



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

CIVILIAN REVIEW BOARD - CASE #278

INVESTIGATOR: Michel Toney

DATE OF INCIDENT: December 12, 2023

DATE OF FILING: December 28, 2023

COMPLAINANT: Anonymous

COMPLAINT SUMMARY:

Complainant alleges BPD treated them like a suspect.

BPD EMPLOYEE:

1. Alleged Office

DISTRICT: Boston Police District E-13

ALLEGED VIOLATION OF RULE:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment

BPD Rule 102, §4: Neglect of Duty/Unreasonable Judgment states: Any conduct of an Officer that is not in accordance with established and ordinary duties or procedures and uses unreasonable judgment shall be seen as neglect of duty.

2. BPD RULE 102§9: RESPECTFUL TREATMENT:

RULE 102 § 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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3. BPD Rule 102 §20: Self-Identification:

BPD RULE 102,§20: SELF IDENTIFICATION: General Law, Chapter 41, Section 98D, requires every officer to carry his identification card with a photograph and exhibit this card upon a lawful request for purposes of identification. Any officer, acting in his official capacity, shall give his name, rank, and badge number, in a civil manner to any person who may inquire unless he is engaged in an undercover police operation and his physical safety or the police operation would be jeopardized by his making such identification. Civilian employees, while engaged in their Departmental duties, shall identify themselves in a civil manner to any person who may inquire as to their identity and status within the Department.

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:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment: **Not Sustained**
2. BPD Rule 102§9: Respectful Treatment: **Not Sustained**
3. BPD Rule 102 §20: Self-Identification: **Not Sustained**

After reviewing the body-worn camera footage of the officer named in the complaint, Investigator Toney did not witness any of the reported allegations. The content from the body-worn cameras was consistent with the information in the police report. There is no evidence that supports the Complainant's allegations. The alleged Officer responded to a radio call for a fight at Stop & Shop in Jamaica Plain and spoke with the Complainant. Upon arrival, the alleged Officer and several other BPD officers spoke to the Complainant about the alleged incident. The Complainant told officers that they were jumped by a group of unknown individuals across the street from where Stop & Shop is located and later ran to the store to seek help. For the duration of the body-worn camera footage, the alleged Officer and their colleagues can be seen attempting to get a description of the suspects from the Complainant and asked which way they went for them to set out to look for the perpetrators.



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The alleged Officer along with several other officers offered EMS to the Complainant to which they declined. The Complainant asked the alleged Officer and their colleagues for their badge numbers and they complied. The alleged Officer informed the Complainant that they are going to look for the suspects and will do a report on their behalf. The alleged Officer and their colleagues were respectful and acted in accordance with the established and ordinary duties or procedures of the Boston Police Department.

On May 21, 2024, the Civilian Review Board reviewed the case report and voted unanimously (7-0), to change OPAT's recommended disposition of **Not Sustained** to **Unfounded**.

Discovery List

1. Interview w/anonymou s Complainant	3. CAD Sheet(s)	5. Interview w/ Stop & Shop Manager	7. Interview w/ Stop & Shop Security guard
2. Incident Report(s)	4. BWC Footage of Alleged Officer	6. Interview w/Asset Protection Specialist	

Case Summary:

On December 28, 2023, the Office of Police Accountability and Transparency received an anonymous complaint regarding a Boston Police Officer who allegedly treated them like a suspect. The Complainant further alleged that the Officer refused to give out their badge number and did not make them feel safe.

According to the Complainant, on December 12, 2023, they spoke to a group of unknown individuals outside a convenience store on Centre Street in Jamaica Plain. The Complainant said that the conversation escalated into a physical altercation between the individuals, and they ran across the street to Stop & Shop to seek help. The Complainant stated that they felt their life was in danger and ran inside Stop & Shop after being jumped to have an employee inside the store call 9-1-1. The Complainant said that while inside the store, a security guard called 9-1-1, and a BPD officer showed up at the scene. The



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Complainant said that the initial officer who showed up to the scene treated them like a suspect, was highly disrespectful, and did not give out their badge number when requested.

Document/Video/Other Investigation Technique Summary:

Investigator Toney obtained and reviewed the body-worn camera footage from the Boston Police Department of the alleged incident. After reviewing the body-worn camera footage, Investigator Toney did not witness any of the reported allegations in the complaint. The alleged Officer and several other officers who arrived on the scene were extremely respectful and courteous to the Complainant. The alleged Officer and his fellow officers were attempting to get a description of the unknown individuals whom the Complainant got into a physical altercation with. The Complainant, at one point, became uncooperative and made it difficult for officers to set out to look for the individuals who caused harm to them. At one point in the body-worn camera footage, the alleged Officer and their fellow officers can be seen complying with the Complainant's request for badge numbers. The body-worn camera shows that the alleged Officer intended to help the Complainant find the individuals who caused harm to them by obtaining a description of the unknown individuals and filing a report on the Complainant's behalf.

On January 3, 2024, Investigator Toney Spoke with both the Stop & Shop manager and the store's Security Guard to see if they witnessed the alleged incident. Both individuals could not recall any incidents taking place on the day of the alleged incident.

On January 19, 2024, Investigator Toney requested surveillance footage from Stop & Shop of the customer service area where the alleged incident took place. The Asset Protection Specialist stated that the cameras were used several times for different reasons and were not positioned towards the customer service area at the time of the incident. There was no additional surveillance footage available.