



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD-COMPLAINT #142

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: October 28, 2022

DATE OF FILING: November 11, 2022

COMPLAINT SUMMARY:

Complainant alleges BPD officer who reported to the scene of the accident refused to file a police report and share information pertaining to another vehicle who hit him. They also allege being racially profiled by the Officer.

DISTRICT: South Boston/Fenway (D-4)

ALLEGED VIOLATION OF RULE:

1. Rule 102§3-Neglect of Duty
2. Rule 102§9-Respectful Treatment

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102§4-Neglect of Duty - Exonerated

Rule 102§9-Respectful Treatment - Not Sustained

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Not Sustained** on the alleged violations of BPD Rules and Procedures against the officer named in the complaint. While this case was found to be Not Sustained by the Board, the CRB strongly recommends that the officer named in the complaint review the body-worn camera footage from the interaction and reflect on the following CRB concerns:

- The lack of checking in on the passenger at the scene;
- The insistence that this was not a major accident and thus no police report was needed given the surrounding circumstances and substantial damage observed by the CRB to at least one of the vehicles;
- The circumstances that eventually led the officer to write a police report for this matter;



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- The curt demeanor in which the officer addressed the complainant who, throughout the interaction, was respectful. This includes actions by the officer of not providing his full name and being sarcastic with the complainant when they were trying to get the situation resolved;
- Providing the observed race of the complainant on the police report the officer ultimately did draft, but not providing the race of the other driver even though the observed race of the other driver was white/Caucasian and the complainant's observed race would have been Black, non-Hispanic

INVESTIGATION SUMMARY

1. Body camera footage	2. Police/Incident Report
3. CAD Sheets	4. Photos of second driver's vehicle
4 9-1-1 Tape	

Case Summary:

On November 11, 2022, the Office of Police Accountability and Transparency (OPAT) received an allegation from the "Complainant" regarding a Boston Police Officer, Officer 1. The Complainant alleged that on October 28, 2022 at 12:55AM, they were at a red light on the intersection of West Newton Street & Columbus Avenue when they and their wife were in an accident with another vehicle. The Complainant stated that they attempted to get the other person's driver's license and were unable to get it from them because the driver was hesitant to provide any documents to the Complainant. The Complainant called 9-1-1 to have a police officer come to the scene. Officer 1 reported to the scene and did not take a police report regarding the incident. The Complainant stated that his goal of this investigation is to hold Officer 1 accountable by being provided training on how to deal with the public.

Interview Summary:

On December 2, 2023, Investigator Reed called the Complainant to discuss the case. The Complainant stated that on October 25, 2022 at 12:45AM, they were driving a truck that was a rental and was at a red light. In the vehicle with the Complainant was their significant other (witness). Another vehicle rear ended the Complainant at 4690 Columbus



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Avenue Boston, MA. The Complainant stated that they got out of the vehicle and approached the driver who they described as a slender, young white male in his early thirties who hit him and asked for his license information and registration. The driver was hesitant to provide the Complainant his information. The Complainant then alleges that the driver asked him if they could come to an agreement without having a Boston Police Officer show up. The Complainant then contacted the Boston Police Department and Officer 1 arrived on scene. The Complainant described Officer 1 as a white, middle aged male. The Complainant alleged that once Officer 1 showed up, he didn't once attempt to talk to them. The Complainant also alleges that Officer 1 was talking with the driver of the other vehicle. The Complainant asked Officer 1 if he was going to write a police report and Officer 1 responded back to the Complainant that he should go online to fill out a Massachusetts Crash Report.

The Complainant added that when he asked Officer 1 for his name, he only provided his badge number. When the Complainant was attempting to ask the Officer why he would not write a report for an accident involving a vehicle with damage to this extent, Officer 1 made a side comment, saying "Are you an Insurance Appraiser?" The Complainant alleged that Officer 1 never once asked him any questions or checked to see if first aid needed to be provided to anyone.

On December 5 2022, Investigator Reed went to Boston Police Headquarters to obtain a police request. The police report reveals at 12:30 AM on October 25, 2022, Officer 1 responded to a motor vehicle accident at 469 Columbus Avenue. Upon arrival at the scene, Officer 1 observed the Complainant's vehicle at the traffic light on Columbus Ave on West Newton Street. Officer 1 also observed the other driver's vehicle parked behind the Complainant's vehicle with front end damage. According to the report, Officer 1 stated that there were no injuries to attend to. Officer 1 stated that the second driver agreed that he did cause the accident, but saw no visible damage to the rear end of the Complainant's vehicle. Officer 1 advised them both to complete a Massachusetts Crash Report and also mentioned that the Complainant wanted to request a police report. Afterwards, he stated that both the Complainant and the second driver left the scene.

Document/Video/Other Investigation Technique Summary:



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On January 20, 2023, Investigator Reed received Body Worn Camera footage of Officer 1 from BPD. The video was 14:23 minutes long in total. BWC shows that Officer 1 followed protocol by taking statements from both the Complainant and the other driver who caused the car accident. Officer 1 explained to the Complainant that because there was only minor damage done to their vehicle, that he would not write a police report. Officer 1 did explain to the Complainant that the other driver would need to complete the Massachusetts Crash Report along with reporting the incident to their insurance companies and to the Registry of Motor Vehicles. When the Complainant was telling the Officer that the other driver's vehicle has more than \$1,000 dollars worth of damages, Officer 1 said to the Complainant, "Are you an Appraiser?" Officer 1 asked if anyone needed Boston Emergency Medical Services (EMS), but both the Complainant and the other driver declined. The Complainant wanted Officer 1 to write down his full name and badge number. Officer 1 provided to the Complainant only his job title, last name, badge number, and district that he works out of. Officer 1 explained to the Complainant that he would not write a police report because there were no reported injuries or requests for EMS, and the traffic accident appears to be a minor one not necessitating a report.