



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Evandro Carvalho, Executive Director

CIVILIAN REVIEW BOARD(CRB)-COMPLAINT #367

Date of Incident: September 12, 2023
Time of Incident: 12:23 PM
Location of Incident: 100 South Huntington Avenue, Jamaica Plain, MA 02130
Date of Filing: June 20, 2024
Investigator: Diana Vergara
Date of CRB Decision: March 27, 2025

INVOLVED OFFICER:

Officer's Name	District	Badge/ Employee #	Sex	Race/ Ethnicity
Officer Patrick F Lynch	E-13	ID #157644	M	White

CASE PROCEDURAL HISTORY:

This is the first time this case has been brought before the CRB.

SUMMARY OF ALLEGATIONS:

On June 20, 2024, Complainant filed a complaint with the Office of Police Accountability and Transparency (OPAT) regarding Officer Patrick F Lynch, ID #157644. Complainant alleged that on September 12, 2023, while voting in the 2023 Boston City Council Election, he accidentally dropped his ballot marker on the floor. When he bent down to pick it up, the knob/bottom of his lawfully possessed revolver became exposed. Complainant alleged that Officer Lynch, who was on duty at the polling station, noticed the incident but initially delayed action, abandoned his post, parked his cruiser on South Huntington Avenue, and detained him. Officer Lynch took control of Complainant's wrists, retrieved Complainant's revolver, threatened to arrest him, and then inquired about his license to carry ("LTC"). After running his license, Officer Lynch returned Complainant's revolver and released him, stating he "didn't want to file an incident report."



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APPLICABLE RULES & LAWS:

1. **BPD Rule 102 §3 (Conduct):** Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees.
 - a. Allegations of Misconduct: Complainant states that Officer Lynch's actions were illegal because the officer took control of Complainant's wrists, threatened to arrest him, and then inquired about his LTC.
2. **Rule 102 § 4 (Neglect of Duty/Unreasonable Judgment):** 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.
 - a. Allegations of Misconduct: Complainant alleged that Officer Lynch, who was on duty at the polling station, noticed the incident but initially delayed action, abandoned his post, parked his cruiser on South Huntington Avenue, and detained him. Officer Lynch took control of Complainant's wrists, threatened to arrest him, and then inquired about his LTC. After running his license, Officer Lynch returned Complainant's property and released him, stating he "didn't want to file an incident report."
3. **Rule 304 Use of Non-Lethal Force:** The Boston Police Department is committed to de-escalating incidents to negate the need for the use of force. When force is necessary, the Boston Police Department is committed to using only the amount of force that is reasonably necessary to overcome the resistance offered... When tactically safe and feasible, officers should give verbal warnings or commands when force is going to be used. In some cases, there may not be an opportunity to give verbal warnings or commands. If the situation is not an arrestable offense, and the manner cannot be resolved safely, the officer may disengage. (See BPD Rules and Regulations)
 - a. Allegations of Misconduct: Complainant states that Officer Lynch took control of Complainant's wrists.



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4. **Rule 405 § 1 Body Worn Camera Policy:** The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by Body Worn Cameras (BWCs). BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions
 - a. Allegations of Misconduct: The officer failed to have a body-worn camera while on duty

SUMMARY OF INVESTIGATION:

1. On July 23, 2024, Investigator Vergara interviewed Complainant, who reiterated his statement from his intake form (See Summary of Allegations section). In response to Investigator Vergara's additional questioning, Complainant further stated that although he was not handcuffed, he was not free to leave the scene.
2. Investigator Vergara sent several email requests to Officer Lynch for an interview on August 19, December 9, and December 20, 2024. Officer Lynch did not respond to any of these requests.
3. On August 6, 2024, Investigator Vergara reviewed the Field Interaction/Observation/Encounter (FIOE) report. It was noted that Officer Lynch stopped Complainant after observing a pocket knife and the handle of a revolver in plain sight. Officer Lynch also pulled a previous incident report from January 26, 2022, involving Complainant accidentally discharging his firearm.
4. On August 9, 2024, Investigator Vergara reviewed the turret tape and CAD sheet, noting Officer Lynch's comments, "*Male came inside to vote. He had a pocket knife, mace, Butt of something in the rear pocket.*"
5. On August 19, 2024, Investigator Vergara received and reviewed responding Officer May Chen's body-worn camera (BWC) footage labeled "IVPer @ 100 S Huntington Ave." The footage depicted Officer Lynch showing Complainant the proper way to carry a concealed firearm. Both Officer Lynch and Complainant appeared calm. Complainant was accompanied by a dog, whose demeanor appeared calm.
6. On August 19, 2024, Investigator Vergara received and reviewed responding officer Paul McGarty's BWC footage *from the location "100 Washington St / Heat St."* During this review, Complainant questioned why Officer Lynch was verifying his LTC. Officer Lynch was observed offering guidance on the correct and safe way to carry a firearm. Officer Lynch and Complainant were calm. Complainant was accompanied by his dog, whose demeanor appeared calm.



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7. On March 27, 2025, Complainant appeared in person and testified before the CRB, reiterating his prior statements on his OPAT intake form and during his interview on July 23rd, 2024.

EVIDENCE REQUESTED/REVIEWED:

Evidence	Description	Availability status	File Name
Complainant's interview	Phone call on July 23, 2024	Available	N/A
OPAT Complainant Form/Intake Forms	Complainant's statements on OPAT Intake form	Available	N/A
BWC from Officer Patrick F. Lynch (157644)	Officers Lynch's BWC footage	Unavailable/ the officer did not wear a BWC	N/A
BWC from Officer May Chen (111590)	Officers Chen's BWC footage	Available	IVPer @ 100 S Huntington Ave
BWC from Officer Paul McGarty (127128)	Officers McGarty's BWC footage	Available	100 Washington St / Heat St.
City Camera	Footage of the incident involving the Complainant Interaction with Complainant	Not available due to the 30-day retention policy.	N/A
Turret Tape	The officer's radio communication with dispatcher	Available	9/12/23-14 S. Huntington CC# 232 073 696 OPAT Case 367
CAD Sheet	Summary of 911 call and dispatchers' conversations	Available	CAD sheet



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Interview - Officer Lynch	Emails from Investigator Vergara to Officer Lynch dated August 19, December 9, and December 20, 2024 requesting an interview with Officer Lynch	Unavailable/ No response from Officer Lynch	N/A
Field Interaction/Observation/Encounter (FIOE)	Interaction with BPD and Complainant	Available	N/A

OPAT RECOMMENDED FINDINGS:

Investigator Vergara recommended to the CRB that Rule 102 §3: Conduct; Rule 102 § 4 (Neglect of Duty/Unreasonable Judgment); AND Rule 304 § 2 (Use of Non-Lethal Force) be Not Sustained. The Investigator has reviewed all the evidence provided and examined the circumstances surrounding Complainant's allegations. When evaluating the actions taken by Officer Lynch in response to the visible firearm knob at the Election Poll, safety precautions were taken. Officer Lynch decided to proactively verify whether Complainant had a License to Carry (LTC) to ensure the safety of all individuals present.

Massachusetts emphasizes responsible firearm ownership. Officer Lynch checked Complainant's license and offered guidance on safe firearm handling. Based on the review of the BWC, city camera, turret tape, and CAD sheet, there is no evidence substantiating the alleged misconduct, including Officer Lynch grabbing Complainant's wrists. The BWC footage of Officer Paul McGarty and Officer May Chen showed officers having a cordial conversation with Complainant. Complainant's dog did not appear to be agitated and was calm during the interaction.



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Officer's Name	Applicable Rule	CRB Ruling
Officer Patrick F. Lynch	Rule 102 § 3 (Conduct)	Not Sustained
Officer Patrick F. Lynch	Rule 102 § 4 (Neglect of Duty/Unreasonable Judgment)	Not Sustained
Officer Patrick F. Lynch	Rule 304 § 2 (Use of Non-Lethal Force)	Not Sustained

CRB DECISION:

The CRB reached a **unanimous decision of 6-0, ruling Not Sustained on Rule 102 §3 (Conduct); Rule 102 § 4 (Neglect of Duty/Unreasonable Judgment); AND Rule 304 § 2 (Use of Non-Lethal Force).**

In reviewing the evidence, the Civilian Review Board found a violation of Rule 405 § 1 Body Worn Camera Policy and reached a **unanimous decision of 6-0, ruling Sustained on Rule 405 § 1 Body Worn Camera Policy.**

In accordance with the Discipline Matrix established by the Boston Police Department, **the CRB unanimously recommended** that Officer Patrick F. Lynch receive **an oral reprimand along with additional training on BWC.**

Officer's Name	Applicable Rule	Recommendation Finding
Officer Patrick F. Lynch	Rule 102 §3 (Conduct)	Not Sustained
Officer Patrick F. Lynch	Rule 102 § 4 (Neglect of Duty/Unreasonable Judgment)	Not Sustained
Officer Patrick F. Lynch	Rule 304 § 2 (Use of Non-Lethal Force)	Not Sustained
Officer Patrick F. Lynch	Rule 405 § 1 Body Worn Camera Policy	Sustained