



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

CIVILIAN REVIEW BOARD - COMPLAINT # 13

DATE OF INCIDENT: December 15, 2019

DATE OF FILING: February 10, 2022

ALLEGATION OF MISCONDUCT: Excessive force

PRECINCT: Boston Police District A-1

OPAT FILE NUMBER: 13

DATE: August, 9, 2022

INVESTIGATOR: Michel Toney

DISPOSITION: Insufficient Evidence to Make a Finding

SUMMARY OF FACTS:

On February 10, 2022 the Office of Police Accountability and Transparency received a complaint filed by an individual, (the “Complainant”) on behalf of their adult son.

According to the Complainant, who was not present for the alleged incident, on Sunday, December 15, 2019 at approximately 9:30 p.m, the son attended a concert at TD Garden. After leaving TD Garden, the son exited the building and crossed the street where there were Boston Police Department officers on duty directing traffic. The son ran back across the street to re-enter TD Garden in an attempt to locate his cell phone. After exiting TD Garden again, the son ran back across the street. The son was then approached by a Boston Police Officer that was allegedly yelling at the son for not following their crossing commands and shouted at the son, “What are you doing, are you f***** retarded?”. The Complainant states her son apologized to the officer but was then allegedly punched in the chest. The Complainant asserts that son stated the force of the blow was so impactful that it caused them to lift off the ground hitting and knocking over a street sign before landing on their back. The son then got up and attempted to flee from officers, running down an alleyway where they were later apprehended by Boston Police Officers. The son was arrested and charged with three counts of Assault and Battery on a police officer.



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INVESTIGATION:

As this was an active, on-going criminal case, this matter required Investigator Michel Toney to seek permission to speak to the son from his attorney and not interfere with the ongoing criminal case. Additionally, Investigators had difficulty speaking to the complainant's son given the fact that he was incarcerated in multiple states at different points as these attempts to contact him for the investigation were being made. Due to ongoing criminal matters, Investigator Toney was restricted in the amount of information that he could share and obtain from the Boston Police Department. Per Section 12-16.7 f. of the ordinance establishing the department, no OPAT investigation shall interfere with any criminal investigation.

Investigator Toney was ultimately able to speak with the son over the phone once about the incident that took place at TD Garden. The son did confirm that he attended a concert at TD Garden and that he had told officers that they were drinking and recently spent time in the hospital because of a reaction to their medication.

On May 4, 2022 Investigator Toney conducted a phone call interview with the son's father. During the phone call with the complainant's father he informed both investigators that their child, the complainant, passed away on April 21, 2022.

OUTCOME:

The Civilian Review Board voted unanimously (6-0) to consider this complaint **Insufficient Evidence to Make a Finding**. The complainant is deceased and is no longer able to cooperate with the investigation. During the course of our investigation, OPAT staff had remaining questions regarding the incident and inconsistencies that we can no longer obtain from the deceased complainant.