

DEPARTMENT OF THE TREASURY- BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

1. INVESTIGATION IS

 ROUTINE SENSITIVE  SIGNIFICANT

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3 pages

## REPORT OF INVESTIGATION (Law Enforcement)

2. TO:

Special Agent in Charge  
Boston District Office

3. MONITORED INVESTIGATION INFORMATION (Number and Branch)

CIP: BOSTON DISTRICT FY-92  
EXPLOSIVES VIOLATIONS  
REPORT ~~██████~~ E-63292-2/

4. TITLE OF INVESTIGATION

Roslindale Bombing

5. INVESTIGATION No. (Include Suspect No.)

63212-92-2008-C

6. TYPE OF REPORT (Check applicable boxes)

 PRELIMINARY  COLLATERAL (Request) STATUS  COLLATERAL (Reply) FINAL  INTELLIGENCE SUPPLEMENTAL  REFERRAL (Internal)

7. BUREAU PROGRAM

TITLE I

TITLE II

TITLE VII

 TITLE II

TITLE XI

TOBACCO

ALCOHOL

FIREARMS

EXPLOSIVES

8. PROJECT(S)

TARGETED OFFENDER

TERRORIST/EXTREMIST

OCD

ITAR

SEAR

OMO

 OTHER (Specify)  
EXPLOSIVES

9. DETAILS:

This report will serve to open an investigation into a bombing incident which occurred in Roslindale, Massachusetts and took the life of Boston Police Officer Jerimiah Hurley and critically injured Police Officer Frank Foley. The investigation is based on the following information.

On October 28, 1991 at about 11:45 AM Thomas Shay, DOB: 07/05/44, 39 Eastbourne Street, Roslindale, Massachusetts entered the Area E-5 Boston Police Station, 1708 Centre Street, West Roxbury, Massachusetts. At the Police Station, Shay had conversation with Detective Robert Maloney, informing Detective Maloney that laying in his residence driveway was an object which he (Shay) described as a metal box, approximately ten to twelve inches in length, five to six inches in width and one inch in thickness with magnets secured to it and a wire protruding outward.

Detective Maloney proceeded to notify Bomb Squad Technician Frank Foley and at Officer Foley's request contacted a service unit and instructed them to proceed to the site and stand by until the Bomb Squad's arrival. Pursuant to this request Police Officers Denise Kraft and Thomas Creaven were dispatched to the residence of Thomas Shay, 39 Eastbourne Street, Roslindale, Massachusetts.

Upon the arrival of Bomb Technicians Officers Frank Foley and Jerimiah Hurley, Officers Kraft and Creaven remained at the front of the residence while Officers Hurley and Foley were directed by Thomas L. Shay to the rear of his driveway where the object of this investigation, now known to be an explosive device was located. While the two officers from the Bomb Squad were examining the device, it exploded. The Officers were removed to the Brigham and Womens Hospital where Officer Jerimiah Hurley died as

10. SUBMITTED BY (Name)

Jeff S. Kerr

11. TITLE AND OFFICE

Special Agent Group C Boston

12. DATE

11/02/91

13. REVIEWED BY (Name)

Victor D. Palaza

14. TITLE AND OFFICE

Supervisor Group C Boston

15. DATE

16. APPROVED BY (Name)

Terence J. McArdle

17. TITLE AND OFFICE

Special Agent in Charge

18. DATE

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a result of his wounds at approximately 7:22 PM. that same day. Officer Frank Foley, as a result of his wounds remains in critical condition and has suffered loss of one eye as well as loss of limb and multiple injuries.

On October 28, 1991, the date of the aforementioned incident, ATF Boston District was notified and responded to the scene. Upon observing the severity of the situation, Group Supervisor Victor Palaza, requested the activation of the Northeast NRT. Subsequent to this request, the NRT was activated and responded.

On October 29, 1991, Massachusetts State Search Warrant, Docket # 91-06-SW-293, issued to the Boston Police out of the West Roxbury District Court that same day, was executed with the assistance of the ATF NRT. The NRT, under the supervision of ATF St. Paul, Minnesota ASAC Guy Hummel, was authorized total control of the scene and conducted a methodical and thorough investigation. Recovered were approximately forty-five exhibits, including batteries, remote control parts, tape, blasting caps, magnets, wooden box fragmentation and other parts utilized in the construction of a destructive device. Exhibits recovered were forwarded to the ATF Forensic Laboratory for analysis.

On this same day the Boston Police Department as well as on the date of the incident, conducted interviews at the residences of all houses on Eastbourne Street that were in close enough proximity to possibly observe the incident or any unusual happenings in the general area. Additionally, interviewed by the Boston Police Department were Thomas L. Shay and Mary Flanagan, both of 39 Eastbourne Street, Thomas A. Shay, son of Thomas L., Arthur Shay, brother of Thomas L., John Doering, partner of Arthur Shay's and Jeffrey Berry and Louis Giamarco, former land lords to Thomas Shay's Auto Body Shop and defendants in a law suit filed by Thomas Shay, alleging that Berry and Giamarco placed an M-80 fire cracker in a work barrel at Shay's auto shop which exploded and caused Shay loss of hearing, vision, severe headaches and delayed stress syndrome.

On October 31, 1991 ATF agents from the Boston District Office accompanied by members of the NRT, conducted interviews at approximately twenty-five Hobby Shops in Eastern Massachusetts in an effort to isolate the purchaser of a Futaba Company, receiver and servo. The Futaba receiver and servo, manufactured by Futaba Company, Irvine, California are mechanisms apparently utilized in the construction of the destructive device and are common to radio controlled toy cars, airplanes and boats. Additionally interviewed were representatives of the Austin Powder Company, Holyoke, Massachusetts. Austin Powder Company is the manufacturer of the # 6 Delay Detonator, (Blasting Cap) that is believed to have been the detonator utilized in the destructive device.

On November 1, 1991 agents from the Boston District Office conducted

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interviews with approximately sixty blasting companies, to ascertain if the companies had suffered any thefts or losses of materials as well as to obtain data on any terminated or problem employees.

ATF resources utilized in this investigation thus far include ATF ETB, NRT, FINCEIN, ATF St. Louis Office for Military Records, ATF Forensic Laboratory and ATF Profiling.

Due to this investigation being worked as a joint Boston Police Department, ATF Task Force, permission is requested to provide copies of any ATF 3270.2's and related documents pertaining to this investigation to Boston Police Department Officials.

In accordance with ATF O 3270.10A, Section 32C, dated February 23, 1981, the following areas of consideration are brought to your attention:

1. ATF preliminary investigation has determined that violations of the National Firearms Act are possible. At the present time due to the Boston Police Department's involvement, it has not been determined whether, with the apprehension of a defendant or defendants the investigation will be adjudicated in State or Federal Court.
2. A criminal case will be forwarded upon the completion of this investigation.
3. A confidential informant is not at this time being utilized during this investigation.
4. No information relative to this investigation at this time, contains a disclosure covered by Title 26 USC, Subsections 5848, 6103, 7213 and Title 18 USC 1905. At such time as any information covered under disclosure laws comes to the attention of this agent, said reports will be withheld, and will remain solely in the custody of the ATF.
5. There is no information in this investigation which would be inappropriate to release to another law enforcement agency.

This investigation is continuing.

Attachment: ATF F 3100.7  
ATF F 3270.1