



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

CIVILIAN REVIEW BOARD (CRB) - COMPLAINT #259

Complainant's Name: Complainant

Date of Incident: October 1, 2022

Time of Incident: 11:15 AM

Location of Incident: Boston, MA 02114

Date of filing: October 27, 2023

Investigator Name: Michel Toney and Diana Vergara

BOSTON POLICE DEPARTMENT (BPD) EMPLOYEES:

Employee Name	District	Employee ID #	Sex	Race/ Ethnicity
Officer Kyle Owen Gaughan ¹	A-1	ID #157204	M	White
Officer Manuel A. Mundo	A-1	ID #162961	M	Hispanic

CASE PROCEDURAL HISTORY:

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

SUMMARY OF ALLEGATIONS:

Note: This case was inherited from former Investigator Michel Toney.

The following information is pulled from a letter written by Complainant to Captain Robert Ciccolo of Precinct A-1, then forwarded to the Office of Police Accountability (OPAT).

On October 27, 2023, Complainant 1 filed a complaint with the Office of Police Accountability and Transparency (OPAT) on behalf of himself and his upstairs neighbor ("Complainant 2"), regarding Boston Police Officers Kyle Owen Gaughan ID #157204 and Manuel A. Mundo ID #162961. He alleged that on October 1, 2022, at approximately 11:15 AM, he received a call from Complainant 2, who was pressured by EMTs to go to the hospital after his wife had been taken to the hospital.

The female EMT indicated she had an order from a doctor, but refused to show it when asked. When Complainant 2 declined to go with them, the EMT threatened to call the police. Officers Gaughan and Mundo entered the home without permission, despite being informed that

¹ Officer Kyle Owen Gaughan's badge # is 1947.



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Complainant 2 called Complainant 1 to advocate on his behalf. Officers interrupted a discussion between Complainant 1 and Complainant 2 and ordered Complainant 2 to get dressed.

When Complainant 1 tried to accompany Complainant 2, officers blocked him, claiming he was interfering with an investigation, but provided no details. Officers then aggressively grabbed Complainant 1's arm despite his objections and informed them of prior surgery on that arm. Officers continued to exert force even after Complainant 2 agreed to go to the hospital, leaving Complainant 1 bruised and fearing for his safety. Officer Gaughan persisted in asserting control, preventing Complainant 1 from accessing the elevator to his unit.

APPLICABLE RULES & LAWS:

1. **BPD 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.
 - a. Complainant 1 alleged that BPD officers entered Complainant 2's home without permission, despite being informed that Complainant 1 was representing Complainant 2. Officers interrupted a discussion in Complainant 2's office and ordered him to dress. When Complainant 1 tried to accompany Complainant 2, officers blocked him, claiming he was interfering with an investigation, but provided no details. Officers then aggressively grabbed Complainant 1's arm. Officers continued to exert force even after the Complainant 2 agreed to go to the hospital, leaving Complainant 1 bruised and fearing for his safety. Officer Gaughan persisted in asserting control, preventing Complainant 1 from accessing the elevator to his unit.
2. **Rule 304§2 (Use of Non-Lethal Force):** Statement on Use of 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.
 - a. Complainant 1 alleged that officers aggressively grabbed Complainant 1's arm despite voicing objections and informing them of a recent surgery on that arm. Officers continued. Officers continued to exert force even after Complainant 2 agreed to go to the hospital, leaving the Complainant 1 bruised and fearing for his safety. Complainant 1 further alleged that officers prevented him from accessing the



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elevator to his own unit.

SUMMARY OF EVIDENCE INVESTIGATION:

1. On November 3, 2023, Investigator Vergara received and reviewed a **police report**, which stated the following:
 - a. Officers Manuel A. Mundo and Kyle Owen Gaughan responded to a call to assist Boston EMS. The officers spoke with Boston EMS personnel Gula, Pendary, and Tuthill, who explained that a Medical Director at Boston Medical Center had ordered them to transport the victim, (Complainant 2), to Massachusetts General Hospital. The EMTs told the officers they had received permission to physically remove the victim against his will if necessary due to unsafe conditions in the apartment. They also reported that the fridge contained no food and that it held expired milk dating back to August 2022.
 - b. Upon arriving at the scene, officers observed food left out next to the cat food, used diapers on the kitchen table, and feces on the floor and walls. EMTs informed officers that they had requested assistance because the victim's lawyer friend (Complainant 1) had advised him not to go with them.
 - c. As officers assisted the victim, (Complainant 1) stood up and attempted to interfere with their efforts. Officers identified themselves and provided their badge numbers. They made multiple attempts to de-escalate the situation while encouraging the victim to allow the EMTs to help him. Despite these efforts, (Complainant 1) physically blocked the victim (Complainant 2) by placing his hands on him and preventing him from leaving the apartment.
 - d. Officers eventually detained Complainant 1, who resisted aggressively. Once they brought the situation under control, Boston EMTs placed the victim (Complainant 2) on a stretcher and transported him out of the apartment.
2. On November 11, 2023, Investigator Toney conducted a telephone interview with **Complainant 1**. During the call, Complainant 1 reiterated the details previously provided in his intake form. He stated that two officers, later identified as Officer Gaughan and Officer Mundo, entered an office without requesting or receiving permission. At the time, a private conversation was taking place between Complainant 1 and Complainant 2. Complainant 1 alleged that Officer Gaughan directed Complainant 2 to leave his own office and instructed him to put on his



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shoes. When Complainant 1 attempted to accompany Complainant 2, both officers allegedly prevented him from doing so, asserting that he was interfering with an ongoing investigation. When asked what investigation, Complainant 1 stated Officer Gaughan grabbed his right arm. When Complainant 1 asked the officer if he was under arrest, Officer Gaughan replied by saying "no" and later proceeded to pull Complainant 1 towards the front door of the apartment. Complainant 1 asked Officer Gaughan to please take his hands off him as he was hurting him, and at that point, he squeezed even harder. Complainant 1 told the officer that he had been operated on ten days before, and his response was just to squeeze harder on his arm. Four days later, Complainant 1 said that he still had bruises from the officer's manhandling him. Complainant 1 believed that Officer Gaughan used excessive force when interacting with him, as well as abused his power. Complainant 1 stated that both Officer Gaughan and Mundo had no respect for attorneys, especially given that he is an 88-year-old attorney. Complainant 1 wants a letter of apology from Officer Gaughan, who allegedly grabbed his arm. According to Complainant 1, Officer Gaughan allegedly stated, "I can do what I want, I wear a shield."

3. Investigator Vergara attempted to contact Complainant 1 on three occasions: December 9, 2024; December 18, 2024; and June 30, 2025. However, Complainant did not respond. As a result of the inability to establish contact, Investigator Vergara was unable to obtain a signed authorization form from Complainant 1 to release medical records. Consequently, relevant hospital records could not be obtained.
4. Investigator Vergara also reviewed a letter Complainant 1 sent to **Captain Robert Ciccolo** via mail dated 09/26/2023. The letter reiterated statements from the OPAT Complainant Form/Intake Forms.
5. Investigator Vergara and Investigator Toney attempted to contact Complainant 2, on January 13, 2024; December 18, 2024; and June 30, 2025. However, Complainant 2 did not respond.
6. Investigator Vergara attempted to contact **Kyle Owen Gaughan**, ID #157204, on January 7, January 13, and January 17, 2025, by sending interview request letters via email. However, Officer Gaughan did not respond.
7. Investigator Vergara attempted to speak to **Officer Manuel Mundo**, ID #162961, on January 7, January 13, and January 17, 2025, by sending interview request letters via email. However, Officer Mundo did not respond.
8. Investigator Vergara attempted to speak to **Officer Tyler J. Ostholthoff**, ID #162964, on January 7, January 13, and January 17, 2025, by sending interview request letters via email. However, Officer Ostholthoff did not respond.



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9. Investigator Vergara attempted to speak to **Officer Matthew J. McCullough**, ID #162930, on January 7, January 13, and January 17, 2025, by sending interview request letters via email. However, Officer Matthew J. McCullough did not respond.
10. Investigator Vergara was unable to access **body-worn camera** and **video surveillance** footage because the complaint was filed with OPAT on 10/27/2023, and due to the 30-day retention period, it was unavailable upon request.
11. On October 25, 2024, the Boston Police Department (BPD) provided Investigator Vergara with the resumes of Officers Gaughan, Mundo, Ostholthoff, and McCullough. These resumes included details of all **incidents recorded by Internal Affairs**. Upon reviewing the document, Investigator Vergara noted that there were no incidents of use of force or any other recorded incidents involving the officers on the day in question.
12. On October 25, 2024, Investigator Vergara received and reviewed the letter from Complainant 1. The letter stated that Complainant 1 was called by his client, Complainant 2 "upstairs neighbor" as EMTs were insisting that the upstairs neighbor go to the hospital, despite his willingness to go later on his own. When he refused, EMTs called the police. Two Boston officers entered the upstairs neighbor's home without permission. Complainant 1 identified himself as the upstairs neighbor's attorney but was blocked from assisting him. Complainant 1 alleged one officer, ID #1947, physically grabbed and injured Complainant 1, despite his protests and recent surgery. The upstairs neighbor, intimidated, agreed to be taken to the hospital. Complainant 1 further alleged officer with ID #1947 continued to act aggressively, even preventing Complainant from returning to his unit. Investigator later was able to confirm that Officer Kyle Gaughan's badge number is 1947.
13. On January 21, 2024, Investigator Vergara received and reviewed the **turret tape** and heard the dispatcher say:
 - a. 11:27:39AM, *"Can you guys assist EMS XXX XXXXXX ST"*
 - b. At 11:28:00, *"Disregard, this is going to be on us because EMS has someone there that they need assistance with. Not trying to go willingly."*
 - c. At 11:48:35, the officers said, *"We are still at XXX XXXXXX St."*
14. On September 25, 2024, Investigator Vergara received and reviewed the Computer-Aided Dispatch (**CAD**) sheet related to the incident.
 - a. 11:08:47 timestamp, the entry notes: *"A8-Med-Control Med 54 seeking to transport against will granted light."*
 - b. Additionally, at the 11:26:25 timestamp, the entry states: *"Could BPD assist EMS, please."*



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15. On July 23, 2025, Investigator Vergara **visited the location of the incident**. The front desk personnel informed the Investigator that Complainant 1 had died days prior, and Complainant 2 had been in the hospital since May 2025.
16. On July 23, 2025, Investigator Vergara requested and received the EMT **Pre-Hospital Care Report Summary EXXXXXXXXX** for the 10/1/22 incident. The report noted that:
 - a. Patient (Pt) had called initially for his wife, who had fallen, and upon arrival at the apartment, the living area appeared extremely unkept with feces on the wall and smeared on the floor with an additional pile of feces around the living room floor.
 - b. Pt states that he doesn't want to go to the hospital, and medical control was contacted for orders to take him against his will, as the department was not suitable to be lived in, and Pt's apparent inability to adequately care for himself. After explaining the situation to YYXX, orders were granted.
 - c. Upon hearing that he would be transported to the hospital, the patient called his "lawyer," who arrived at the apartment shortly after and significantly interfered with the patient's care and transport. YXX was on the scene during the call, who requested BPD to assist with providing medical care. Patient was eventually extracted to stretchers, secured, and transported without incident or change in status.



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EVIDENCE REQUESTED/REVIEWED:

Evidence	Description	Availability Status
OPAT Complainant Form/Intake Forms	Written statements made by Complainant regarding officer's behavior.	Available
Complainant's interview	Email interview requests on December 9, 2024; December 18, 2024; and June 30, 2025	Available
911 call	Oral statements from the Operator to the Complainant.	Available
CAD sheet	Summary of 911 call and dispatchers' communication	Available
Turret tape	Summary of communication between dispatchers and police officers	Available
EXXXXXXXXXX report	Pre-Hospital Care Report Summary	Available
Interview requests to Complainant 1 and Complainant 2 via email	Email interview requests on January 13, 2024; December 18, 2024; and June 30, 2025	Not available
Complainant correspondence with BPD	Correspondence to Captain Ciccolo dated 09/26/2023	Available
Interview requests to following officers 1. Manuel A. Mundo 2. Kyle Owen Gaughan 3. Matthew J. McCullough 4. Tyler J. Ostholthoff.	Email interview requests on January 7, January 13, and January 17, 2025	Not available
Body Worn Camera (BWC) for officer(s) 1. Manuel A. Mundo 2. Kyle Owen Gaughan 3. Matthew J. McCullough 4. Tyler J. Ostholthoff.	Officers' BWC video footage	Not available
Boston Police Department Internal Affairs Officer Resume	Internal Affairs History for Officer(s) 1. Kyle Owen Gaughan 2. Manuel A. Mundo	Available
Police Report IXXXXXXXX	BPD Narrative of events on 10/01/2022	Available



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CRB DECISION:

The CRB reached a **Unanimous decision (6-0)**, **Insufficient Evidence to Make a Finding** regarding allegations against the following officers in violation of **BPD Rule 102§9 (Respectful Treatment)** and **Rule 304§2 (Use of Non-Lethal Force)**

BPD Employee Name	Applicable BPD Rule	Finding / Recommendation
Kyle Owen Gaughan	Rule 102§9 (Respectful Treatment)	Insufficient Evidence to Make a Finding.
Kyle Owen Gaughan	Rule 304§2 (Use of Non-Lethal Force)	Insufficient Evidence to Make a Finding.
Officer Manuel A. Mundo	Rule 102§9 (Respectful Treatment)	Insufficient Evidence to Make a Finding
Officer Manuel A. Mundo	Rule 304§2 (Use of Non-Lethal Force)	Insufficient Evidence to Make a Finding

After reviewing all the evidence and examining the circumstances surrounding Complainants' allegations, CRB finds this case to have **Insufficient Evidence to Make a Finding** that Boston Police Officers Manuel Mundo (ID #162961) and Kyle Owen Gaughan (ID #157204) violated BPD Rule 102§9 (Respectful Treatment) and Rule 304§2 (Use of Non-Lethal Force) during their encounter with Complainant 1 and Complainant 2. The lack of evidence does not substantiate these claims.

Investigator Vergara made several attempts to interview Officers Mundo, Gaughan, McCullough, and Ostholthoff, but did not receive any responses from the officers. Additionally, Investigator Vergara attempted to further interview Complainant 1, who is now deceased. Investigator Vergara also tried to reach Complainant 2, who similarly failed to respond and is currently hospitalized.

Investigator Vergara reviewed the resumes of Officers Mundo, Gaughan, McCullough, and Ostholthoff. The review revealed that there were no incidents of use of force or any other recorded incidents involving these officers on the day of the alleged incident.

Due to the absence of video surveillance footage and body-worn camera recordings from the alleged incident as well as all of the aforementioned information, OPAT investigators were unable to prove or disprove the alleged conduct of Officer Gaughan and Officer Mundo.



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According to the police report, Officers Mundo and Gaughan were called to assist Boston EMS, who indicated that they had received orders from a Medical Director at Boston Medical Center to transport Complainant 2 to Massachusetts General Hospital. The EMTs informed the officers that they had permission to physically remove the victim, Complainant 2 against his will if necessary, due to unsafe conditions in the apartment.