

March 6, 2024

Mariah Sabir
Interim Deputy Director
Office of Police Accountability and Transparency
2201 Washington Street
Boston, MA 02119

Re: Case #148—Officer Unknown
Notice of Non-Concurrence

Dear Interim Deputy Director Sabir,

Pursuant to City of Boston Ordinance 12-16.11(e), I am writing to notify the Civilian Review Board (“CRB”) of the decision to not implement the actions recommended in the above referenced case. Specifically, the CRB disregarded the recommendation of the investigator, amended the alleged rule violations to include Rule 102 ss. 4, 9 and 20; Rule 103 s. 1; and Rule 113, Cannon 2, and found the violations to be Sustained “due to the absence of a CAD sheet and FIOE documentation, an independent video from an unbiased bystander, and the failure of the officer to respond to numerous interview requests.” For the reasons detailed below, I do not believe that there is sufficient evidence for the CRB to conclude that a violation of Department Rules and Procedures occurred and, therefore, the disposition should be Not Sustained (the investigation failed to prove or disprove the allegations).

The Complainant alleges that “BPD was physically overactive and removed him from his car in a way that affected his disability.” Allegations include that officers had their weapons drawn and physically removed the Complainant from his car, resulting in his pants dragging on the street and some of the contents of his catheter bag spilling onto his person, prior to searching his vehicle.

According to the investigation, the investigator was unable to identify officers involved in the stop due to “members of the Gang Unit not participating in the Body Worn Camera program” and the inability to find documentation of the stop. As a result, the only named officer, Officer Louismond Vertyl, was included because he ran inquiries of the Complainant’s plate on March 17, 2022.¹ This fact, on its own, is not sufficient to conclude that Officer Vertyl was one of the officers involved in the alleged conduct or that he violated the Rules and Regulations as concluded by the CRB. Further, a review of Department records indicates that Officer Vertyl was not assigned to the Youth Violence Strike Force at the time of the alleged incident.

¹ The Case Summary references an event on May 17; however, based on the other dates provided in the report, this appears to be a typo and the actual incident is alleged to have occurred on March 17, 2022.


In addition to the Complainant, the CRB relied on information provided by an independent witness; however, based on the information in the report, the witness statement contradicts several allegations made in the complaint. For example, the complaint states that four plain clothes officers approached the Complainant's vehicle with their guns drawn. According to the witness, the four officers were wearing uniforms and she could not recall if they had their guns drawn. The witness also reported that she did not recall seeing any physical contact between the officers and the Complainant nor did she recall if the Complainant was physically removed from his vehicle. Additionally, the witness did not observe the Complainant's pants down and did not observe biological matter on him or any visible item on the Complainant, as alleged in the complaint.

The investigator also obtained a video of the alleged incident from the Complainant that again, in part, contradicts the allegations in the complaint. Specifically, the investigator observed the Complainant exiting the vehicle and being walked away from two officers. The investigator did not observe any physical contact between the Complainant and the officers nor did she observe firearms being drawn out by the officers. Additionally, the investigator noted that the Complainant's pants were pulled up during the interaction and that she did not observe the contents of his catheter bag spilling onto his person.

Based on my review of the investigation, I do not find that there is sufficient evidence to 1) identify the officer(s) involved in the alleged incident and 2) sustain a violation of the Department's Rules and Procedures as concluded by the CRB. As a result, I will not be implementing the recommended finding and disciplinary action.

Please do not hesitate to contact me if you have any questions or would like to discuss this matter further.

Sincerely,


Michael A. Cox
Police Commissioner

cc: Superintendent Phil Owens, Bureau of Professional Standards