City of Malden
Massachusetts
110 Pleasant Street
Malden, MA 02148
Malden Licensing Board

James S. Conway, Chairman
Lee Kinnon, Vice Chairman
Andrew Zelberg, Member
Diane M. Anthony, Clerk

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MINUTES OF MEETING
MALDEN LICENSING BOARD
FEBRUARY 19, 2019

James S. Conway, Chairman
Lee A. Kinnon, Board Member
Andrew Zelberg, Board Member
Captain Marc Gatcomb, MPD Liaison
Sgt. Michael Powell, MPD Liaison
Captain Glen Cronin, MPD
Salvatore Gennetti, MPD

The meeting was called to order by Chairman Conway at 6:30 p.m.

Motion by Lee Kinnon to approve Minutes from January 15, 2019 meeting
Seconded by Andrew Zelberg.

Motion passed.

The next item on the agenda was the request for a one day license for C5K Sports to serve beer and cider at their half marathon road race event on March 10, 2019. Present and representing C5K Sports was Mr. Edward O'Connor, owner of the business.

Chairman Conway asked if Mr. O'Connor was the person who signed the application for the one day license. Mr. O'Connor said that it was his signature.

Mr. O'Connor explained that this was a new event in partnership with the Malden Rotary Club. His business organizes road races throughout the Commonwealth of Massachusetts. He works closely with the police and also provides private security that checks ID's and protects that there is no alcohol beyond the barricaded area. The last race his company did in Malden was last July and they hosted the beer garden at Plantedosi's parking area.

Mr. O'Connor said that they have already signed up 3,000 registered participants for this road race with 200 from Malden. The road race will start and finish at Exchange Street. The post-race event will be held at the parking lot on Exchange Street.

Mr. Kinnon asked Mr. O'Connor who would be allowed in the beer garden. Mr. O'Connor said that only people who raced and volunteers would be allowed in. The general public would not be allowed. Mr. Kinnon asked if the race course would leave Malden. Mr. O'Connor said that the loop of the course is entirely in Malden.
Mr. Zeiberg asked if there was police involvement. Mr. O'Connor said he was working on the detailed plan now to secure the course and beer garden. There will be four detail officers at the event. Captain Cronin is working with Mr. O'Connor on the event. Mr. O'Connor said there will be 200 volunteers and 15 private security details.

Mr. Zeiberg asked about how they will ID check 3,000 people. Mr. O'Connor said there will be security at the pouring station and tickets will be collected. Mr. Zeiberg asked when the ID would be checked and Mr. O'Connor said before the race at registration and at each pouring location. Mr. Zeiberg asked about a bracelet and Mr. O'Connor said it would be a large hand stamp for anyone over 21 years old.

Chairman Conway asked if Mr. O'Connor continues to meet with the police and Mr. O'Connor said yes.

Motion by Andrew Zeiberg to approve one day license subject to final approval of the police department

Mr. Kinnon confirmed approval as long as the Malden Police Department is satisfied with the plan.

Motion passed.

The next item on the agenda was the violation hearing for Papa’s Bar and Grille, 208 Highland Avenue. Present and representing Papa’s was Attorney Patrick MacDonald of Malden and Bernard McGovern, owner and manager of record.

Chairman Conway asked Attorney MacDonald if he had copies of the police reports the Board would be addressing and asked if he would waive the requirement of reading them in to the record. Attorney MacDonald said if it was report 18005826/1 he would waive the requirement (copy of the Notice of Hearing attached hereto for incorporation into the record).

Chairman Conway asked Attorney MacDonald if he wished to make a statement. Attorney MacDonald said he would prefer to make a statement after testimony from the police officers.

All parties testifying were sworn in by Attorney Andrew Zeiberg, also a member of the Board.

Captain Marc Gatcomb, questioned Detective Salvatore Gennetti. He did not write a report but he was the first on the scene. Detective Gennetti told the Board that at 11:37 p.m. he was driving on Charles Street and his attention was drawn to a radio broadcast about an Incident at Papa’s. He was in uniform after leaving a detail and was the first officer on the scene. He drove down Charles Street and turned left onto Highland Avenue. Upon his arrival he observed about 40 people in front of Papa’s. There was a physical altercation at the left of the building and as he approached he saw an injured male. Detective Gennetti asked him about his injuries and he said he wasn’t a rat. He was resistant but not disrespectful. He gave a very vague description. Medical assistance was offered but he declined. Detective Gennetti testified that he did not enter the establishment. Detective Gennetti did say that he called for mutual aid because they were in the midst of a shift change.

Mr. Zeiberg asked for the record, “what is mutual aid and what other cities responded to the call?” Detective Gennetti said it is when you call other cities in to assist. Captain Gatcomb said Medford, State Police, Somerville, Revere, Chelsea and MBTA responded. Mr. Zeiberg asked how long from the intersection of Charles Street and Highland Ave did it take you to get to the establishment. Detective Gennetti said about 10 seconds. Mr. Zeiberg asked about the number of people involved in the altercation. Detective Gennetti said that it was difficult to determine but there were about 40 people outside the establishment. Mr. Zeiberg asked if there was anyone
from the establishment outside. Detective Gennetti said he saw Mr. McGovern trying to disperse the crowd. Mr. Zeiberg asked again about how many people and Detective Gennetti said he could not say with certainty and the only specific individual he saw that he knew was Mr. McGovern. Mr. Zeiberg asked about how far from the door was the fight and Detective Gennetti said to the left of the door approximately 30-50 feet.

Mr. Kinnon asked Detective Gennetti if the male involved in the altercation exhibited signs of intoxication. Detective Gennetti said he did not appear intoxicated.

Attorney MacDonald asked Detective Gennetti the number of people outside was 40? Detective Gennetti said yes. Attorney MacDonald asked if he had occasion to observe the number of people inside and he answered no.

Captain Gatcomb stated that Captain Glenn Cronin was also working at the National Grid lookout detail when he heard the transmission for mutual aid. Captain Cronin testified that he then ordered everyone working at the detail to assist. He drove down Charles Street to Highland Avenue and when he pulled up he saw a large group outside Papa's with more people coming out of the bar. Captain Cronin was the commander at the scene. He entered the establishment. People were being pushed out by management. Most of the people were out of the bar at this time.

Captain Cronin said there were two men at the bar and one refused to leave. Captain Cronin testified that he told them the bar was closed and they had to leave. One of the men said he was 21 and could stay. Captain Cronin told him three times to leave. His intent was to place the man in protective custody, however, he struggled to the floor, beer bottles broke and both Captain Cronin and Officer Polston received lacerations from this altercation. The man was handcuffed after a brief struggle and decontaminated (eyes) by Cataldo Ambulance. Captain Cronin talked to the doorman Justin who said it was like a bum's rush everyone tried to come in at once.

Mr. Zeiberg asked if someone was at the door checking ID's. Captain Cronin said they were getting people out. Captain Cronin said there were more leaving than trying to get in. Captain Cronin initially estimate 300 people but he feels that he may have over-estimated that number but it was still a sizeable crowd. Chairman Conway asked and Captain Cronin confirmed he believes there were about 100 people outside and when he went inside there were about 30 people left. There were groups on side streets also. He estimates a total to be about 150 - 160 people according to Captain Cronin.

Mr. Zeiberg asked if the person arrested inside the bar was intoxicated. Captain Cronin said when he first approached him his eyes were red and glassy, he smelled of alcohol and he had slurred speech. He was also in a belligerent state. Captain Cronin has years of experience he realizes when someone tells you they are not going to do something they usually don't. The second person with the man who was refusing to leave eventually understood and he told his friend to cooperate and leave. Captain Cronin stated the man refusing to leave was finally arrested.

Attorney MacDonald asked Captain Cronin the number of people he estimates to be inside and Captain Cronin said 30 people inside and a large group out front and on adjacent streets.

Captain Gatcomb stated that Sgt. Casaletto who was also at the incident was on vacation and could not be here but his portion of the report is located on pages 8-10 of report 18005826/1. Sgt. Casaletto was able to go inside and interview the owner, Bernard McGovern. He was told by Mr. McGovern it was a pre-New Year's Eve party and he was close to his capacity of 146. He said last call was at 11:30 pm and he was closing at midnight although they have a 2am license. It was about this time about 30-40 people tried to come in. The front door man tried to keep them out until he was pushed back into the bar and a fray started outside.

Captain Gatcomb said they attempted to look at the security video recording but could not. Mr. McGovern finally
hired an outside agency so they could see the video. A copy of the video was provided to the Malden Police Department which the Board has viewed. Attorney MacDonald has stipulated to the video. Captain Gatcomb closed that portion of the hearing.

Mr. Kinnon asked Mr. McGovern if the person was injured in the bar. This person contends they were punched in the bar (see page 9 of the police report). He said an unknown male aggressively punched him several times and both were kicked out of the bar.

Mr. McGovern said he found them outside. He went outside and in 10 seconds he saw kids kicking and hitting him right outside near his house he owns at 200 Highland Avenue. Mr. McGovern said he saw a crowd and as they separated (it was mostly girls) he saw the kid on the ground bleeding. Nothing happened in his bar. The testimony Detective Gennetti gave was exactly what happened. He was inside and never saw anything happen. There was a whole crowd near the door and he looked to his left and saw the crowd. Believe me said Mr. McGovern he was beat up bad. Mr. McGovern said he was closing the place up at midnight not at 2am and this has upset him. His crowd was a good crowd inside the bar. The people who were fighting were not inside Papa's. These people were never in is bar. As a guy tried to leave another guy tried to come in. They have a 60 year old door man and he was shoved. He even washed down the blood outside. All he knows is that there was one dude arrested and one dude beat up outside. His stomach turned when he saw that kid outside beat up. It was nightmare for nothing. This whole thing took place in 8 minutes. He never saw this guy before in his life. That beat up took place outside never a fight in his bar. He honestly believes these people are the main source of the problem that night. They tried to get in and people were trying to leave and get in at the same time.

Mr. Kinnon said he has watched the video and Bernie acknowledged he watched the video. Mr. Kinnon said he saw people looking in the direction of front door area. Also the front door was not controlled; people were flowing in and out constantly in groups. The doorman was not there all the time. Who was controlling the door? The 8 minute thing might be right but in his opinion it was a powder keg there. Mr. Kinnon was counting people and he ran out of the ability to count because the cameras blur and he counted about 40 people in the back room. There was constant moving back and forth but there were way too many people. It did not resemble a restaurant which is what we license. It was just a bunch of people drinking. Mr. Kinnon saw no evidence of food service. Mr. McGovern says it was entertainment. Mr. McGovern said they play music on a playlist and his son is a hockey player going back to college so they had the fake New Year's. Mr. McGovern said they only have 5-6 functions like this a year. Not for nothing he said to the officer he was disgusted and told them to turn on the lights and close this place up. He wanted that night over. Mr. McGovern said there may have been 150 - 160 people and there may have been 120. Those kids were having a great time, using snap chat and at 11:25 5 or 6 Ubers pulled up and Eddie the doorman told them not to get out of the Ubers. The place was closed. Mr. McGovern said enough is enough. His patrons that night were having a good time and the nightmare at the front door was enough. Mr. McGovern said it was the longest 8 minutes of his life. The video is only 8 minutes long. Mr. McGovern said the kid they arrested was out of control and he was a mouthy person. Unfortunately they fell and injuries happened. Mr. McGovern said he invited the female officer in and the one mouthy person who was arrested was the only problem inside the bar.

There is nothing else to say. That dude was never in his bar. Mr. Kinnon said there were so many people in there. Mr. Kinnon explained that their entertainment license is in addition to a license to serve alcohol in a restaurant. The entertainment is additional. That doesn’t mean you load you place up with people and serve drinks and entertain them. In 2016 when he came before the Board for karaoke he didn’t realize that he had to ask for it. He was given an entertainment license for 2-3 place music or karaoke. Mr. Kinnon did not see any entertainment going on and no evidence of food. It was creating an environment for these types of problems. Attorney MacDonald interrupted and said that at the time this incident occurred, it was 11:30 at night and at that point the crowd is listening to music and drinking at that time. Attorney MacDonald said not many establishments are serving food at that time of night.
Chairman Conway made a point of order in that the Board always tells the licensees that even if the kitchen is closed they need to have food available to be provided to patrons.

Mr. McGovern said if they came at 10:00 pm it was a small area and if there were 130 people there it would look full. Mr. McGovern said he could not get a detail because of the Grid lockout.

Chairman Conway asked Mr. McGovern to stick to the point.

Mr. Kinnon asked Mr. McGovern how many people he thinks he had in the establishment. He said about 130. He was not about to argue with the police officer. He does not want to be in business like this.

Attorney MacDonald asked Mr. McGovern to reconfirm his estimation of how many people were inside and Mr. McGovern said 130.

Mr. Kinnon then asked Mr. McGovern why he did not call the police. The call did not come from anyone working at the establishment. Mr. Kinnon said that this Board prefers the call come from the establishment. They should call the police because the people who were fighting dispersed quickly when the police showed up, and this might have prevented some of the skirmishes. Mr. McGovern put the neighborhood at risk when that was going on outside. There was a lot of action outside and although he can't control outside he did control the dispersion of people. The doorman was sometime there and sometimes not. He is saying there were an awful lot of people there and he is concerned for the City with what was going on with his business.

Mr. McGovern said it is this new age. Chairman Conway said he must read the Rules again and if had abided by the Rules perhaps this would not have happened.

Mr. Zelberg asked about a counter for the number of people. Mr. McGovern said they have a phone app that they use. It's not a clicker counter it goes by the ID check app. Attorney MacDonald said there is an app that operates as a scanner for driver's licenses and ID's and it tells whether or not it is a legitimate ID. The app does keep track of the number of ID's but it doesn't retain the information. The app is what they would go by.

Mr. Zelberg asked Mr. McGovern how many staff members were working that night. Mr. McGovern said himself and 2 others at the bar, his doormen and 2 bar backs, 2 dishwashers. Mr. McGovern said one doorman at the front and one at the back. Mr. Zelberg said one person at the front door controlling the entrance and egress of patrons. Mr. Zelberg couldn't tell who was at the front door because there were so many people. They could not see anyone at the front door. Whoever was there was blocked by the video. Mr. McGovern said at that time there was no checking during the 8 minute video. They check ID's on the way in and they were already trying to close. Mr. Zelberg asked about the app and Mr. McGovern said they use 5 apps but there are 2 they use the most. Mr. Zelberg again said his concern was he could not see anyone at the front door checking ID's and that is a major concern for him.

Chairman Conway it was reported by the police that the victim who was injured seemed intoxicated. It was also reported that the officers were there to move the people and they thought the people seemed young and seemed to have had a lot to drink.

Attorney MacDonald said as he reads the notice from the Board it appears that the concerns are over-crowding and that there is no question that the premises were heavily occupied but there is insufficient evidence to determine it was over-crowded over their occupancy. He would suggest to the Board that although it may have been close to the limit, evidence suggests that they were not over the limit. The Captain has said that he may have over-estimated the number of people. Also as to the person injured in the fight. The only evidence that the
fight was inside is the statement of the injured party. Detective Gennetti and Mr. McGovern both said the incident was outside the bar. He certainly acknowledges the manner in which it was handled is a lesson to be learned. Mr. McGovern certainly should have called the police. Mr. McGovern has been in this location for 25 years and he was having a party for local residents and a local crowd. The incident happened when a lot of people showed up and tried to gain access. When 8 Ubers showed up they probably should have called the police at that time. He has a good record with the City and this is an aberration. Perhaps he could have done more but he prevented people from coming in, he shut down the restaurant and he can’t be held responsible for someone who did not obey the officer and leave when he was told. Attorney MacDonald asks the Board that any discipline be held in abeyance and he will show the Board over a period of time that he can be a good neighbor.

Chairman Conway thanked Attorney MacDonald. He said he has known Bernie for a long time and he knows the operation he has. His real concern is the karaoke and the Board was skeptical at that time and Bernie said in April, 2016 that he was just going to have a little music and his patrons had asked for the karaoke. The Board gave him the karaoke and the live music. Mr. McGovern said this was started as a fundraiser and the entertainment for karaoke and live music would only be once a month and they would not have more than 3 pieces (one being a cello player). The Board is concerned about continuing karaoke and Chairman Conway will have to give that some consideration. He is sure Mr. McGovern will not make this mistake again.

Mr. McGovern said he no longer does the karaoke weekly. They do music bingo for diners. They put speakers in the corner and they don’t do karaoke. He does not want karaoke. They did music bingo and Mr. McGovern said he has no problem not doing karaoke. He had live music for fundraisers. Mr. McGovern did music bingo and he is not bringing that back.

Mr. Zeilberg asked about TIPS training. Mr. McGovern said there are only 3 full time bartenders and they are all TIPS trained. Mr. McGovern said they have a class in their bar and it is usually in June. No one is over.

Mr. Kinnon commented that in relation to the capacity – How many seats are there? Mr. McGovern said capacity is 150. Mr. McGovern said capacity is 146-148 but they can’t sit that many in there. Mr. Kinnon said if they truly had 146 people in there the doorman wasn’t checking everyone. There were times when the doorman was coming over towards the bar in the video. Mr. Kinnon asks, who was checking then? Mr. Kinnon asked what he was going to do to control this. Mr. McGovern said they aren’t going to do this anymore. They don’t want to be in this business much longer. The only time is the night before Thanksgiving. Mr. McGovern said they normally don’t have this many people. He said he does not want to be in this business anymore.

Chairman Conway asked if there was anyone present in support of this establishment. No response from the audience. Chairman Conway stated there was a letter from Councillor Paul Condon. Mr. Kinnon read the letter into the record (which is attached to these Minutes as part of the official record).

Chairman Conway asked if there was anyone present against this establishment. No response from the audience.

Findings of Fact were:

1. There was no phone call to the Malden Police Department from any owner/manager or staff at your establishment.
2. There was a significant time lapse for the Malden Police to view the security tapes from the incident on December 28, 2018.
3. It was determined by the Board that you violated the following Rules and Regulations of the Malden Licensing Board (copy of Rules and Regulations were provided to you upon approval of your license and again in October, 2018 with your renewal application packet):
#3: No licensee shall permit any disorder, disturbance, or illegality of any kind, in or on premises; licensee is responsible whether present or not.

#39: Licensees shall ensure that their patrons leave the premises in an orderly manner.

Motion by Lee Kinnon to roll back hours to close at 11:00 p.m. for one week but roll back will be held in abeyance if there are no further incidents for six (6) months.

Motion amended by Mr. Kinnon to remove karaoke for six (6) months.

Seconded by Mr. Zeitberg

Motion passed.

Mr. Kinnon reminded Mr. McGovern that St. Patrick's Day is coming up and he needs to know how to handle any situations that may arise. Mr. Kinnon suggested a detail and Captain Gatcomb also suggested they call the station to request a cruiser to drive by at closing.

Meeting adjourned at 8:30 p.m. Next meeting will be March 19, 2019.

Submitted by:

Diane M. Anthony, Clerk
Malden Licensing Board
Minutes Approved by:

[Signatures]
City of Malden  
Massachusetts  
110 Pleasant Street  
Malden, MA 02148  
Malden Licensing Board

January 23, 2019

Mr. Bernard McGovern  
Papa's Bar and Grille  
208 Highland Avenue  
Malden, MA  02148

Dear Mr. McGovern:

Please be advised that the Malden Licensing Board will hold a public hearing on Tuesday, February 19, 2019 at 6:30 p.m. at the Malden Police Department Community Room, 800 Eastern Avenue, Malden, MA to determine whether or not to modify, suspend, and/or revoke the liquor, entertainment and/or common victuallers license for the premises known as Papa's Bar & Grille located at 208 Highland Avenue, Malden, MA. The Malden Licensing Board will also consider choosing to roll back the hours of operation for the establishment noted above.

The specific charge for which this hearing will be held is the following report received by the Malden Licensing Board:

1. Report # 18005826/1 dated December 28, 2018
2. Overcrowding Violation issued by Malden Fire Department

The Malden Licensing Board will consider the above-referenced report at the public hearing and consider whether the conduct and conditions are contrary to the Malden Licensing Board Rules and Regulations for licensees, including the regulations pertaining to Entertainment Licenses.

Your attendance as well as that of your attorney, if you wish to have an attorney present, is expected at the public hearing. You are advised that if the charges are supported by substantial evidence, the license may be suspended, modified, or revoked and hours of operation of the licenses premises may be rolled back.

If you have any questions or concerns you may contact this office.

Very truly yours,

James S. Conway, Chairman

Enclosures
CC: Capt. Mark Gatcomb  
    Councillor Paul Condon  
    Attorney Christopher Fallon
MALDEN POLICE DEPARTMENT
MALDEN, MA

INCIDENT # / REPORT # 18005826 / 1
OFFICER CRONIN, G
RANK CAPT
REVIEW STATUS APPROVED

INCIDENT #18005826 DATA
As Of 12/29/2018 08:25:27

BASIC INFORMATION

CASE TITLE
PAPAS BAR/CRONIN

LOCATION
210 HIGHLAND AV

DATE/TIME REPORTED
12/28/2018 23:37:56

DATE/TMR OCCURRED
On or about 12/28/2018 23:37

INCIDENT TYPO(S)/OFFENSE(S)
(265/13D/A)A&B ON POLICE OFFICER c265 S;3D
(268/32B)RESISTING ARREST c268 S32B
(272/53/F)DISORDERLY CONDUCT c272 S53

PERSONS

ROLE VICTIM
NAME CRONIN, GLENN T
SEX MALE
RACE WHITE

ROLE VICTIM
NAME MICALE, ANDREW
SEX MALE
RACE WHITE

ROLE INVOLVED PARTY
NAME PAPA'S BAR AND GRILLE,

ROLE OWNER/OPERATOR
NAME MCGOVERN, BERNARD H
SEX MALE
RACE WHITE

ROLE WITNESS
NAME CODAIR, EDWARD A
SEX MALE
RACE WHITE

ROLE WITNESS
NAME MCGOVERN, JODI L
SEX FEMALE

ROLE WITNESS
NAME RYAN, PETER S
SEX MALE
RACE WHITE

ROLE OFFENDERS

STATUS DEFENDANT
NAME ARNOLD, JUSTIN F
SEX MALE
RACE WHITE

[ NO VEHICLES ]
[ NO PROPERTY ]
OFFICER REPORT: 18005826 - 1 / CRONIN, G (238)

DATE/TIME OF REPORT
12/29/2018 00:51:14

TYPE OF REPORT
INCIDENT

REVIEW STATUS
APPROVED

NARRATIVE

The following is a brief summary of events that led to Justin Arnold being arrested and charged with 1.) Assault & Battery on a Police Officer, 2.) Resisting Arrest, and 3.) Disorderly Conduct.

On 12/28/2018, I was in full uniform and performing a "Lockout" detail for National Grid Gas. At approximately 11:37pm, Malden Operations received a 911 call from a passing motorist (Dale Hadley, 978-770-9922). He reported a large group gathering near the intersection of Highland Avenue and Emerald Street. Units were dispatched forthwith.

While units were on the way, Det. Sal Gennetti (who was now on scene) broadcast that we needed mutual aid (surrounding cities and towns) and an ambulance as he was treating an injured male party. I subsequently observed the party, he was obviously in a fight. He had multiple cuts and bruises about his entire face (Det. Gennetti tended to the party).

I ordered all personnel on "Lockout" detail (approximately 6 officers) to respond to the location (patrol was also responding). As I arrived, I observed a mass exodus of patrons flowing out of the two front doors of "Papa's Bar & Grill. It appeared as though a large fight had taken place. It also appeared that the "staff" at Papa's was hurriedly attempting to get the entire crowd out of the establishment.

Myself, K-9 Officer Polston, and Officer Murphy were now in the bar and we were ordering all patrons to leave the bar immediately. I was astonished at the amount of customers that were packed into the bar. I would estimate 300 people were in the bar as we arrived. I believe the capacity limit for Papa's is approximately 146. The scene was chaotic to say the least. The floor had broken glass strewn around the entire bar area. The floor was also doused with liquid (believed to be various alcoholic beverages).

As I was ordering all patrons from the establishment, I observed two individuals at the bar. I politely informed both parties to leave the establishment as it was now shut down. One of the parties turned to me and said, "I'm twenty-one years old, I don't have to go anywhere." I then explained to him again that he had to leave and he again stated, "I'm not
going anywhere, I told you, I'm twenty-one, I'm not leaving." It was apparent to me that the individual, later identified as Justin Arnold, was inebriated to the point where he continued to drink his beer in the midst of our conversation. I could detect a strong odor of alcohol coming from his breath and his eyes were red and glassy. The other male party who accompanied him, was resistant to leaving but eventually left without incident.

I stated to Justin, "So your refusing to leave?" To which he said, "yes." I informed him that he was under arrest. I summoned Officer Polston (who was busy escorting patrons from the bar) to assist me in placing him under arrest. My intent was to place him into protective custody but his actions caused an entirely different outcome.

Myself and Officer Polston informed Justin he was under arrest. We each grabbed an arm, and Justin immediately began to stiffen his arms and body, actively resisting our efforts to place him in custody. As we both attempted to place handcuffs on him, he quickly spun around and hit me on the top of my head with what I surmised was his fist (I didn't see it). In an attempt to control him, we had to take him down to the floor, where he continued to resist. During the struggle to cuff him, Officer Murphy sprayed him with department issued OC spray, which ultimately resulted in compliance. During the struggle, Officer Polston received a gash across his left thumb from a shard of broken glass that was on the bar room floor. I have a slight lump on the upper right side of my head from the assault.

Justin was removed from the bar and placed in a cruiser. He was subsequently treated on scene by Cataldo Ambulance for OC exposure. He was then transported back the MPD where he was afforded his rights, offered a phone call (called his mother), booked, property inventoried, photographed, fingerprinted, and placed in cell M-152 without incident.

The bail commissioner informed the OIC, Det. Sgt. Mitchell, that he would revisit Justin's bail in the morning, in order to let him sober up.

It should be noted, seven cities and law enforcement agencies responded to our mutual aid request, to include, Somerville PD, Revere PD, Chelsea PD, Medford PD, Everett PD, Mass State Police and the Transit Authority. The crowd was so large that they began to walk around on adjacent streets in large groups. Officers patrolled the various streets and kept the groups from reforming.
The following is a brief summary of events that led to Justin Arnold being arrested and charged with 1.) Assault & Battery on a Police Officer, 2.) Resisting Arrest, and 3.) Disorderly Conduct.

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As I was ordering all patrons from the establishment, I observed two individuals at the bar. I politely informed both parties to leave the establishment as it was now shut down. One of the parties turned to me and said, "I'm twenty-one years old, I don't have to go anywhere." I then explained to him again that he had to leave and he again stated, "I'm not going anywhere, I told you, I'm twenty-one, I'm not leaving." It was apparent to me that the individual, later identified as Justin Arnold, was inebriated to the point where he continued to drink his beer in the midst of our conversation. I could detect a strong odor of alcohol coming from his breath and his eyes were red and glassy. The other male party who accompanied him, was resistant to leaving but eventually left without incident.

I stated to Justin, "So your refusing to leave?" To which he said, "yes." I informed him that he was under arrest. I summoned Officer Polston (who was busy escorting patrons from the bar) to assist me in placing him under arrest. My intent was to place him into protective custody but his actions caused an entirely different outcome.

Myself and Officer Polston informed Justin he was under arrest. We each grabbed an arm, and Justin immediately began to stiffen his arms and body, actively resisting our efforts to place him in custody. As we both attempted to place handcuffs on him, he quickly spun around and hit me on the top of my head with what I surmised was his fist (I didn't see it). In an attempt to control him, we had to take him down to the floor, where he continued to resist. During the struggle to cuff him, Officer Murphy sprayed him with department issued OC spray, which ultimately resulted in compliance. During the struggle, Officer Polston received a gash across his left thumb from a shard of broken glass that was on the bar room floor. I have a slight lump on the upper right side of my head from the assault.

Justin was removed from the bar and placed in a cruiser. He was subsequently treated on scene by Cataldo Ambulance for OC exposure. He was then transported back the MPD where he was afforded his rights, offered a phone call (called his mother), booked, property inventoried, photographed, fingerprinted, and placed in cell M-152 without incident.

The bail commissioner informed the OIC, Det. Sgt. Mitchell, that he would revisit Justin's bail in the morning, in order to let him sober up.

It should be noted, seven cities and law enforcement agencies responded to our mutual aid request, to include, Somerville PD, Revere PD, Chelsea PD,
Medford PD, Everett PD, Mass State Police and the Transit Authority. The crowd was so large that they began to walk around on adjacent streets in large groups. Officers patrolled the various streets and kept the groups from reforming.

OFFICER REPORT: 18005826 - 2 / MURPHY, K (PATR)

DATE/TIME OF REPORT TYPE OF REPORT REVIEW STATUS
12/28/2018 23:37:56 SUPPLEMENT COMPLETED

NARRATIVE

I, Officer Katelyn Murphy, report the following summary:

On the above date and time I responded to 210 Highland Ave, Papa's Bar & Grille, for a large fight. I entered the bar and started assisting people out. While towards the back of the bar I observed approximately 15 feet in front of me Captain Cronin and O/Polston placing a male under arrest. I continued assisting people out the back door. I quickly looked again towards the front and observed Captain Cronin and O/Polston now on the ground struggling with the male. I approached the male and deployed a 1 second burst of my department issued OC spray, missing and spraying the floor. I then deployed an additional burst now making contact with the male. We then assisted the male to his feet and walked him out to my cruiser. I flagged down Cataldo EMS to flush out the males eyes. Cataldo EMS requested he be brought over to their ambulance. O/Hussey and I removed the male from my cruiser and walked him over to the ambulance where they flushed his eyes and face with water. He was then brought back to my cruiser. I asked the male for his ID and he stated it was in his wallet. I was able to find a MA license for Justin Arnold (DOB: 09/17/1997). I then transported Arnold to MPD where he was booked and afforded his rights by S/Mitchell.

Respectfully submitted,
Officer Katelyn Murphy #315

OFFICER REPORT: 18005826 - 3 / CASALETTO, M (SGT)

DATE/TIME OF REPORT TYPE OF REPORT REVIEW STATUS
12/28/2018 23:37:56 SUPPLEMENT APPROVED

NARRATIVE
On 12/28/2018 at approximately 11:37pm Malden control reported there was a large fight outside of Papa's Bar and Grille 208 Highland Ave. An arrest was made by Capt. Cronin (see arrest report).

Upon arrival I observed approximately 300 plus patrons outside in the street, on the sidewalks, in the adjacent parking lots, and surrounding streets. Crowd control was conducted with the assistance of seven outside agencies to clear the streets and surrounding neighborhood without further violence.

During my brief interactions with the large crowd I determined that many of the female patrons fleeing were under the age to drink alcohol.

Next I began to interview the owner and employees of the Papa's Bar and Grille. As I walked through the bar there were numerous broken beer bottles all over the floor and the employees attempting to cleanup.

I spoke to the owner id as Bernard McGovern who stated they usually have a pre-new years eve party that is word of mouth only (not advertised). He said approx. 120 patrons were inside and was close to capacity which is 146. The crowd peaked at 10pm and last call was at 11:30 in attempt to close by 12am but does have a 2am liquor license.

Bernard stated a large crowd of approx. 30 to 40 people attempted to come into the bar after being told it was last call. Bernard stated the bar is closing soon and there will be no more patrons let in at this point. The front doorman id as Eddie Codair was trying to keep this volatile crowd back but was subsequently pushed back into the bar at which time the local patrons reacted and multiple mutual affrays began outside the bar on the sidewalk.

Bernard stated the police response was quick and it assisted in the ending the fighting as police units arrived on scene. Most of the aggressors and agitators fled the area upon the arrival of the police.

Bernard pulled out a folder with all the proper city documentation to operate his establishment. Photos were taken of said documents and will be attached to this report. I observed an expensive high end video surveillance system inside the bar. I requested the owner if I could review the video footage because a police was assaulted by one of his patrons inside his bar.

Bernard stated his video system (DVR recording device) was not operational. Bernard gave me permission to document his disabled video system at which time I took multiple pictures of his video monitor which
will be attached to this report.

Bernard was advised that there will be a follow up investigation and hearing in front of the Malden Liquor Commission relative to this incident because of the compliance issues of over capacity and suspected under age drinking.

OFFICER REPORT: 18005826 - 4 / MUNYON, S (PATR)

DATE/TIME OF REPORT
12/28/2018 23:37:56

TYPE OF REPORT
SUPPLEMENT

REVIEW STATUS
APPROVED

NARRATIVE

The following is as summary:

On the above date and time, I (O/Munyon; L163) responded to Papa's Bar and Grille (210 Highland Ave) for a fight in progress. Upon my arrival, a large group of people (300+) were standing outside of the establishment. I along with several Officers began dispersing the crowd.

When most of the crowd had left the scene, I noticed that Detective Gennetti and two Cataldo EMT's were assisting a young man that had been injured. The man was identified as Andrew Micale (DOB 05-10-1999). He had several injuries to his face; his nose and lips were swollen and bleeding.

Andrew told Officers and EMTs that he had been assaulted when he tried to break up a fight in Papa's Bar and Grille. He further stated that his friend got into a disagreement with another patron (unknown to Andrew) while standing at the bar. When he stepped between them, the unknown male became very aggressive. Things quickly escalated and the other man began "throwing hay makers" at Andrew. Andrew said he was punched several times in the face. The fight was eventually broken up by the staff and Andrew and his assailant were kicked out of the bar.

When Andrew was outside he was then "jumped" by the same male party and several of his friends. Andrew said he was beaten to the ground and "stomped." When asked what he meant by "stomped," he said that he was kicked and punched while on the ground. He gave me a very vague description of the male that first assaulted him. He said the he was white, short and stalky; he could not remember what the suspect was wearing. The EMTs continued evaluating Andrew while I interviewed him. Detective Gennetti and I advised Andrew to get checked out for his injuries; he said he
would see how he feels later but refused transport to the hospital.

After Cataldo cleared the scene Andrew called for an Uber; I remained with him until he was picked up. I asked that he contact the Malden Police Dept if he remembers anything else regarding this assault.

Officer Stephen Munyon #304

OFFICER REPORT: 18005826 - 5 / SYLVA, D (CAD)

DATE/TIME OF REPORT
12/28/2018 23:37:56

TYPE OF REPORT:
SUPPLEMENT

REVIEW STATUS
APPROVED

NARRATIVE

The following is a supplement.

I have scanned in and attached four pictures provided to me by Sgt. Casaletto to the attachments section of this report.

Respectfully submitted,
Cadet Sylva
753

OFFICER REPORT: 18005826 - 6 / ROJAS, O (CAD)

DATE/TIME OF REPORT
12/28/2018 23:37:56

TYPE OF REPORT:
SUPPLEMENT

REVIEW STATUS
COMPLETED

NARRATIVE

Prisoner property sheet attached.
MASSACHUSETTS NON-CRIMINAL FIRE CODE VIOLATION NOTICE

ISSUED PURSUANT TO M.G.L. C. 148A AND 527 CMR 1.00

DATE ISSUED: 1/10/19  
DEPARTMENT ISSUING NOTICE: Malden

OFFICER'S NAME: Kevin T. Hojda

NAME OF VIOLATOR: MaGowan

ADDRESS: 208 Highland Ave, Malden

DATE OF VIOLATION: 12-30-18  
TIME: 23:57

LOCATION OF VIOLATION: 208 Highland Ave, Malden

VIOLATIONS(S): Fire Code, 527 CMR 1.00 (Code of Massachusetts Regulations Only) Check One:

A. Warnings of violation(s) only
B. Violation(s) 527 CMR 1.00

DESCRIPTION: Failure to comply with Requirement Prohibiting overcrowding

OFFICER CERTIFICATION: I certify that I am authorized to issue this Massachusetts Fire Code Violation Notice in accordance with the provisions of M.G.L. c. 148A. I further certify that (check one):

☐ I have delivered a copy of this violation to the offender, or the offender's agent at the time and place of the violation.

☐ Check here if offender refused delivery (Note: Whoever upon the request of any local or state code enforcement officer refuses to state his/her name and address shall be punished by a fine of not more than $200.00 (M.G.L. C.148A)

☐ I have mailed a copy of this violation notice to the offender at the offender's last known address.

☐ I have delivered a copy of this violation to the offender's last known address.

ADDRESS OF MAILING OR DELIVERY: 15 Essex St, Malden

MAKE PAYMENT OR REQUEST AN APPEAL TO:

(SHARE LABEL HERE)

SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS

OFFICERS COPY
Dated: ______________, 2019

CERTIFICATE OF SERVICE

I, __________________________ Malden Police Officer on behalf of the Malden Liquor Board, hereby certify that I have hand delivered a copy of the Notice to Appear to:

Receipt acknowledged by affixing signature
For Papa's Bar & Grille
210 Highland Avenue
Malden, MA 02148

Printed Name

Police Officer signature
February 19, 2019

James Conway, Chairman
City of Malden Licensing Board
110 Pleasant Street, 3rd Floor
Malden, MA 02148

Dear Chairman Conway and Members of the Liquor Board:

I apologize that I am unable to make the meeting on Tuesday, February 19, 2019 due to the fact I have a City Council meeting at the Senior Center at the same time. I am writing this letter in an effort to address the incident that occurred on December 28, 2018 at Papa's Bar and Grille.

This establishment has operated at this location for over 20 years and has always addressed any issues or concerns involving our neighborhood. The family has a long history of being involved with the Edgeworth community. My hope is that they will address the alleged overcrowding of the restaurant on that date and identify and bar any of the customers involved with this incident. It is very difficult to operate Karaoke in a neighborhood so densely populated as it draws a large number of people from surrounding cities.

I am confident that this was an isolated incident that Papa's will not allow to happen again in the future. I would also like to thank the Police Officers on scene, particularly Captain Cronin, for their quick response to take control of the situation.

Sincerely,

Paul Condon
Ward Two Councillor