



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

CIVILIAN REVIEW BOARD (CRB) - COMPLAINT #297

CASE TIMELINE:

Date of Incident: March 9, 2024
Time of Incident: 8:28 PM
Location of Incident: Center St., West Roxbury, MA
Date of Filing: March 9, 2024
Date of CRB Decision: April 29, 2026

BOSTON POLICE DEPARTMENT (BPD) EMPLOYEE(S):

BPD Employee Name	District	Employee ID #	Sex	Race/Ethnicity
Deputy Superintendent John J. Fitzgerald ¹	B-3	011683	M	White

CASE PROCEDURAL HISTORY:

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

SUMMARY OF ALLEGATIONS:

- 1) On March 9, 2024, the “Complainant” alleged that he was driving eastbound on Center Street in West Roxbury when an unmarked vehicle began following him closely in a manner he perceived as dangerous. The Complainant stated that, due to the lack of a safe location to pull over, he increased his speed in an attempt to distance himself from the vehicle. The unmarked vehicle subsequently activated emergency lights and conducted a traffic stop.
- 2) Identified by the traffic citation, Deputy Superintendent John J. Fitzgerald allegedly exited the vehicle yelling and screaming, behaved in an unprofessional and aggressive manner, and caused the Complainant to feel scared and uncomfortable due to the officer’s lack of uniform and use of an unmarked vehicle. The Complainant further alleged that, after issuing a traffic citation, the officer refused to provide his name when asked and stated that his badge number was listed on the citation, which the Complainant believed may not have been accurate.

¹ Lieutenant Detective at time of alleged incident.



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APPLICABLE RULES & LAWS:

1. **BPD Rule 102§9 (Respectful Treatment)**: Employees must be civil, respectful, courteous, and considerate toward members of the public.
 - a. Allegations of Misconduct: The Complainant alleged that Deputy Superintendent Fitzgerald spoke in a hostile, aggressive, and unprofessional manner during the traffic stop, including yelling and screaming, causing the Complainant fear and discomfort.
2. **BPD Rule 102§20 (Failure to Identify Self)**: Officers must provide name, rank, and badge number upon request.
 - a. Allegations of Misconduct: The Complainant alleged that Deputy Superintendent Fitzgerald refused to provide his name upon request and instead stated that his badge number was on the citation.

SUMMARY OF INVESTIGATION:

1. March 9, 2024: The alleged incident occurred on Center Street in West Roxbury, Massachusetts, involving a traffic stop conducted by an unmarked vehicle. The Complainant later identified the involved officer as Deputy Superintendent John J. Fitzgerald and reported that a traffic citation was issued.
2. March 9, 2024: The Complainant filed a complaint with the Office of Police Accountability and Transparency regarding the traffic stop.
3. April 10, 2024: Former OPAT Investigator Reed sent an initial outreach email to the Complainant seeking additional information and participation in the investigation. Investigator Reed did not receive a response. An attempt was also made to contact the Complainant by phone; however, no phone number was available.
4. April 18, 2024: Investigator Reed sent a follow-up email to the Complainant regarding the status of the case and the need for additional information. Investigator Reed did not receive a response.
5. May 29, 2024: Investigator Reed made a final outreach attempt to the Complainant to no avail. Based on the information already provided in the intake materials, OPAT determined that sufficient identifying information existed to continue investigative steps. The intake materials included the date, time, and location of the traffic stop, the unmarked vehicle's license plate (Massachusetts plate "3FAB57"), and the citation number reportedly issued (T3337633).
6. April-May 2024: During this period, Investigator Reed attempted to obtain additional documentation related to the traffic stop, including efforts to retrieve the issued citation.



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No body worn camera footage was anticipated due to the unmarked nature of the vehicle and the officer's plainclothes assignment.

7. October 30, 2024: Based on the Complainant's statement that a citation had been issued, OPAT noted the need to obtain and review the traffic citation. However, the citation was not available for review at that time.
8. December 11, 2025: Investigator resumed work on the case by reviewing the original AgilePoint intake, prior investigator notes, and available third-party records. On that date, the investigator confirmed through Mass.gov that Citation T3337633 had been issued and that a hearing had been requested, confirming that the traffic stop occurred and likely identifying Deputy Superintendent John J. Fitzgerald as the issuing officer.
9. December 11, 2025: On the same date, Investigator submitted formal records requests to the Boston Police Department for corroborating documentation, including CAD event data related to the traffic stop, Fleet Management records for the unmarked vehicle identified by the Complainant, and the BAT duty roster for Deputy Superintendent Fitzgerald for March 9, 2024.
10. December 12, 2025: The requested CAD records, fleet assignment documentation, and BAT duty roster remain pending as of this date. No body worn camera footage was anticipated or identified due to the unmarked nature of the vehicle and the officer's plainclothes assignment. No independent witnesses were identified.
11. December 19, 2025: Investigator sent a follow-up email to the Boston Police Department regarding the outstanding records requests.
12. December 31, 2025: Investigator sent a third follow-up email to the Boston Police Department regarding the pending records. On that date, the Boston Police Department responded and produced two eBAT records.
13. January 15, 2026: Investigator notified the Complainant by email and certified mail letter of the upcoming CRB meeting and attempted follow-up from December 11, 2025 email request.
14. January 15, 2026: Investigator sent initial email for an interview to Dep. Supt. John J. Fitzgerald.
15. January 20, 2026: Investigator sent a second email requesting an interview to Dep. Supt. John J. Fitzgerald.
16. January 27, 2026: Investigator sent a third and final email requesting an interview to Dep. Supt. John J. Fitzgerald.



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17. On January 29, 2026, subpoena issued by OPAT Commission to compel testimony for February 12, 2026 CRB Meeting.
18. On February 10, 2026, response received from Fitzgerald requesting to reschedule due to: *“unavailable the week of February 11, 12, 13, due to mandatory training, and will be out of state on vacation from 2/16/26 through 3/03/26”*.
19. On March 19, 2026, email received from Attorney Scott Dunlap informing of counsel status: *“My client is prepared to appear for an interview, without waiving any of his rights, without the need for a subpoena.”*
 - a. Note: A subpoena had already been issued at this time.
20. On April 9, 2026, interview held at OPAT office, audio recording of interview available.
 - a. Counsel requested a copy of the interview audio recording – Pending.



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EVIDENCE REQUESTED/REVIEWED:

The following materials were identified, requested, and reviewed as part of the OPAT investigation.

I. Evidence Available and Reviewed

Evidence ID	Evidence Type	Description / Title	Date Requested	Date Received	Date Reviewed
297-EV0001	Initial Complaint (AgilePoint)	Initial Complaint (AgilePoint) for Case #297 (3 pages)	12/11/2025	12/11/2025	12/11/2025
297-EV0002	CRB Complaint Cover Sheet	CRB Complaint Cover Sheet	12/11/2025	12/11/2025	12/11/2025
297-EV0003	Intake Notes	Intake Notes Document	12/11/2025	12/11/2025	12/11/2025
297-EV0004	Investigator Notes	Previous Investigator Notes on Case	12/11/2025	12/11/2025	12/11/2025
297-EV0005	Investigator Notes	Investigator Notes dated 12/11/2025 – Overview of Facts of Case	12/11/2025	12/11/2025	12/11/2025
297-EV0006	Third-Party Records	Mass.gov Traffic Citation Lookup – Citation #T3337633 (Hearing Requested)	12/11/2025	12/11/2025	12/11/2025
297-EV0007	BAT Duty Roster	BAT ID# B2400411	12/11/2025	12/31/2025	12/31/2025
297-EV0008	BAT Duty Roster	BAT ID# B2400419	12/11/2025	12/31/2025	12/31/2025
297-EV0009	Officer Reports and Forms	Fleet Management Assignment for Unmarked Unit, Ford Fusion, MA Plate “3FAB57”	12/11/2025	01/30/2026	01/30/2026



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Evidence ID	Evidence Type	Description / Title	Date Requested	Date Received	Date Reviewed
297-EV0011	Emails	Initial Contact Email with Complainant (12/11/2025)	12/11/2025	12/11/2025	12/11/2025
297-EV0012	Evidence Requests	OPAT Evidence Request Email for Case #297 (12/11/2025)	12/11/2025	12/11/2025	12/11/2025
297-EV0014	Investigator Activity Log	Investigator Activity / Case Action Log Entries	12/11/2025	12/11/2025	12/11/2025
297-EV0015	Emails	Third Follow-Up Email RE: Initial Records Request - 12-31-2025	12/31/2025	12/31/2025	12/31/2025
297-EV0016	Emails	Email from BPD RE: Initial Records Request - 12-31-2025	–	12/31/2025	12/31/2025
297-EV0017	Emails	Email to BPD RE: Initial Records Request - 12-31-2025	–	12/31/2025	12/31/2025
297-EV0018	Emails	Email w/ Letter to Complainant - Notice of CRB Meeting & Follow-Up;	01/15/2026	01/15/2026	01/15/2026
297-EV0019	Documents and PDFs	Certified Letter to Complainant - Notice of CRB Meeting & Follow-Up; - 95890710527018234 77021	01/15/2026	01/15/2026	01/15/2026
297-EV0020	Interview Requests	Interview Request Letter to John J. Fitzgerald (#011683)	01/15/2026	01/15/2026	01/15/2026



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Evidence ID	Evidence Type	Description / Title	Date Requested	Date Received	Date Reviewed
297-EV0021	Interview Requests	Interview Request Letter to John J. Fitzgerald (#011683) - Second Notice	01/20/2026	01/20/2026	01/20/2026
297-EV0022	Emails	Receipt of Out-of-Office Email from Fitzgerald - 01-20-2026	-	01/20/2026	01/20/2026
297-EV0023	Interview Requests	Interview Request Letter to John J. Fitzgerald (#011683) - Final Notice	01/27/2026	01/27/2026	01/27/2026
297-EV0024	Emails	Receipt of Out-of-Office Email from Fitzgerald - 01-27-2026	-	01/27/2026	01/27/2026
297-EV0025	Documents and PDFs	Letter to Fitzgerald - Notice of CRB Meeting	-	01/27/2026	01/27/2026
297-EV0026	Emails	Email w/ Letter to Fitzgerald - Notice of CRB Meeting	-	01/27/2026	01/27/2026
297-EV0027	Audio Recording	Recording of Interview - April 8, 2026	04/08/2026	04/08/2026	04/08/2026
297-EV0028	Emails	Miscellaneous Emails RE: Scheduling Interview	-	04/08/2026	04/08/2026
297-EV0029	Subpoena	Subpoena (#0003)	-	02/06/2026	02/06/2026



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II. Evidence Requested but Not Yet Received²

Evidence ID	Evidence Type	Description / Title	Date Requested	Status
297-EV0010	CAD Event Sheet	CAD Event Sheet for Traffic Stop, March 9, 2024, approximately 8:00 PM, Center St., West Roxbury (E-5)	12/11/2025	Pending
297-EV0013	Third-Party Records	Physical Traffic Citation Copy, Citation #T3337633	12/11/2025	Pending

III. Summary of Evidence

- a) OPAT reviewed the following evidence: the initial complaint, CRB complaint cover sheet, intake notes, prior investigator notes, investigator notes dated December 11, 2025, Mass.gov citation records for T3337633, complainant correspondence, and OPAT evidence request communications. Requests for the CAD event sheet and the physical citation remain pending as of the date of this report.

² As of the date of this report, the above-listed materials have been requested but not yet received. Findings and recommendations are based solely on the evidence available at the time of review.



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CRB FINAL DETERMINATION:

The CRB reached a **Unanimous (6-0) vote**, regarding allegations against **Deputy Superintendent John J. Fitzgerald, ID #011683**, in violation of the following BPD Rules:

BPD Employee Name	Applicable BPD Rule	CRB Ruling
Deputy Superintendent John J. Fitzgerald	102§9 (Respectful Treatment)	Exonerated
	102§20 (Self-Identification)	Exonerated

SUMMARY FINDINGS:

Deputy Superintendent John J. Fitzgerald (B-3) - ID #011683

Analysis:

- 1) After a thorough review of all evidence available, the board decided that the allegation be found as Exonerated. The Complainant alleged that Deputy Superintendent Fitzgerald was disrespectful during the traffic stop. No body-worn camera footage, audio recordings, or independent witness statements were available for review. Although the Complainant's account remained generally consistent, the available evidence does not independently establish that Fitzgerald used language, tone, or conduct that rose to the level of discourtesy or disrespect prohibited by BPD Rule 102§9. During the interview, Fitzgerald provided an account of the interaction consistent with a lawful traffic stop and denied engaging in improper or unprofessional conduct. Based on the available evidence, the interaction appears to have occurred within the scope of a lawful enforcement action, and the conduct at issue was not shown to be improper, unlawful, or unreasonable.
- 2) After a thorough review of all evidence available, the board decided that the allegation be found as Exonerated. With respect to the allegation that Deputy Superintendent Fitzgerald failed to properly identify himself during the traffic stop, the evidence indicates that a traffic citation was issued during the encounter. The issuance of the citation provided official identifying information associated with the officer, and the investigation established that Fitzgerald complied with the applicable identification requirements under BPD Rule 102§20. Accordingly, although the underlying interaction did occur, Fitzgerald's conduct was proper, lawful, reasonable, and consistent with applicable BPD policy.