to the center yellow line. Even at this point, Officer Sondrini considered a second attempt to use his less lethal taser, but discovered that he could not because it was not in its holster.

Both officers described Estrella's final advance on Officer Sondrini as sudden, and like a boxer coming out of the corner when the bell rings. The neighbor said that Estrella had singled out Sondrini and now "started towards" him. He said that Estrella was "two steps" away and "real close" when Officer Sondrini shot him. Coffey thought that Sondrini was about three feet away from Estrella's hands. Sondrini estimated the distance between them as approximately six feet when he fired. Crime lab analysis of the gunshot residue on Estrella's shirt indicates that the distance between them was up to eighty-four inches. Officer Sondrini shot Estrella only at the point where he suddenly closed the distance, and was within striking range.

These facts show that Officer Sondrini attempted several de-escalation tactics and identified those that were not feasible, before using deadly force. Under these circumstances, a reasonable officer on the scene would understand that use of force was necessary to prevent an imminent knife attack, which would be likely to cause serious harm or death. Further, a reasonable officer on the scene would understand

that the deadly force of a firearm was reasonably necessary in response to deadly harm of a knife attack.

Conclusion

When the Commonwealth prosecutes an individual who asserts that he acted in self-defense, the Commonwealth bears the burden of disproving such facts beyond a reasonable doubt. (*Commonwealth v. Allen*, 474 Mass. 162, 171 (2016); *Commonwealth v. Williams*, 450 Mass. 879, 889 (2008)). Based upon all of the facts and circumstances in this case, the Commonwealth would be unable to meet such a burden. Rather, the facts and circumstances support the finding that Officer Sondrini acted in proper self-defense, and that both Officer Sondrini and Officer Coffey acted in proper defense of another.

Considering all the facts and circumstances I have reviewed, I find that Officer Sondrini acted in self-defense when shooting his firearm at Miguel Estrella. The Commonwealth could not meet its burden of proof beyond a reasonable doubt. In addition, his taser deployment and that of Officer Coffey were acts of self-defense and in defense of another, for the same reason.

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and Firearms Identification Section as well as the forensic scientists attached to the State Police Crime Lab. I thank the Pittsfield Police Department, for their full cooperation with this investigation, as well as the Berkshire Special Response Team, Berkshire Sheriff's Office and other EMS and public safety agencies who responded to the scene and assisted in the investigation. Finally, I would also like to thank all of the community members who cooperated with the investigation, especially the civilian witnesses who gave statements. I extend my condolences to the Estrella family and his friends, and express my gratitude for their patience. I also extend my concern to all those who were involved in this traumatic event, officers and civilians alike.

Having been updated regularly and viewing case-related physical, digital, testimonial and medical evidence, as well as personally travelling to and observing the scene the night of the incident, I am confident that there has been an objective and thorough investigation into this sad and unfortunate event.

Respectfully submitted,



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