



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

## **CIVILIAN REVIEW BOARD-COMPLAINT #229**

**INVESTIGATOR:** Tastery Reed Jr.

**DATE OF INCIDENT:** August 2, 2023

**DATE OF FILING:** August 3, 2023

**COMPLAINANT:** The Complainant

**COMPLAINT SUMMARY:** Complainant alleges a BPD officer prevented them from entering their home and assaulted them.

**BPD EMPLOYEE:** Alleged Officer

**DISTRICT:** Roxbury (B-2)

### **ALLEGED VIOLATION OF RULE:**

#### **Rule 102§4-Neglect of Duty**

**Section. 4 NEGLECT OF DUTY:** “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 to an employee.”

#### **Rule 102§9-Respectful Treatment**

**Section 9 RESPECTFUL TREATMENT:** “Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed, gender identity or sexual orientation except when necessary in police reports or in testimony.”



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**OPAT FINDINGS AND RECOMMENDED DISPOSITION:**

OPAT staff recommends to the Civilian Review Board that this case be considered **Not Sustained** for the following rule violations:

BPD Rule 102§4-Neglect of Duty-**Not Sustained**

BPD Rule 102§9-Respectful Treatment-**Not Sustained**

Investigator Reed reviewed several documents and concluded that the Officer did not violate BPD Rule 102§4 and BPD Rule 102§9. The Officer did have their foot in the doorway of the Complainant’s apartment but did so only to keep the apartment from being locked. The Complainant and the tenant were both told several times that they needed to go to housing court to dispute the matter. Additionally, Investigator Reed attempted to interview a second Officer as a witness to the incident but was unresponsive to the requests.

On May 21, 2024, the Civilian Review Board voted unanimously (6-0) to agree with OPAT’s recommended disposition of **Not Sustained**, with one board member abstaining from voting due to not being present during the discussion of the case.

**INVESTIGATION SUMMARY**

*Discovery List*

1. <i>Police Report</i>	2. <i>Boston Police CAD Sheet/ Incident History Report</i>
3. <i>Body Worn Camera footage</i>	4. <i>Interview Notes of Officer</i>
5. <i>Audio Recording of Officer Interview</i>	6. <i>Video Submitted by the Complainant</i>

***Case Summary:***

On August 3, 2023, the Office of Police Accountability and Transparency (OPAT) received a Complaint filed by the Complainant alleging police misconduct of a Boston Police Department employee.

On August 2, 2023, at about 8:00 AM, the Complainant attempted to get a tenant out of the apartment that they owned. The Complainant stated that a BPD Officer showed up at their home, was very disrespectful, and attempted to take possession of the Complainant's home. This Officer allegedly placed their foot in the Complainant's doorway, blocking the



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Complainant from entering their home so the door would not lock. The Complainant stated that they asked the Officer to please move away from the door. The Complainant said that they attempted to push past the Officer's arm, and that's when they grabbed their arm and caused them harm. The Complainant attempted to go to the police station in Roxbury to report the incident and to obtain a police report, but they did not allow the Complainant to do so.

***Interview Summary:***

On August 3, 2023, Investigator Reed spoke to the Complainant on the telephone. The Complainant stated that a tenant came to their residence to speak to them about a landlord/tenant issue. The Complainant stated that the alleged Officer and second Officer arrived on the scene and then restated the facts above (See Case Summary).

On November 14, 2023, Investigator Reed spoke with the Property Manager of the Complainant's residence. They stated that they were changing locks, and the Officer had their hand on their firearm while talking to them. The Witness said that they observed the Officer put their hands on the Complainant by grabbing their arm. The witness stated that they saw a second Officer come up the stairs while they contacted the accused Officer's supervisor. A third Officer arrived and told the accused Officer to leave the premises. Additionally, they stated that the second Officer went inside the apartment with the Complainant to gather the tenant's items. According to the witness, the alleged Officer was very aggressive.

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

Investigator Reed reviewed the incident history report, which showed that the initial call was for a landlord dispute.

Investigator Reed reviewed the alleged Officer's body-worn camera footage. In summary, it shows the alleged Officer and their colleague approaching the Complainant's residence to discuss the landlord-tenant incident. The alleged Officer explains that if the tenant's bed, clothes, and other possessions are inside the apartment, then they still reside there. The Complainant refused to allow the tenant to move back in because they already had another tenant moving in. At the 8:43 minute mark, the alleged Officer puts their foot in the Complainant's door, not allowing the Complainant to close the door or allow the Complainant back into their home. The witness is seen attempting to tell the Officer they



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cannot block the door. At the 13:45 minute mark, the Complainant attempts to close the door, and the Officer attempts to use force by placing their arm against the door frame to block the Complainant from entering their apartment.

An additional part of the alleged Officer's body-worn camera footage was reviewed. At the 30:36 mark, a third Officer can be seen conversing with the tenant about the incident and informing the tenant that they have to go to housing court at Boston Municipal Court. At the 34:56 mark, the second mentioned Officer is seen giving the tenant their belongings from inside the home.

A second Officer's body-worn camera footage was reviewed. This body-worn camera shows the alleged Officer being engaged in a conversation with the Complainant. Both officers explained to the tenant that they needed to go to housing court to settle the issue. At the 13:32 mark, the alleged Officer is in front of the door having a conversation with the Complainant and the Property Manager. The second Officer comes up the stairs to assist the alleged Officer in calming the situation down. At the 20:15 mark, a third Officer arrived and began asking the tenant questions. At the 52:52 mark, the second Officer is seen entering the Complainant's home to observe the Complainant gathering the tenant's personal belongings and placing them in a bag.

On November 29, 2023, Investigators Reed and Vergara conducted an in-person interview with the accused Officer at the Office of Police Accountability and Transparency. Both the Officer and their Union Representative declined to be audio recorded. Notes were taken down. The alleged Officer stated that they, along with their colleague, were responding to a landlord/tenant incident involving a tenant being locked out of a home. The alleged Officer stated this was their first time responding to this address, but knew that the Complainant had called several times in the past. The alleged Officer explained that they had their foot on the door because they were trying to find out who lived at the residence and if the lease was still good. They added that they were unable to get the lease from either the Complainant or the tenant.

When asked if they touched the Complainant, the Officer responded by saying they did not touch the Complainant. They stated that they had their arm on the frame of the door, and the Complainant attempted to walk past their arm. The Officer stated that it happened very quickly and that the Complainant did not get hurt. The Officer added, this



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is when the property owner said “Don't touch them.” The alleged Officer reassured the Complainant that they were not disrespectful towards them in any way. The alleged Officer stated that the second Officer went down the stairs talking to the tenant at the time but came up immediately for assistance.

The alleged Officer further explained that the “Boston Police Officers cannot remove anyone from a home even if the lease is broken or over.” They added that they kept explaining that they would have to take the case to housing court. The alleged Officer stated that their Supervisor showed up, and they decided to remove them from the situation. They were also asked if they had documented the incident, and they said that the second officer had done so, but they had not. They added that the general rule is that when two Officers are on a shift together, only one Officer writes a report.

On December 11, 2023, and December 28, 2023, Investigator Reed sent an interview request to the second mentioned Officer in this report, who was a witness to the incident. However, this second Officer did not respond to the request.

On January 10, 2024, the Complainant sent a video to Investigator Reed alleging the alleged Officer had their hand on their duty firearm while talking to them and their property owner to intimidate them. Investigator Reed reviewed the video, which shows the alleged Officer standing at the door with his hand on his leg. Investigator Reed did not observe the Officer's hand on his weapon.