



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

CIVILIAN REVIEW BOARD- CLOSED COMPLAINT #58

DATE OF INCIDENT: June 14, 2022

DATE OF FILING: June 14, 2022

ALLEGATION OF MISCONDUCT: Excessive Use of Force, Failure to Read Miranda Rights

PRECINCT: Boston Police District D-14, Brighton

INVESTIGATOR: Michel Toney

CRB MEETING DATE: November 15, 2022

DISPOSITION: Not sustained

SUMMARY OF FACTS:

On June 14, 2022, the Office of Police Accountability and Transparency (OPAT) received an online intake complaint form submission from an anonymous individual. The complainant also sent a video that provided the entire exchange that they were present for and is the basis for the facts presented in the case.

The complainant alleges that on June 14, 2022, they left their apartment in Brighton in the Sutherland Road / Strathmore Road / Chiswick Road area. They stated that they saw a tall Black individual being surrounded by two Boston Police officers. The Complainant alleges that they heard the individual continue to ask what he was being detained for. The Complaint further states that the Boston Police Department Officers failed to provide a basis for their questioning of the individual for approximately 4-5 minutes.

It is important to note that the video attached to the complaint was reviewed and the angle of the footage suggests that the video was taken by another BPD Officer or an individual with access and authority to record without interference.



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Description of the video:

The video captures both audio and visual of two BPD Officers attempting to speak with an individual that matches the description of a suspect that recently “tagged” nearby federal property with stickers. It is later revealed that the suspect was an “individual wearing a brown hoodie, one blue latex glove, and brown sandals with their hair tied up in dreadlocks.” The individual in the video provided by the complainant matches all four of those descriptors.

The video shows the individual repeatedly walking away from the two BPD officers, who are asking them about their name, date of birth, and where they are coming from. The individual initially does not respond, but eventually gives their name and date of birth, while the BPD officers tell the individual repeatedly that they are not free to leave. At certain points, one of the BPD officers steps in front of the individual and puts his hands up to try to stop the individual from walking away from them. The individual indicates in the video that this is assault and that it is making them feel threatened.

About six minutes into the video encounter, two more officers become visible and one of them explains to the individual that the police have them on video tagging federal property with stickers. After some time, the officers tell the individual they are under arrest for defacing federal property. The individual asks if they can make a phone call, as they are simultaneously reaching into their pocket to grab their phone. The Officers respond that they can make a call once they get to the station. During the arrest, as seen in the video, the BPD officers do not read the individual their Miranda Rights, which was an allegation made by the Complainant.

RECOMMENDATION:

Based on the facts and video evidence provided by the complainant for this case, OPAT is recommending to the CRB that this case be determined as **Not Sustained**. The assault being alleged by the individual in the video does not rise to the level of investigable misconduct, as the very light use of force depicted in the video appears to appropriately match the situation. As the person who submitted this Complaint is not the arrested party, it is unclear if or when their Miranda rights would have been provided to the arrested. Without this information, a claim of violation of due process to provide this information is unfounded.