



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

## **CIVILIAN REVIEW BOARD-COMPLAINT #26**

**DATE OF INCIDENT:** 4/16/2022

**DATE OF FILING:** 4/24/2022

**PRECINCT:** Boston Police District C6

**OPAT FILE NUMBER:** 26

**DATE:** August, 9th, 2022

### **SUMMARY OF FACTS:**

On April 24th, 2022 the Office of Police Accountability and Transparency received an anonymous complaint from an individual regarding two Boston Police Officers. The complainant alleges two Boston Police Officers illegally detained him from Lucky's Lounge and transported him across the city after bruising his wrists with tight handcuffs. The two Boston Police Officers are Officers McCarthy and Perry. The Complainant stated that he was waiting for his friends outside Lucky's Lounge, located at 355 Congress St in the Seaport. While waiting, he said the bouncer that was working the exit door asked him to leave because he was obstructing the exit. The Complainant allegedly complied and then was standing on the public sidewalk at the corner of Congress St and A Street when BPD Officers McCarthy and Perry arrived. The Complainant stated he remained on the same street corner as he was not breaking any laws nor causing any problems while he waited for his friends. The officers then allegedly grabbed him, placed him in handcuffs, and locked him in the back of their police cruiser. The complainant was taken from the scene and transported to the closest MBTA station which was Andrew Square train station.



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**INVESTIGATION:**

On 5/19/2022 Investigator Toney contacted Lucky's Lounge on 355 Congress St, Boston, MA 02210 to request surveillance footage of the outside of the establishment and spoke with General Manager Nelson Burns. Nelson Burns stated that the individual who was escorted by the police was being disruptive outside of the bar for about an hour before the police were called to the bar. Burns stated that the complainant was given several warnings and he did not comply with the orders of the security team at the bar to get inside of Lucky's Lounge. Burns said that two officers arrived to the bar and removed the complainant from the premises. Burns stated that they have no surveillance footage of the complainant being transported by BPD officers, and their footage overwrites after two weeks. Intake Specialist Andrew Cherry reached out to the complainant several times and no response was received.

On 6/16/2022 Investigator Toney reached out to Lucky's lounge to speak with the bouncer of the establishment, Jamaal Shoffner, about the incident involving the anonymous complainant. Jamaal Shoffner was not present at the time of the phone call and the General Manager of Lucky's Lounge Nelson Burns stated that he will be available to speak on the phone at 10 PM. Nelson Burns recalled what happened the night the anonymous complainant was arrested and said that the individual was outside the bar drunk, trying to fight anybody he was around. Jamaal Shoffner saw the intoxicated individual disrupting the peace of the establishment outside and decided to call 911 to have the Boston Police Department remove the complainant from the premises.

**RECOMMENDATIONS:**

OPAT staff recommends to the Civilian Review Board that this case be dismissed due to OPAT conducting a full and thorough investigation of the case and the complainant being unresponsive.