

Peabody Police Department
Incident Report



Incident #: 23-224-OF
Call #: 23-2672

Date/Time Reported: 01/15/2023 1030
Report Date/Time: 01/22/2023 1216
Status: No Crime Involved

Reporting Officer: Sergeant MARK SAIA
Approving Officer: Captain SCOTT RICHARDS

INVOLVED SEX RACE AGE SSN PHONE

1

Military Active Duty:

HEIGHT: WEIGHT HAIR: EYES:
BODY: COMPLEXION:
DOB: PLACE OF BIRTH:
LICENSE NUMBER: ETHNICITY:
PCF #:

[CONTACT INFORMATION]

Cell Phone (Primary)

[APPEARANCE]

GLASSES WORN: NO
TATTOOS: TAT ARM (FLAMES WITH SDOLLAR)

EVENTS (S)

LOCATION TYPE: Highway/Road/Alley/Street Zone: WARD 3
2 VIOLET RD @ 82 ANDOVER ST
PEABODY MA 01960

1 Disturbance

NARRATIVE FOR SERGEANT MARK D SAIA

Ref: 23-224-OF

Entered: 01/22/2023 @ 2226 Entry ID: 529
Modified: 02/01/2023 @ 0856 Modified ID: 529
Approved: 02/01/2023 @ 1009 Approval ID: 537

Involved:

On 15 January 2023, I was assigned to a construction detail located on Andover Street at Violet Road. The detail started at approximately 1030 hours. At approximately 1230 hours, I went to my cruiser to eat lunch. I was in my cruiser for approximately two minutes when I observed a white male hanging out of the right passenger window of a white pickup truck recording the construction site. The vehicle was traveling eastbound on Andover Street.

The construction area was coned off with the cruiser, with emergency lights activated, within the construction area. The cruiser was at the edge of the Holy Cow parking lot and the intersection of Andover Street and Violet Road, containing a large hole where the crew was repairing a broken water main.

When I finished my lunch, I looked up and observed the male video recording from a distance, approximately twenty-five yards away, at the far end of the construction site. I recognized the male as _____, a known police agitator, and provocateur who creates anti-police internet content.

I finished my lunch in approximately five minutes and immediately returned to the road. He was recording and came to the cruiser. I walked to the front of the cruiser, and he followed. I was moving vehicles through the intersection of Andover Street, Esquire Drive, Andover Street, and Violet Road because the construction vehicles continuously tripped the traffic lights even though there was no traffic on Violet Road.

_____ continued to follow me. At no time did I attempt to get him to stop recording. After five to ten minutes of observing and recording me, he initiated verbal contact. He began to berate me for taking a lunch break in my cruiser, which I am entitled to do. I did not engage him in any conversation. He demanded my name, and I furnished him with my badge number. I was in a full-duty uniform with my badge conspicuously displayed, as well as two Peabody Police Department patches on my shoulders. I was standing behind a Peabody Police cruiser with the emergency lights activated.

He eventually stepped into the roadway behind the cruiser and within the construction area, creating a hazard to himself and the motoring public. He was told to get off the road, which he refused to do. He was aggressive and tried to create a confrontation by getting extremely close to me. When he refused to get out of the roadway, I placed my left arm on his right arm and my right arm at his waist as I escorted him off the road and onto the sidewalk.

As soon as he was on the sidewalk, he pushed his hands toward the ground and yelled, "get your _____ hands off of me." I told him not to step into the roadway again. He repeatedly asked for my name, and I replied that my badge number was 529. He yelled for my name at least fifty times, and I answered each time with my badge number.

The law requires that I produce my police I.D. card to a citizen for lawful purposes. _____ cited M.G.L. c.41 s.98D, stating that I was required to furnish my name. I only answered with my badge number. I did not initiate contact; _____ did. Furthermore, he never requested to see my ID. Therefore, there was no lawful purpose for _____ request.

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continued to carry on for approximately thirty minutes as I ignored him and continued to direct traffic. Eventually, he said he would call the station, to which I replied that it was ok for him to do so. He spoke with dispatchers as well as the Officer in Charge, Sgt. Gallo, all the while citing M.G.L. c.41 s.98D, which he clearly did not understand.

returned to me a second time, but I continued directing traffic. He recorded while he stated that I was a coward for not furnishing my name while continuously trying to berate me. He then gave out the department's business line telephone number, 978-531-1212 but urged viewers not to call in an obvious attempt to disrupt the police department's operations. He gave out the department's telephone number at least twenty times, followed by "don't call." Viewers watching his broadcast started calling the station to demand information while disrupting police operations.

After approximately forty-five minutes of carrying on with his anti-police antics, eventually left. He made his usual threats about calling the station, the Chief of Police, and the mayor. I told him to have a nice day as he walked passed the construction crew while delivering his profanity-laced tirade. was a nuisance to the construction crew, the motoring public, and citizens who stopped to record his recording.

The construction crew finished repairing the water line, cleared the equipment from the street, and the road was fully opened to the public.

Due to the nature of the incident and the individual involved, I contact Captain Richards to notify him of the situation.

End of report

NARRATIVE FOR CAPTAIN SCOTT C RICHARDS

Ref: 23-224-OF

Entered: 01/31/2023 @ 0940 Entry ID: 537
Modified: 02/09/2023 @ 1943 Modified ID: 537
Approved: 02/09/2023 @ 1944 Approval ID: 537

I, Captain Scott C. Richards, Commander of the Traffic/SOPS Division, Training Division, and Supervisor of Details, report the following:

On Sunday, January 15, 2023, at approximately 1345 hours, I received a phone call from Sergeant Mark Saia. I could not answer the call then, but I eventually contacted Sergeant Saia by phone later that afternoon.

Sergeant Saia informed me that he was working a private detail on Andover Street when he was approached by [REDACTED] is a known anti-police zealot and agitator whom we have dealt with on more than one occasion. Mr. [REDACTED] is well known to me, Sergeant Saia, and several other officers in the Peabody Police Department.

Sergeant Saia stated that upon [REDACTED] arrival on scene, [REDACTED] began videotaping him, then began to verbally berate him for having taken a lunch break. Sergeant Saia said that he did not initiate contact with [REDACTED] nor did [REDACTED] ever request police services from him. Sergeant Saia stated that he resumed directing traffic while [REDACTED] continued videotaping him and verbally attacking him. [REDACTED] then demanded Sergeant Saia's name and badge number. Sergeant Saia provided [REDACTED] with his badge number (529) at this time. Sergeant Saia added that over the next 45 minutes or so, while continuing to videotape Sergeant Saia, [REDACTED] repeatedly requested his name, citing M.G.L. c.41 sec. 98D as the basis of this request. Sergeant Saia continued to provide [REDACTED] with his badge number.

According to Sergeant Saia, [REDACTED] stepped off the sidewalk at one point, entered the construction safety zone, and approached Sergeant Saia. The construction safety zone was clearly delineated by traffic cones and Sergeant Saia's unmarked police cruiser, with all the blue emergency lights activated. Sergeant Saia stated that he instructed [REDACTED] to get off the street and get back on the sidewalk. [REDACTED] failed to comply. Sergeant Saia added that he told [REDACTED] he was inside a safety zone and needed to get back on the sidewalk. [REDACTED] again failed to comply, so Sergeant Saia, using a standard escort technique, escorted [REDACTED] back to the sidewalk. Sergeant Saia stated that [REDACTED] then accused him of illegally touching him and committing assault and battery. [REDACTED] continued berating Sergeant Saia, calling him a coward, a tyrant, and a disgrace to his family name, etc.

According to Sergeant Saia, [REDACTED] indicated he was live streaming his verbal assault on Sergeant Saia. Sergeant Saia heard [REDACTED] state several times for his viewers **not** to call the Peabody Police Station at 978-531-1212 (business line) and ask for Sergeant 529's name. Clearly, [REDACTED] was appealing to his followers to call the department. Then, at some point, [REDACTED] claimed he was calling the police station. He subsequently spoke to dispatch and the shift OIC. I later learned that dispatch was, in fact, inundated with callers regarding this incident. Most of the callers were rude, obnoxious, and whose only purpose of calling the police station was to harass and cause a disruption in the delivery of police service.

According to Sergeant Saia, [REDACTED] eventually departed the area, and he was able to resume his duties without further interruption.

Sergeant Saia stated that while [REDACTED] was on scene, [REDACTED] aggressive and tumultuous behavior attracted the attention of patrons at the Holy Cow Ice Cream shop, the construction crew working at the site, and passing motorists. Several people driving by the site, either on Andover Street (both directions) or exiting Violet Road, slowed to see the disturbance. Sergeant Saia stated that at one point, a passing motorist pulled over on Esquire

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Drive and began videotaping Mattson's outrageous behavior.

At that point, I informed Sergeant Saia that, in my opinion, based on what he had told me, he had probable cause to arrest [REDACTED] for Disorderly Conduct. Sergeant Saia agreed but felt that arresting [REDACTED] would only have escalated the situation. He thought it was better to let [REDACTED] tire out and leave the area than to disrupt traffic and the construction crew further. I informed Sergeant Saia that I supported his decision not to arrest [REDACTED] at the scene, but based on the totality of the circumstances, I would be conducting a follow-up investigation into this matter. The findings may result in the issuance of a criminal complaint charging with Disorderly Conduct and/or Disturbing the Peace if deemed appropriate.

I instructed Sergeant Saia to author an incident report and submit it to me at his earliest convenience.

It is important to note that M.G.L. c.41 sec. 98D, the law [REDACTED] continuously cited during his tirade, relates to an officer having a department-issued ID that "shall be exhibited upon lawful request for purposes of identification." The law does not define "lawful request." It has been interpreted by many in the law enforcement profession to apply when the police initiate contact with someone. Then, it would be reasonable and lawful for that individual contacted by the police to request to see the officer's ID in the event they wanted to make a formal complaint or to confirm they are speaking to an actual law enforcement officer. Our department policy affirms this approach.

In this case, [REDACTED] initiated contact with Sergeant Saia, and neither asked for police services nor to examine Sergeant Saia's police identification. Instead, he marched up to a police officer while on duty, berated him for taking a lunch break to which he was entitled, then demanded his name and badge number. His actions were unreasonable and, under the circumstances, did not require any response from Sergeant Saia; however, because M.G.L. c.41 sec. 98C requires, at a minimum, police officers to display their badge number on their person when on duty; Sergeant Saia provided [REDACTED] with his badge number. If [REDACTED] wanted to go to the PPD and file a formal complaint against Sergeant Saia, his badge number was more than sufficient to do so.

Concerning the allegation that Sergeant Saia illegally touched, assaulted, and battered [REDACTED], it should be pointed out that no individual, without prior authorization, can enter a restricted area such as a construction safety zone or a crime scene, etc. According to Sergeant Saia, [REDACTED] entered a restricted zone without permission and was instructed to leave the area. He refused to comply and was lawfully escorted out of the safety zone and back onto the sidewalk where he belonged.

End of Report