



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Stephanie Everett, Executive Director

CIVILIAN REVIEW BOARD - CASE #23

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: April 7, 2022

DATE OF FILING: April 11, 2022

COMPLAINT SUMMARY:

Complainant alleges Boston Police Department Officers (BPD) pulled them over in a racially motivated traffic stop.

DISTRICT: E-13 (Jamaica Plain)

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.”

Rule 102§4: Unreasonable Judgment: “This includes any conduct or omission which is not in accordance with established and ordinary duties or procedures as to such employees or which constitutes use of unreasonable judgment in the exercising of any discretion granted to an employee.”

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102§9- Respectful Treatment - Not sustained

Rule 102§4- Unreasonable Judgment - Not sustained

Based on all of the evidence presented and reviewed, the CRB voted unanimously (8-0) that the complaint be considered **Not Sustained** on both alleged violations of BPD Rules and Procedures against the BPD officers named in the complaint. The CRB did not find the officers violated Rule 102§9 - Respectful Treatment because the Officers answered all questions the Complainant asked, and despite a gun being present and not properly holstered. Further, the CRB did not find the Officers violated Rule 102§4: Unreasonable Judgment, as the Officers maintained their calm and professionalism allowing



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for the Complainant to ask and answer questions including notifying the Officers that he had a license to carry (LTC) and had the weapon out due to the area that he was traveling and his safety concerns.

INVESTIGATION SUMMARY

<i>Exhibit A: Police Report from BPD</i>	<i>Exhibit B: Turret tapes</i>
<i>Exhibit C: Body Worn Camera from BPD</i>	<i>Exhibit D: BPD Incident History</i>

Case Summary:

On April 8 2022, the Office of Police Accountability and Transparency (OPAT) received a complaint alleging police misconduct by a member of the Boston Police Department. The Complainant states he was stopped by Boston Police Officers on April 7, 2022 at approximately 7:30 p.m. on Centre Street in the Hyde Square section of Mission Hill. The Complainant alleges to have been informed by BPD that they were being stopped for speeding, failure to stop at two signs and failure to stop at a red light. The Complainant alleges this stop led to BPD searching their vehicle without a warrant or permission from the Complainant to do so. The Complainant further states that BPD had their weapons drawn on the Complainant during this encounter. At the time of the arrest, the Complainant noted that there were two other people in the vehicle with them. The Complainant said that their partner and one of their friends were in the vehicle. The Complainant alleges that both their partner and friend tried to take out their phones to record the encounter but were stopped when police officers “yanked” them out of the vehicle. During the arrest, officers allegedly put the Complainant’s friend in handcuffs but not the partner.

Interview Summary:

On June 23, 2022, Investigators Reed and Toney conducted an in-person interview with the Complainant. The Complainant told Investigators that they along with their partner, and friends were going to a pizza shop called Captain Nemo's located at 367 Centre Street, Jamaica Plain, MA 02130 and then back home. The Complainant alleged that Boston Police Officers, including Officers from the Youth Violence Strike Force (YVSF)



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approached their vehicle with guns drawn. The Complainant alleged that Officers detained all occupants in the vehicle. The Complainant alleged that they were yanked out of the car and put them on the ground saying to them "that's him". An Officer ran the Complainant's name in the system and noticed that they had a LTC with the restriction: "Target and Hunting only". The Complainant alleged their firearm was in the side pocket on the driver's side door and not on the floor between their legs as the Officers stated. The Complainant stated that another Officer told them "You are bullshitting me about the LTC, and do not own a Glock firearm". The Complainant explained that one of the Officers asked them where their holster for their weapon was, and the Complainant responded back that "it did not come with one". The Complainant stated that officers attempted to search their vehicle for drugs and guns. Investigators also took pictures of the Complainant's vehicle.

Document/Video/Other Investigation Technique Summary:

Investigator Tastery Reed requested and reviewed a police report from Boston Police Headquarters. According to the police report, the Complainant was issued a Massachusetts Uniform Citation Warning MGL c89s9, Failure to Stop at a Stop Sign, and an excessive tint violation.

Investigator Reed reviewed Body Worn Footage from Officer 1's camera which is 14:23 minutes long. At 00:40 second mark, it shows Officers approaching the Complainant's vehicle. At 01:16 minutes, the video shows two Officers pulling the Complainant out of their vehicle and placing handcuffs on them. Additionally, both witnesses are also detained.

Investigator Reed reviewed Officer 2's BWC. The video is 6:39 minutes long. At 01:11 minutes, Officer 2 along with Officer 1 can be seen searching the driver's seat and the back seat of the Complainant's vehicle. Officer 3's body-worn camera was reviewed by Investigator Reed. The video is 11:09 minutes long. At 00:58 second mark, Officer 4 is seen pulling the Complainant out of the vehicle with assistance from Officer 3. While the Complainant is being pulled out, they are explaining to Officer 3 that they have a firearm on their persons. The Complainant is then handcuffed by Officer 3 who brings the Complainant over to the police cruiser.

Officer 4's body-worn camera was reviewed. The video is 06:49 minutes long. At 00:37 second mark, Officer 4 interaction with the Complainant begins. At 01:01 mark, Officer 4



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opens the Complainant's door, and then grabs the Complainant with the assistance of Officer 3. At 01:11 mark, the Complainant says "I have one thing to say. I have my LTC. I have a firearm on me." At 01:49, Officer 4 asked the Complainant where's the holster. The Complainant responds "it did not come with one." At 03:32 mark, Officer 4 is observed going through the Complainant's front driver's seat door searching for the Complainant's wallet to look at the Complainant's LTC license. In all of the BWC videos Investigator Reed reviewed, none of the Officers disrespected the Complainant as alleged. Investigator Reed also did not observe the firearm that the Complainant had.