



Town of Swampscott

Elihu Thomson Administrative Building
22 Monument Avenue
Swampscott, Massachusetts 01907

VIA EMAIL AND FIRST-CLASS MAIL

January 22, 2021

The Honorable Jonathan W. Blodgett, Esquire
Essex County District Attorney
10 Federal Street, 5th Floor
Salem, Massachusetts 01970

RE: Mr. Ernst Jean-Jacques

Dear District Attorney Blodgett:

We are writing you to express serious concerns about the arrest of Mr. Ernst Jean-Jacques stemming from events alleged to have occurred at a protest/counter-protest in Swampscott on December 12, 2020, and to request that you immediately dismiss all charges against Mr. Jean-Jacques relating to this incident.

As you are likely aware, Mr. Jean-Jacques, 32-year-old Black man, was arrested by the Town of Swampscott Police Department (“the Department”) and subsequently charged with assault and battery on an elderly person in Lynn District Court by Essex County Assistant District Attorney Danielle Doherty-Wirwicz.

According to the Department’s official police reports previously provided to your office, Mr. Jean-Jacques was arrested based on several witness statements claiming that they personally observed Mr. Jean-Jacques “punch” another person. Two of these witnesses were Swampscott Police Officers.

The first Officer (“Officer 1”), who was stationed at the protest, states in his report that he witnessed Mr. Jean-Jacques “wind up his arm and strike a bystander with a closed fist punch” and that such occurred with “an extreme amount of force.” The second Officer (“Officer 2”), who was stationed at the police station during the incident, states in his report that he was watching the protests on live stream video via Dianna Ploss’s Facebook page when he witnessed Mr. Jean-Jacques “punching... with his right fist.” Officer 2 then states that he left the police station and went to the protest location where he spoke with two (2) individuals (both of whom were part of the Ploss group) who also allegedly witnessed Mr. Jean-Jacques “punch” a woman. Officer 1 reports that, also at this time, Officer 2 confirmed that “[Mr. Jean-Jacques] in fact did throw a punch.”

The Officer in Charge (“OIC”) for the Department at the protests that day did not personally witness the alleged assault in question. However, after speaking with Officers 1 and 2 and hearing their statements, the OIC approved the arrest of Mr. Jean-Jacques. Since this time, video footage of the incident has plainly revealed the material inaccuracy of the statements made by Officers 1 and 2, as well as the statements made by the other witnesses interviewed by the Department immediately following the incident.¹

The video footage clearly shows that Mr. Jean-Jacques was not the initial aggressor. Just moments before the alleged assault at issue, the alleged victim threw water on Mr. Jean-Jacques because, as the alleged victim was later recorded stating to a Swampscott Police Detective, “he was gyrating in front of me and I was getting mad... I did get water on him... I don’t want to lie.”

The video footage also reveals that, in response to having water thrown at him, Mr. Jean-Jacques swung an open hand in the direction of the mid-section of the alleged victim who was holding an intact water bottle. The Department has taken the water bottle, then crushed, into evidence. The events shown on the video are consistent with Mr. Jean-Jacques’ statement to Officer 1 just prior to his arrest, which was that he “was just trying to take the water bottle from the lady” because she threw water on him.

The OIC was sufficiently persuaded by this video footage to issue a supplemental police report withdrawing the prior conclusion that Mr. Jean-Jacques used a closed fist in the alleged assault and battery. The OIC’s amended report clarifies that the video “shows that Mr. Jacques clearly appears to open his hand into an open handed slapping motion in the portion obscured in the first video, and instead of a punch, he in fact it appears he open hand slaps at [the alleged victim] with his right hand.”²

Police reports do not allege that the alleged victim fell to the ground, showed any sign or complained of any injury, or sought any medical attention due to the alleged battery. No charges have been filed against her to date despite the video showing she was the initial aggressor. In contrast, Mr. Jean-Jacques was arrested based on statements –which have since been shown to be materially inaccurate - from two (2) Swampscott Police Officers and the other individuals who provided statements.

The events shown in the above-referenced video and the material inaccuracies contained in the police reports prompted Swampscott Police Chief, Ronald Madigan, to initiate an independent, external review of the Department’s actions in this matter. We support this decision and we

¹ This video was provided to the Department by Mr. Jean-Jacques’ counsel. The Department provided your office with a copy of this video in the last week of December, although it is our understanding that your office had already received a copy of the same from Mr. Jean-Jacques’ counsel.

² This Supplemental Report, dated December 24, 2020, has already been provided to your office.

The Honorable Jonathan W. Blodgett, Esquire

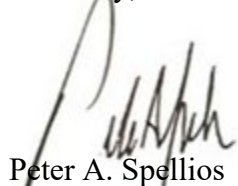
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anxiously await the findings of the independent investigation to ensure accountability and that the appropriate measures are taken within the Department to avoid any repeat of similar events. Although commendable, the Department's investigation does not relieve Mr. Jean-Jacques of the injustices being leveled against him. We are writing you because you are in the best position to address these injustices by immediately dismissing the charges pending against Mr. Jean-Jacques.

Mr. Jean-Jacques is a long-time employee of an elder service provider. As a result of this arrest, Mr. Jean-Jacques has been suspended from his position, without pay, pending final resolution of the charges issued by your office. Mr. Jean-Jacques has no criminal history, and all of the witness reports that the Department relied on to arrest him have since been proven to be substantially inaccurate and, ultimately, unreliable. Further delay in dismissing these charges continues to unfairly harm Mr. Jean-Jacques' ability to maintain employment; earn a living, now and in the future; and his otherwise respectable reputation. Additionally, the failure to dismiss the charges against Mr. Jean-Jacques will further compromise the public's confidence in our legal system and in the important service that police departments provide in our community and throughout the Commonwealth.

Sincerely,



Peter A. Spellios
Chair, Swampscott Select Board³



Polly Titcomb
Vice Chair, Swampscott Select Board³

cc: Swampscott Town Administrator, Sean Fitzgerald (via Email)
Swampscott Police Chief, Ronald Madigan (via Email)
Essex County Assistant District Attorney, Danielle Doherty-Wirwicz (via email)
Murat Erkan, Esquire (via Email)

³ This letter is sent by the individuals signing this letter, and not on behalf of the Town of Swampscott, the entire Swampscott Select Board, or any other member thereof.