



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

CIVILIAN REVIEW BOARD - CASE # 171

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: January 28, 2023

DATE OF FILING: February 24, 2023

COMPLAINT SUMMARY:

Complaint alleges a Boston Police Officer abused their police power at a traffic stop by not letting them speak to a supervisor and issuing multiple vehicle citations.

DISTRICT: Boston Police District B-3

ALLEGED VIOLATION OF RULE:

1. Rule 102, §3: Conduct
2. Rule 102, §4: Unreasonable Judgment
3. Rule 102, § 9 Respectful Treatment
4. Rule 102, § 27 Abuse of Process- withholding Evidence

Sec. 3 CONDUCT: Employees shall conduct themselves at all times, both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees.

Sec. 4 NEGLECT OF DUTY: 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.

Sec. 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 except when necessary in police reports or in testimony.

Sec. 27 ABUSE OF PROCESS – WITHHOLDING EVIDENCE: Officers shall not



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intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information nor make any false accusations of a criminal charge or seek to influence the outcome of any investigations

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

- Rule 102, Sec. 3 CONDUCT– Not Sustained
- Rule 102, Sec. 4 NEGLECT OF DUTY– Not Sustained
- Rule 102, Sec. 9 RESPECTFUL TREATMENT– Not Sustained
- Rule 102, Sec. 27 ABUSE OF PROCESS – Not Sustained

Based on all of the evidence presented and reviewed, the CRB voted unanimously (8-0) that the complaint be considered **Not Sustained** for allegations of violations of BPD Rules and Procedures against the BPD officers named in the complaint. After reviewing body worn footage, OPAT observed none of the interactions reported by the Complainant and no violations of BPD Rules and Procedures as alleged during this interaction. The Officer observed did not abuse their power during the traffic stop with the Complainant and the Officer’s conduct was appropriate when conducting the stop and in compliance with BPD Rules and Procedures.

INVESTIGATION SUMMARY

An OPAT investigation was conducted regarding a Boston Police Officer for allegedly violating BPD Rule 102, §3: Conduct, Rule 102, §4: Unreasonable Judgment, Rule 102, § 9 Respectful Treatment and Rule 102, § 27 Abuse of Process- withholding Evidence.

Document list

1. Incident History	2. Event Information	3. CJIS Offline Search Request
4. Body-worn camera	5. Complainants interview	

Interview Summary



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On February 24, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from the “Complainant”, regarding a Boston Police Department (BPD) Officer. The Complainant was stopped in their vehicle near Morning Star Baptist Church in Mattapan. The Complainant alleges to have been stopped for a missed stop sign. The Complainant alleges to have requested to speak with the Officer’s supervisor to dispute the stop and their request was denied. The Complainant alleges that they abused their power by issuing the Complainant three traffic violations for failure to yield, failure to signal and improper turning. The infractions resulted in the Complainant’s right to operate a motor vehicle being suspended.

Document/Video/Other Investigation Technique Summary

Investigator Vergara went to the scene where the Complainant stated the traffic stop happened. Investigator Vergara did not observe any surveillance cameras in the area.

Investigator Vergara interviewed the Complainant who stated that on January 28, 2023, a BPD officer stopped them and gave them a ticket for: Marked lanes violation, failure to signal, and failure to stop/yield. The Complainant stated that they were stopped near the intersection of Morning Star Baptist Church in Mattapan. The Complainant admitted that they probably did not use the signal light, but they did stop because they remembered while stopped a vehicle passed and pedestrians crossed the street. The Complainant stated that the BPD Officer exited the vehicle and asked them for their license and registration. The Complainant asked the Officer why they were being stopped and the BPD Officer told them that it was for not using the signal lights and for not making the stop. The Complainant stated that it was an intersection so it was necessary to make the stop and they made the stop for 5 seconds. The Complainant stated that they asked the Officer for his supervisor because they were making false claims. The Complainant stated that the Officer was upset. The Complainant also stated that the Officer tried to “get them out of their zone” and asked for their ID. The Complainant asked them again for the supervisor to which the BPD Officer said that there was no need for the supervisor since they were the law. The complainant stated that the BPD Officer tried to make the situation bigger than what it was. The Complainant told them that they were not going to give them their ID but they were going to share their information. The complainant stated that the BPD Officer gave them a ticket. The Complainant went straight to the police station to talk to the supervisor and the supervisor told them that they were going to talk to the Officer since he was a good kid. The Complainant stated that later, they received a letter from the RMV



City of Boston, Massachusetts

Office of Police Accountability and Transparency

Stephanie Everett, Executive Director

saying that their license was going to be suspended for the three moving violations they received during this incident. The Complainant doesn't have the ticket since they sent the ticket to dispute it. The Complainant doesn't have any further information regarding the Officer. The Complainant stated that they asked the BPD Officer if the body-worn camera was on because the officer was making false accusations, to which the BPD officer replied yes.

Investigator Vergara sent a request to obtain the Officer's name since the Complainant did not know the name of the BPD Officer who pulled them over. Once received, requests were made to BPD for the body-worn camera footage, incident history, event information, and dispatch records. Investigator Vergara followed up with the Complainant to verify the location of the incident after learning from BPD there were no stops near the intersection of Morning Star Church in Mattapan at or around the time the Complainant indicated the incident occurred. The Complainant stated they were confused about the location and stated the incident happened on Woodrow Avenue in Mattapan near Faithful Church of Christ.

Investigator Vergara received and reviewed body-worn camera footage from BPD. At the 00:37 mark, Investigator Vergara observed the BPD Officer telling the Complainant that they "did not make a stop". At 16:37 mark, Investigator Vergara observed the Officer handing the Complainant a ticket and telling them to "use the turn signal next time". Through the body-worn footage, Investigator Vergara did not observe any police misconduct. Investigator Vergara was able to observe that the Officer did not abuse his power and did not make any false claims as alleged. Additionally, the Officer did not appear to be upset. Investigator Vergara was able to see that the Officer at no point on the body-worn camera footage said that he "was the law".