



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD - CASE #67

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: June 21, 2022

DATE OF FILING: July 21, 2022

COMPLAINANT: Anonymous

COMPLAINT SUMMARY:

Complainant alleges a BPD officer in an unmarked vehicle abused power and treated them disrespectfully by throwing a ticket at them.

DISTRICT: Dorchester (C-11)

ALLEGED VIOLATION OF RULE:

Rule 102, §9: RESPECTFUL TREATMENT: “Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed, gender identity or sexual orientation except when necessary in police reports or in testimony”

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102, §9: Respectful Treatment - **Not Sustained**

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Insufficient Evidence to Make a Finding** on the alleged violations of BPD Rules and Procedures against the BPD officer named in the complaint. While this case was found to be Insufficient Evidence by the Board, the CRB noted that the body-worn camera referenced in the police report as being activated by one of the officers on scene was not available when requested during the OPAT investigation. This is concerning to the CRB, but was not a factor in this particular disposition. Investigator Reed reviewed BPD Rules and Procedures 102§9-Respectful Treatment, and was unable to prove whether or not Officer 1 violated this rule based on the evidence provided. The incident as described by the Complainant was difficult to prove because of this. Additionally, there were no other supporting documents to assist in this investigation.



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INVESTIGATION SUMMARY

Discovery List

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| 1. Massachusetts Uniform Citation | 2. Police Report/Incident Report | 3. 9-1-1 Tape |
| 4. CAD Sheet/BPD Incident History | | |

Case Summary:

On June 21, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from an Anonymous Complainant, (the “Complainant”) regarding a Boston Police Department employee, Officer 1. On June 21, 2022, at approximately 1:00PM, the Complainant stated they were driving in the area of Southhampton Road/Allstate Road of Dorchester. While driving, they suspected that a car in front of them was an undercover Boston Police vehicle. The Complainant stated that they continued to drive normally and never got too close to the unmarked car. The Complainant then alleges that the Officer driving in front of them in the unmarked car twice pushed quickly on their breaks when there was nothing in front of them to cause an abrupt stop.

The Complainant states the Officer then switched into the other lane and was then looking in the Complainant’s direction. The Complainant noticed the Officer had rolled their window down and the Complainant did the same. The Complainant states they were then ordered to pull over by the driver of the vehicle. The driver of the car, identified as Officer 1, said “Pull over, pull over” in a loud voice. Officer 1 stated to the Complainant that they almost hit a pedestrian and that the Complainant was too close to him. Officer 1 asked for the Complainant’s license and registration. The Complainant stated that they were going to produce their information, but the Officer kept shouting at the Complainant saying “If you don’t get it right now, I am going to arrest you and bring you to jail.”

The Complainant added that during the incident, they called the police district of where Officer 1 worked in an attempt to speak to his supervisor because they felt that the officer was being disrespectful. While on the phone, two other Boston Police Officers, Officer 2 and Officer 3, arrived on the scene. The Complainant alleged that both officers only spoke to Officer 1, and then returned back to their vehicles and left.



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When the Complainant went to take the ticket, they allege Officer 1 threw it at them and walked away. At this time, the Complainant was still on the phone with 9-1-1 dispatch and stated that the operators heard her say “You’re not going to throw anything at me.” The Complainant feels that Officer 1 was abusing his powers and not being professional during their interaction.

Investigation:

On July 12, 2022, Investigator Reed contacted the Complainant by phone to discuss the incident. The Complainant reshared the details of the incident stated above with Investigator Reed. The Complainant noted that when Officer 1 came back to them, they still didn't provide any details of why they were stopped, included no badge number, and never properly identified himself as a BPD Officer.

When the Complainant attempted to take the ticket from the officer, the Complainant alleged that the wind caused the ticket to blow away. The Complainant also alleged that they never received the ticket in hand, but it came in the mail, and wasn't sure if it was the same ticket because it had different violations. The original violation that the Complainant was cited for were:

- 1) Negligent operation, Chapter 90 §24)
- 2) Failing to stop, Chapter 90 § 25)
- 3) Impeded operation of a cell phone, Chapter 90 §13B)

On November 4, 2022, Investigator Reed sent a request to the Boston Police Department for 9-1-1 dispatch tapes and CAD sheets.

Document/Video/Other Investigation Technique Summary:

Investigator Reed reviewed 9-1-1 dispatch tapes that show that the Complainant did call the dispatcher as they had stated. Between the 1:34:00 to 1:38:00 PM mark, the Complainant stated to the dispatcher that Officer 1 threw a ticket and their license at them and requested to speak to Officer 1’s supervisor.

Investigator Reed was informed that there was no body-worn camera (BWC) footage available from Officer 2 and Officer 3 who showed up to the scene to assist Officer 11111. According to BPD, Detectives and Supervisors including Sergeants, Lieutenants, and



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Captains are not required to wear BWC. However, the police report shows that Officer 2 did activate his department issued body worn camera. This occurrence is not something that is commonly encountered by OPAT, but is something that we need BPD to address in a clear manner going forward for accountability and transparency.