



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

CIVILIAN REVIEW BOARD - COMPLAINT #69

DATE OF INCIDENT: June 15, 2022

DATE OF FILING: June 17, 2022

ALLEGATION OF MISCONDUCT: Mishandling of a firearm

PRECINCT: Unknown

OPAT FILE NUMBER: 69

CRB MEETING DATE: August, 9, 2022

INVESTIGATOR: Michel Toney

DISPOSITION: Not Sustained

SUMMARY OF FACTS:

On June 15, 2022, the complainant submitted a complaint to the Office of Police Accountability and Transparency (OPAT) to investigate allegations of a Boston Police Officer mishandling their firearm. The complainant alleged that on Wednesday June 15, 2022 around 5 PM, there was a gun reported at one of their neighbor's apartments. The complainant stated that the police were called and arrived, and that all of the officers were being professional except for one particular officer who was holding an AR-15 assault rifle while they were searching for the suspect. While searching for the suspect, the officer allegedly pointed his gun at the complainant for several seconds while shouting at the complainant. The complainant told the officer "I live here, don't shoot!" The complainant states that they were terrified and confused, not only because they live in the apartment building, but also because they believe they did not look anything like the suspect. The complainant wants the officer who was carrying around the AR-15 to be disciplined for their actions.



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INVESTIGATION:

On June 30, 2022, Investigator Toney conducted a phone call interview with the complainant to discuss the incident that transpired on June 15, 2022. The complainant stated that they had come back home after walking their dog and noticed an intense police presence outside of their apartment. Officers were standing outside of their apartment door and asked them what was their reason for being there. The complainant said that officers were there for a domestic violence call. The police believed that the suspect was inside the home hiding on the third floor of the apartment in the fire escape. Police were notified by the neighbors that the complainant's neighbor's ex-boyfriend ran from the scene before the police arrived. According to the complainant, the police searched the entire apartment after being shown where the fire escape was because the suspect used the fire escape to get to the third floor apartment. After showing the officers where the fire escape was, the complainant decided to leave the apartment building while the officers worked to apprehend the suspect. While exiting through the front of the apartment a Boston Police Officer was entering the residence with an AR-15 rifle. The complainant stated that this particular officer was waving his AR-15 gun around recklessly as it was aimed at his face, and was shouting at the complainant as he did so. The complainant told the officer that he lived there and was scared for his life since the officer was pointing the gun at him. The complainant stated that the officer was an African American male. The complainant said that all other officers on the scene had regular Glock firearms, while the officer mentioned was carrying around an AR-15.

While Investigator Toney attempted to acquire the police report, it is BPD policy to not give out reports regarding incidents of domestic violence while they are ongoing.

On July 6, 2022 Investigators Toney and Reed went to the location of the alleged incident on Putnam Street to obtain surveillance footage of the incident. Investigators canvassed the area for any potential witnesses who may have seen what happened. After speaking to residents and local business owners in the area, Investigators determined that there was no surveillance footage available in the area and there were no witnesses willing or able to discuss the incident in question.



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Given the fact that the complainant knew of the ongoing police presence prior to entering the residence, it's reasonable to believe the complainant could have been mistaken for a suspect when they then left the building given that the BPD were in the process of conducting a search of the building.

OUTCOME:

The Civilian Review Board voted unanimously (6-0) to consider this complaint **Not Sustained**. The investigation failed to prove nor disprove the allegation leveled against the officer. Per the ordinance establishing OPAT and its Limitations on Investigatory Power, "No OPAT investigation shall interfere with any criminal investigation. Where an investigation by OPAT Staff may interfere with a criminal investigation, OPAT will seek to avoid such interference by, among other things, staying its investigation until such time as it will not interfere with other authorities or courts with jurisdiction over the matter."