



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

## **CIVILIAN REVIEW BOARD - CASE #144**

**INVESTIGATOR:** Michel Toney

**DATE OF INCIDENT:** October 17, 2022

**DATE OF FILING:** November 28, 2022

**ALLEGED VIOLATION OF RULES:** BPD RULE 102– The Conduct And General Rights And Responsibilities Of Department Personnel, Amended, Section 9: Respectful Treatment

**DISTRICT:** Boston Police District C-11

### **OPAT FINDINGS AND RECOMMENDED DISPOSITION:**

BPD RULE 102 Section 9: Respectful Treatment- Not Sustained

Based on all of the evidence presented and reviewed, the CRB voted unanimously (8-0) that the complaint be considered **Not Sustained** on the allegation of violations of BPD Rule 102. The CRB did not observe the interaction to occur as reported by the Complainant and therefore cannot find a violation of BPD Rules and Procedures as alleged during this interaction. While no misconduct occurs in the video reviewed, BPD RULE 405: BODY WORN CAMERA POLICY SECTION 2.2 CAMERA ACTIVATION AND INCIDENTS OF USE: states, *Once activated, the officer shall not deactivate the BWC until the encounter has fully concluded and/or the officer leaves the scene.* As seen in the body camera footage, the officer should have kept his body-worn camera on until completely exiting the residence. The CRB further recommends that the officer keeps their body-worn camera on for the duration of the interaction and until they leave the residence.

### **INVESTIGATION SUMMARY**

*Discovery List:*

1. Interview with	2. Body Camera Footage
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Complainant	
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***Case Summary:***

On November 28, 2022 the Office of Police Accountability and Transparency received an anonymous complaint regarding a Boston Police Officer who allegedly entered the home of the Complainant without permission and intimidated them.

The Complainant stated that on October 17, 2022, the Complainant reported their juvenile child had been missing since October 4, 2022. The Complainant spoke to C-11 Detectives and was instructed by them to give BPD a call if their juvenile makes contact with them. On October 18, 2022 the Complainant stated that the juvenile did call and stated they and a friend were in danger. The Complainant called 911 and told the dispatcher that her life was in danger and asked dispatch to send out officers to her location.

The Complainant stated that two uniformed white officers arrived at their home and there was one officer in particular, who was being very disrespectful. The Complainant alleged that this particular officer forced their way into the Complainant's home and was being very disrespectful to the Complainant. The Complainant alleges that the Officer informed the Complainant that they received a call for someone in need of help and entered the home to search the residence. The Complainant stated that they felt uncomfortable around the Officer because they were standing in doorways and did not allow the Complainant to freely enter and exit different rooms of their home. The Complainant claimed that they placed a call to their siblings to ensure there were people hearing what was being said by this particular officer. The Complainant alleges the Officer alleged to be disrespectful placed their hand on their weapon after instructing the Complainant to get off of their phone. The Complainant said the officer said "you called four times tonight and the police had real emergencies." The Complainant said the whole time the officers were inside their apartment they felt even more intimidated because of the way the officer was acting.

***Document/Video/Other Investigation Technique Summary:***

Investigator Toney reviewed the Body Camera Footage of the single officer who arrived on scene. After review, Investigator Toney observed the Complainant inviting the BPD officer into their home at the beginning of the interaction; the officer stayed stationary at the front



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door throughout the 36 minute and 7 seconds of the video and did not follow the Complainant around the home. The officer exhibited no threatening or intimidating behavior, but instead calmly received the Complainant's report and gave suggestions such as that they could reach out to the Lawrence Police Department given the Complainant suggested that the juvenile is currently in Lawrence. Throughout the duration of the video the Complainant goes on and speaks about the incident that transpired as well as various other subjects that did not pertain to the incident. The officer was observed to be respectful during their interaction with the Complainant and there is no evidence that shows the officer intimidating the Complainant.