



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD - CASE # 176

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: March 21, 2023

DATE OF FILING: March 22, 2023

COMPLAINT SUMMARY: Complainant alleges a BPD District has a “Blue Lives Matter” flag up in violation of policy.

DISTRICT: East Boston Police District A-7

ALLEGED VIOLATION OF RULE:

1. Rule 102, § 4 Neglect of Duty
2. Rule 102, § 9 Respectful Treatment

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.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102, § 4 Neglect of Duty **Not Sustained**

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 named in the complaint as BPD did not violate any of their Rules and Procedures in displaying this flag.

While this case was found to be Not Sustained by the Board, the CRB highly recommends



City of Boston, Massachusetts
Office of Police Accountability and Transparency

considering a policy on limiting displays of the “Thin Blue Line” flag due to its implications and connotations within the communities that the BPD serves. The unique relationship between the public and the police should be considered, especially since the flag is being publicly displayed in the halls of this district (A-7). The CRB also notes that other police departments across the country have limited displays of the “Thin Blue Line” flag

Investigator Vergara was not able to prove or disprove the Complainant's allegations regarding the alleged respectful treatment violation due to the lack of evidence. The alleged comments interpreted by the Complainant as patronizing do not rise to the level of a violation of Rule 102, § 9 Respectful Treatment. Additionally, Investigator Vergara was not able to obtain the call records from BPD as according to BPD, recordings of calls made to the District itself were not available.

The “Thin Blue Line” flag is a white and black interpretation of the American flag with a blue stripe and is most commonly referred to as a representation of support for law enforcement. Displaying support for first responders is acceptable but changing the colors or design of the flag is a violation of 18 U.S. Code § 700 - Desecration of the flag of the United States; penalties. This was the initial allegation made by the Complainant. However, OPAT exclusively investigates complaints for potential violations of BPD’s Rules and procedures and nothing outside of this.

INVESTIGATION SUMMARY

Document list

- | |
|---------------------------------------|
| 1. Photos of “Blue Lives Matter” flag |
|---------------------------------------|

Case Summary:

On March 22, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from the “Complainant” regarding a Boston Police Department (“BPD”) Officer. The Complainant alleged that on March 21, 2023, BPD District A-7 had a “Blue Lives Matter” flag up in violation of policy. The Complainant called to make a complaint about a flag printed on a plaque in the A-7 station that the Complainant found inappropriate and alleged to be in violation of the U.S. flag code as well as an internal policy against putting any political statements or ideas on any



City of Boston, Massachusetts
Office of Police Accountability and Transparency

department property. The Complainant described the flag as a desecrated American flag that has a blue line covered over one of the 13 colonies. The Complaint called IAD and a complaint was filed regarding the display. Within 2 hours the Complainant alleges they received a phone call from the station the Complainant had logged the complaint against. The officer who called from A-7 after the Complainant submitted their complaint to IAD told the Complainant that the on-duty Captain made a judgment that he would not be removing the plaque. When the Complainant called IAD back, the Complainant was told that's how it works, and they argued with them about what the definition of a flag is, and what education they had that made them an expert on flags, which they felt was incredibly patronizing. The Complainant asked repeatedly for supervisors in IAD and was continuously denied and hung up on, which they allege violated department policy as well.

Document/Video/Other Investigation Technique Summary

On April 12, 2023, Investigator Vergara reviewed the Boston Police Department Rules and Procedures and did not find any regarding BPD displaying the “Thin Blue Line” flag.

On August 28, 2023, Investigator Vergara learned from BPD that the calls made to the District itself were not available. Additionally, video surveillance from the cameras mounted in the district do not have audio included and would have been unhelpful given the allegation.