



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

**CIVILIAN REVIEW BOARD (CRB) - COMPLAINT #272**

**Date of Incident:** December 12, 2023

**Time of Incident:** 12:00AM

**Location of Incident:** Roxbury, MA 02119

**Date of Filing:** December 12, 2023

**Investigator Name:** Michel Toney and Diana Vergara

**BOSTON POLICE DEPARTMENT (BPD) EMPLOYEES:**

Employee Name	District	Employee ID #	Sex	Race
Officer Connor Askins	B2	157639	M	White
Officer Michael D. Walsh	B2	144333	M	White
Officer Jonathan Michael Marcel	B2	162971	M	White
Officer Daniel T. Toomey	Crime Scene Response Unit	102676	M	White
Officer Kevin R. Cooper	B2	011807	M	White
Officer Anthony N. Bellissimo	Mobile Operations Patrol Unit	080344	M	White
Officer Eric J. McPherson Jr.	B2	168364	M	Black

**CASE PROCEDURAL HISTORY:**

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

**SUMMARY OF ALLEGATIONS:**

Note: This case was inherited from former Investigator Michel Toney on August 4, 2024.

On December 12, 2023, Complainant filed a complaint with the Office of Police Accountability and Transparency (OPAT). Complainant stated he lives in Weymouth and was returning from buying diapers for his children, and his car had run out of gas. Complainant was stuck on the side of the road near 301 Warren St, Roxbury, MA 02119, across the street from the McDonald's. He stated



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

that while he was on the phone with his girlfriend, trying to figure out how to restart his car, three BPD vehicles pulled up alongside his vehicle and asked him if he knew anything about a shooting. Complainant responded, "*No, I do not,*" and proceeded to roll up his window. Complainant stated that one of the BPD officers reached through his driver's side window and unlocked his car door. Officers then pulled him out of his car, took his ID, and searched his person and his vehicle. In response to officers questions about a shooting that recently occurred, Complainant told officers multiple times that he didn't do anything and didn't know anything about a shooting. However, the officers did not believe him. According to Complainant, the only description officers provided was a "*black man,*" and he was the only black man in the area. He stated officers would not answer any of his questions, but did provide him with their badge numbers when asked. He stated his rights were violated by these officers, who then left the scene without assisting him or his disabled vehicle. He noted that officers' behavior during the interaction with him was aggressive, and he feels like this was racial profiling.

#### **APPLICABLE RULES & LAWS:**

1. **Rule 102§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.
  - a. Allegations of Misconduct: Complainant alleged that after officers pulled him out of his car, took his ID, and searched both his person and his vehicle, officers left the scene without assisting him or his disabled vehicle.
2. **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. Allegations of Misconduct: Complainant alleged that a BPD officer reached through his driver's side window and unlocked his car door. He stated that the officer pulled him out of his car, took his ID, and searched both his person and his vehicle. He stated he told officers multiple times that he didn't do anything and didn't know anything about a shooting, but they did not believe him. noted that officers' behavior during the interaction with him was aggressive, and he feels like this was racial profiling.
3. **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.



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

- a. Allegations of Misconduct: Complainant alleged that a BPD officer reached through his driver's side window and unlocked his car door. He stated that the officer pulled him out of his car, took his ID, and searched both his person and his vehicle. He stated he told officers multiple times that he didn't do anything and didn't know anything about a shooting, but they did not believe him. noted that officers' behavior during the interaction with him was aggressive, and he feels like this was racial profiling.

4. **Rule 405 §1-9 (Body Worn Camera Policy):** The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by Body Worn Cameras (BWCs). BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions.... Unless otherwise excepted by this Rule, Officers assigned BWCs must wear and activate BWCs in accordance with Department policy when performing uniformed duty.

- a. Allegations of Misconduct: A number of officers failed to have body-worn cameras on them and turned on while on duty.

## SUMMARY OF EVIDENCE / INVESTIGATION:

1. On December 19, 2023, Investigator Toney spoke with the Complainant to discuss the incident that took place on 12/12/2023. Complainant stated that he was driving to get some diapers for his child and was pulled over by the police on Warren Street, across the street from McDonald's. Complainant said that three (3) unmarked cruisers surrounded him, and two detectives wearing plain clothes and a vest came up to his car. One detective (Badge #5100)<sup>1</sup> knocked on the window and asked the Complainant if he knew about a shooting. Complainant said he replied by saying "No" and proceeded to pull up his window. As the window was going up, Complainant said the officer (Badge #5100) put his arm through the window and opened the door, yanking the Complainant out of the car. Complainant repeatedly said that he did not know what was going on and was in fear for his life. Complainant said the Officer's partner yanked him out of the car and started yelling commands at him, such as "don't move" and "stay still." Complainant said the other officer searched the front of his car without permission and found nothing. Complainant stated that the officers said they were looking for a black man who was wearing a black hoodie.
  - a. Complainant noted there were about 13 officers in total at the scene, and the two initial officers who stopped him were both wearing body cameras. After searching the vehicle and questioning the Complainant, both officers left the

<sup>1</sup> Officer Michael D. Walsh's badge number is 5100.



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

scene and had no further questions for the Complainant. Complainant said he has been disabled for about ten years and believed the officers did not use proper judgment when interacting with him. Complainant wants officers to be disciplined for how they interacted with him, especially since he did not do anything illegal nor had anything illegal on his person or in the vehicle. Complainant believed the two officers who conducted the initial stop needed to be retrained on how to speak with people of color and on how to properly handle disabled individuals.

2. On September 4, 2024, the Investigator attempted to obtain city camera footage; however, city camera footage was not available due to the 30-day time retention.
3. On October 10, 2024, Investigator Vergara received and reviewed the **CAD sheet** PXXXXXXXXX and observed the following:
  - a. 00:10:55 clr sts him, brother, and cousin were shot at
  - b. 00:11:30 clr sts person was on foot
  - c. 00:11:35 male shooter
  - d. 00:11:40 clr sts he didn't see dof
  - e. 00:11:58 clr sts once male started shooting, they ran
  - f. 00:12:05 clr sts blk/male
  - g. 00:12:27 pct03 wearing green bomber jacket w/ a blk hoodie w/ a blk ski mask and grey jeans
  - h. 00:12:37 clr sts about 6'3 ft
4. On October 10, 2024, Investigator Vergara received the **Turret tape** for I# XXXXXXXXXXXX
5. On July 7, 2025, August 20, 2025, and August 26, 2025, Investigator Vergara attempted to **contact Complainant** to request any additional information regarding the incident, his car, and to confirm his height; however, there was no response from the Complainant.
6. On July 16, 2025, and on August 8, 2025, Investigator Vergara requested **body-worn camera footage** from all officers involved: Askins ID # 157639; O'Leary ID #153121; Lara ID #173535; Barros ID #167723; Dorsainvil ID #167738; Cooper ID #011807; Bellissimo ID #080344; McPherson Jr. ID #168364; Toomey ID #102676; Marcel ID #162971 and Flores ID #157663; and Sgt. Detective Jefferson ID #099714;
  - a. However, BWC footage from officers Askins, Cooper, Walsh, Bellissimo, and McPherson Jr. was not available. According to BPD, "...As for why



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

*footage does not exist for a particular officer, that question can only be answered through an investigative inquiry directed to the officer in question.”*

- b. Investigator Vergara received BWC footage for officers Lara, O'Leary, Dorsainvil, Barros and Marcel.
7. Investigator Vergara also observed an email dated July 16, 2024, from Sergeant Detective Kevin Toomey of the Internal Affairs Department to former Investigator Toney, which shared a body-worn camera video titled “Axon\_Body\_3\_Video\_2023-12-11\_0024\_X60A7937Y (1).”
8. **Officer John Lara’s body-worn camera - 2 footage available (SHOTS FIRED - YZ XXXXXX & SHOTS FIRED - YZ XXXXXX)**
  - a. The first BWC footage shows approximately five (5) officers inside a residence speaking with witnesses. The witnesses stated they were outside when they noticed an unknown male walking toward them. The male appeared indecisive, turning around multiple times as if he had changed his mind. Eventually, he pointed in their direction, not upwards, and then ran off.
    - i. The witnesses described the unknown male as approximately “6’3” tall, with a slim build, brown skin, wearing a green bomber jacket, black hoodie, gray jeans, and a shiesty mask”. They were unable to identify the color of his sneakers.
    - ii. The witnesses reported that the male was near a gate at some point. They stated they were standing near the dumpster, a considerable distance away from him, and did not see which direction he fled. They had been outside for about 10 minutes prior to the male’s arrival.
    - iii. One of the witnesses noted that the male with the gun “came out of nowhere.” They heard two gunshots, with a short delay between them, and called 911 within approximately 30 minutes. They also confirmed they did not see the firearm.
  - b. The second BWC footage shows approximately five (5) officers outside obtaining the information of two witnesses. A description of the male was broadcast as “Wearing a green bomber jacket, green pants, and a ski mask.” Three witnesses stated they were near a dumpster when the male began shooting at them. In response, the witnesses started running. The witnesses confirmed he was alone.
9. **Officer Ryan Daniel O'Leary’s body-worn camera - 2 footage available (Shots yz xxxxxx & Shots yz xxxxxx)**



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

- a. The first BWC footage labeled as “Shots yz xxxxxx” shows approximately five (5) officers going inside a residence, speaking with witnesses. This BWC shows what transpired on Officer John Lara’s body-worn camera.
  - b. The second BWC labeled “Shots yz xxxxxx” showed an officer meeting with the three (3) witnesses who stated that there was only one guy walking down by the dumpster who looked like he was debating on whether or not “he should do it or not.” The witnesses stated that the alley goes to yyyyyy Street and xxxxxx Street. The witnesses stated that the male was “6’3, feet tall” wearing a “green bomber jacket, gray pants, and ski mask.” The color of the pants was corrected by one of the witnesses.
10. **Officer Jason Dorsainvil’s body-worn camera- (Shots Fired- yz xxxxxx)**
- a. The BWC footage showed officers walking around near the apartment building where other officers were present. At one point, an officer is heard asking the witnesses, “How long after the shots you guys called 911?” One of the witnesses responded, and the officer repeated “30 minutes after.”
11. **Officer Romario Gomes Barros Barros’s body-worn camera**
- a. Officers were walking around and then went inside the apartment building. An officer is observed asking the witnesses, “How long after the shots you guys called 911?” One of the witnesses responded, and the officer repeated, “30 minutes after.”
12. **Officer Jonathan Michael Marcel’s body-worn camera - (Shots Fired- yz xxxxxx)**
- a. Complainant was sitting in his car. Two officers forcibly removed Complainant from his car. Complainant was wearing ripped grey pants, a black sweater, and a black beanie. Later, five officers were present. The footage captured Complainant saying to the three officers present: “I didn’t do nothing. Do you have the description of me? Do you have the description of the suspect who’s shooting? Do you?”
  - b. An officer responded, “Yes, we do have the description.” Complainant replied, “Does it fit this? Did you get a description of this vehicle? You are violating my rights. I didn’t do anything wrong. Why are you touching me? You are violating my rights. I have no weapons. You are violating my rights. Why are you touching my car? This is discrimination; you don’t do that to people. You said ‘What are you doing?’ I am starting my car. You start searching my car. Stop searching my car.”
  - c. Officers patted Complainant down, telling him they were “frisking” his car. One officer stated, “I told you tons of times, stop moving around. I tried





City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

*talking to you like a gentleman; you rolled your window up, tried to turn your car onto me, and you started to reach back in your car."*

- d. Complainant then took out his phone and began recording stating *"These officers are searching my car. Do I match the description of the person they were looking for? I didn't do anything wrong."* He told the officers to stop searching his car and asked them for their identification numbers, which they provided.
- e. *How many times have I asked someone a question, only to hear, "It was me, officer. I did it." That's how investigations work.* The officer then inquired, *"Have you heard a shooting?"* to which Complainant responded, *"I didn't hear anything."* The officer replied, *"Now we are having a conversation."*
- f. Complainant stated, *"You guys are being aggressive with me."* One of the officers countered, *"We are not being aggressive; we are just trying to have a conversation with you, but you are the one screaming."* Complainant then said, *"You scream when you haven't done anything wrong, and you're minding your own business, and then the police stop you when you are doing nothing wrong."*
- g. Officers then walked away. One officer informed Complainant that the description they received from the 911 caller was a *"Black male, black hoodie, and gray jeans."* Complainant replied, *"That's a lie. You just made that up, officer."* The officer responded, *"That's not a lie, sir. I didn't make that up."*

13. On September 25, 2024, OPAT Investigator received and reviewed a **FIOE #FCXXXXXXX**. The report stated the following:

- a. Officers responded to a radio call for shots fired at yz xxxxxx Street. Officers observed a gray Kia Forte idling in a bus stop at the corner of Warren Street and Waverly Street.
- b. Officers spoke to the operator of the vehicle. When Officers informed them that there were just shots fired around the corner and asked if they heard anything, they stopped talking to officers, attempted to roll up their window, and began reaching for the gear shift and ignition of the vehicle.
- c. The description given of the suspect was a black male, a green bomber jacket, a black hoodie, and gray jeans. The operator was wearing a black hoodie and gray jeans.
- d. Due to the operator matching the description of the suspect, being in close proximity to the shots, and their change in demeanor when asked about the



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

shooting, the actions showed that they may have fled in their vehicle while officers were still talking to them, so officers removed the operator to pat down frisk their person and search the area of the vehicle. No weapons found.

- e. Operator was hostile and uncooperative with officers during the whole encounter.

14. Investigator Vergara made multiple attempts to interview **Sgt. Detective Nina Jefferson ID #099714** on July 14, 2025 and July 21, 2025. On July 22, 2025, the OPAT investigator received an email from Scott W. Dunlap, Attorney At Law, P.C., who represents Sgt. Detective Nina Jefferson, stating the following:
  - a. *“Please be advised that I represent Boston Police Sgt. Det. Nina Jefferson with respect to complaint 272. We respectfully decline your invitation to provide a statement, and will certainly comply with all directives issued by her Department.”*
15. OPAT Investigator made multiple attempts to interview **Detective Daniel T. Toomey** on July 14, 2024, and July 21, 2024. On July 21, 2024, Scott W. Dunlap, Attorney At Law, P.C., sent an email stating the following:
  - a. *“Please be advised that I represent Boston Police Detective Daniel Toomey. We appreciate the offer to appear as part of your investigation. However, as I expect the BPD to engage in a thorough review of the allegations contained in the complaint, Detective Toomey will be expected to testify in that setting. Therefore, I am advising him to avoid a redundancy of efforts.”*
16. OPAT Investigator Vergara made multiple attempts to interview **Officer Kevin R. Cooper, ID #011807**, on July 14, 2025, who stated the following in an email on July 15, 2025
  - a. *“Good afternoon, I do not recall this incident. At that time, I was assigned to Special Operations SWAT Unit. My assignment was in a “gun car” where we respond to any gun-related incidents. I do not believe that we ever went by that traffic stop.”*
17. OPAT Investigator Vergara made multiple attempts to interview **Officer Jonathan Michael Marcel, ID #162971**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
18. OPAT Investigator Vergara made multiple attempts to interview **Officer Ryan Daniel O'Leary, ID #153121**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.





City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

19. OPAT Investigator Vergara made multiple attempts to interview **Officer Romario Gomes Depina Barros, ID #167723**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
20. OPAT Investigator Vergara made multiple attempts to interview **Officer Jason Dorsainvil, ID #167738**, on July 14, 2025, and on July 15, 2025. The officer emailed back the OPAT Investigator the following:
  - a. *“Good afternoon, I just had a quick question: am I considered a witness or a violator in this case because I read the letter and it stated I was a witness? And I will not be able to do any of those days listed, sorry.”*
  - b. OPAT Investigator sent multiple attempts to interview Officer Dorsainvil on July 16, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
21. OPAT Investigator Vergara made multiple attempts to interview **Officer Anthony N. Bellissimo, ID #080344**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
22. OPAT Investigator Vergara made multiple attempts to interview **Officer Eric J. McPherson Jr., ID #168364**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
23. OPAT Investigator Vergara made multiple attempts to interview **Officer Joel S. Flores, ID #157663**, on July 14, 2025, July 21, 2025, and August 1, 2025; however, there was no response from the officer.
24. OPAT Investigator Vergara made multiple attempts to interview **Officer Connor Askins, ID #157639**, on August 21, 2025, August 25, 2025, and August 27, 2025; however, there was no response from the officer.
25. OPAT Investigator Vergara made multiple attempts to interview **Officer John Lara, ID #173535** on August 21, 2025, August 25, 2025, and August 27, 2025; however, there was no response from the officer.
26. On September 2, 2025, **Sergeant Detective Kevin Toomey** of the Internal Affairs Division shared his body-worn camera video titled *“Axon\_Body\_3\_Video\_2023-12-11\_0024\_X60A7937Y (1)”* with Investigator Vergara, which had previously been shared with former Investigator Toney. The footage showed Complainant inside the car while talking to an officer. The officer is seen reaching inside the vehicle through the halfway open window, attempting to open the door. A BPD vehicle is observed arriving at the scene. The officer who was



City of Boston, Massachusetts

Office of Police Accountability and Transparency

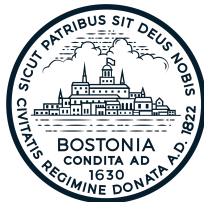
**Evandro C. Carvalho, Executive Director**

initially communicating with the Complainant said, *"Step out of the car"* several times. Complainant is heard asking the officer, *"What do you mean? I am trying to turn on my car. For what? I want to know why. You are banging on my door for nothing. You are pulling on me for nothing."* Complainant is heard saying what was said on **Officer Jonathan Michael Marcel's body-worn camera - (Shots Fired- yz xxxxxx)**. Complainant is being forcibly removed from the vehicle by the officer. The officer is observed searching the vehicle and finding Complainant's license and running it in the system. The officer walked to Complainant and told him that the description they received from the 911 caller, the victims who got shot at right down the street, was a *"Black male, black hoodie, and gray jeans."* Complainant replied, *"That's a lie. You just made that up, officer."* The officer responded, *"That's not a lie, sir. I didn't make that up."* Complainant stated, *"I don't have grey jeans on,"* to which the officer stated, *"They look like grey jeans to me. On top of that, when we started asking you about it, you rolled your window up, you went to turn your car on like you were going to drive away."* To which the complainant stated, *"You stop an innocent person. You don't do that. I didn't do anything wrong."* The officer walked away and got inside the unmarked vehicle.

27. On September 7, 2025, Investigator Vergara provided a screenshot from an officer's body-worn camera (BWC) and gave it to BPD to help identify the officer who initially removed Complainant from his vehicle.
- a. On September 10, 2025, Investigator Vergara received three photos consisting of officer Anthony Bellisimo, Connor Askins, and Kevin Cooper. However, Investigator Vergara could not determine which of the three officers matched the one in the screenshot who interacted with Complainant.

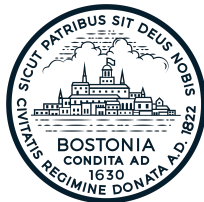
## EVIDENCE REQUESTED/REVIEWED:

Evidence	Description	Availability Status
OPAT Complainant/Intake Forms	Written statements made by Complainant	Available
Complainant's interview	Phone interview on 12/19/23	Available
911 call	Verbal statements made by the Operator to the Complainant.	Available
CAD sheet	Summary of the 911 Call and Dispatcher Conversations	Available



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

**CRB DECISION:**



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

The CRB reached a **Unanimous decision (6-0)** regarding allegations against the following officers for violation of **Rule 102§4 (Neglect of Duty)**.

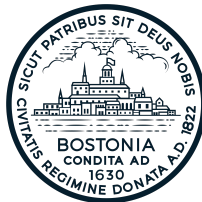
<b>BPD Employee Name</b>	<b>Applicable BPD Rule</b>	<b>Finding / Recommendation</b>
Anthony N. Bellisimo	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>
Connor Askins	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>
Jonathan Michael Marcel	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>
Daniel T. Toomey	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>
Kevin R. Cooper	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>
Eric J. McPherson Jr.	Rule 102§4 (Neglect of Duty)	<b>Not Sustained</b>

The CRB reached a **Unanimous decision (6-0)**, regarding allegations against the following officers for violation of **Rule 102§9 (Respectful Treatment)**.

<b>BPD Employee Name</b>	<b>Applicable BPD Rule</b>	<b>Finding / Recommendation</b>
Anthony N. Bellisimo	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Connor Askins	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Jonathan Michael Marcel	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Daniel T. Toomey	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Kevin R. Cooper	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Eric J. McPherson Jr.	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>
Michael D. Walsh	Rule 102§9 (Respectful Treatment)	<b>Not Sustained</b>

The CRB reached a **Unanimous decision (6-0)**, regarding allegations against the following officers for violation of **Rule 304§2 (Use of Non-Lethal Force)**.

<b>BPD Employee Name</b>	<b>Applicable BPD Rule</b>	<b>Finding / Recommendation</b>
Connor Askins	Rule 304§2 (Use of Non-Lethal Force)	<b>Information Inquiry</b>



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

Kevin R. Cooper	Rule 304§2 (Use of Non-Lethal Force)	<b>Information Inquiry</b>
Michael D. Walsh	Rule 304§2 (Use of Non-Lethal Force)	<b>Information Inquiry</b>
Anthony N. Bellissimo	Rule 304§2 (Use of Non-Lethal Force)	<b>Information Inquiry</b>
Eric J. McPherson	Rule 304§2 (Use of Non-Lethal Force)	<b>Information Inquiry</b>

The CRB reached a **Unanimous decision (6-0)** regarding allegations against the following officers for violation of **Rule 405§1 (Body Worn Camera Policy)**.

<b>BPD Employee Name</b>	<b>Applicable BPD Rule</b>	<b>Finding / Recommendation</b>
Connor Askins	Rule 405§1 (Body Worn Camera Policy)	<b>Information Inquiry</b>
Kevin R. Cooper	Rule 405§1 (Body Worn Camera Policy)	<b>Information Inquiry</b>
Michael D. Walsh	Rule 405§1 (Body Worn Camera Policy)	<b>Information Inquiry</b>
Anthony N. Bellissimo	Rule 405§1 (Body Worn Camera Policy)	<b>Information Inquiry</b>
Eric J. McPherson, Jr.	Rule 405§1 (Body Worn Camera Policy)	<b>Information Inquiry</b>

After reviewing all the evidence and the circumstances surrounding Complainant’s allegations, CRB finds that at approximately 12:24:21 AM, officers made contact with Complainant, who was legally parked in his vehicle and attempting to start it. This interaction occurred nearly 55 minutes after a shooting had taken place on a nearby street. According to dispatch records, the 911 call was made at 12:10:34 AM. The body-worn camera (BWC) footage captured officers asking a witness, *“How long after the shots did you guys call 911?”* The witness responded, and the officer repeated, *“30 minutes after.”*

Despite the significant time lapse of time from the shooting incident, officers escalated their encounter with Complainant by forcibly removing him out of his car. Complainant’s clothing matched three out of five elements of the description of shooting suspect’s clothing:

“Black male, green bomber jacket, black hoodie, black ski mask, and grey pants.”

Complainant was wearing a black hoodie and gray pants, but was not wearing a green bomber jacket or ski mask. Complainant made no attempt to flee and showed no signs of physical aggression.



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Evandro C. Carvalho, Executive Director**

No witnesses or dispatch records mentioned a vehicle being involved in the shooting, and Complainant's vehicle had no connection to the crime. Nonetheless, officers removed him from his car.

Officers conducted a pat-down frisk of Complainant. After finding nothing on his person, they proceeded to search Complainant's vehicle without consent, a warrant, or any visible indication of it being involved in the shooting.

This sequence of actions, detaining, frisking, and searching the complainant and his vehicle, was motivated solely by a partial clothing match. The complainant was not arrested, and no evidence of criminal activity was found.

**CRB recommends that OPAT further investigate the unidentified officer visible in BWC footage titled *Axon\_Body\_3\_Video\_2023-12-11\_0024\_X60A7937Y (1)* for misconduct under Rule 304§2 (Use of Non-Lethal Force).**