



CITY OF BOSTON
OFFICE OF POLICE ACCOUNTABILITY AND TRANSPARENCY
Evandro C. Carvalho, Executive Director

CIVILIAN REVIEW BOARD (CRB) - COMPLAINT #467

CASE TIMELINE:

Date of Incident: March 12, 2025
Time of Incident: 1:39 PM
Location of Incident: Intersection of Winter Street and Tremont Street
Date of Filing: March 12, 2025
Date of CRB Decision: September 16, 2026

BOSTON POLICE DEPARTMENT (BPD) EMPLOYEE(S):

BPD Employee Name	District	Employee ID #	Sex	Race/Ethnicity
Matthew J. McCullough	A1	162930	M	White
Tyler J. Ostholthoff	A1	162964	M	White

CASE PROCEDURAL HISTORY:

This is the second time this case has been brought to the Civilian Review Board (CRB). It was presented to the CRB on 07/14/2026 and continued.

SUMMARY OF ALLEGATIONS:

Complainant alleged that on 03/12/2025 at approximately 1:39 PM, a BPD unmarked cruiser stopped at the intersection of Tremont Street and Winter Street and proceeded to drive the car towards him as he crossed the street. Complainant indicated the moving vehicle touched him. There were two officers in the vehicle who made eye contact with him after the incident.

APPLICABLE RULES & LAWS:

1. **BPD 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.
2. **BPD Rule 102§35 (Conformance to Laws):** Employees shall obey all laws of the United States, of the Commonwealth of Massachusetts, all City of Boston ordinances and



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by-laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations. An employee of the Department who commits any criminal act shall be subject to disciplinary action up to and including discharge from the Department. Each case shall be considered on its own merits, and the circumstances of each shall be fully reviewed before the final action is taken.¹

3. **BPD Rule 103A§1 (Police Officers Assigned to Department Motor Vehicles):** A police officer assigned to duty in a department motor vehicle shall adhere to the rules prescribed for such service and shall be subject to all other rules and regulations prescribed for Police Officers insofar as they are not in conflict with the specific rules which apply to duty in a department motor vehicle.

SUMMARY OF INVESTIGATION:

1. On 04/01/2025 former OPAT Investigator requested the CAD Sheet and any Incident Report from BPD. The same day BPD responded that there was no CAD Sheet or Incident Report pertaining to this complaint. Also on 04/01/2025, former OPAT Investigator requested from BPD's Video Evidence Unit (VEU) all angles of the city camera footage from cameras mounted on the intersection of Winter Street and Tremont Street from 03/12/2025.
2. On 04/08/2025, former OPAT Investigator received the city camera video footage from VEU, documented under identification number [REDACTED]
3. On 04/17/2025 OPAT Intake Coordinator received information from Complainant which he had received through a FOIA request. Complainant provided the **traffic camera footage from 03/12/2025 at approximately 1:30 PM from the corner of Tremont Street and Winter Street**. Complainant also provided a screenshot of a close up of the unmarked cruiser and noted that the vehicle was a black [REDACTED]
[REDACTED] 3. This vehicle is owned by Fleet Management. The Intake Coordinator forwarded this information to the former OPAT Investigator.

¹ Over the course of the OPAT investigation, it was determined by OPAT Investigator that this unmarked cruiser potentially violated MA General Law Chapter 89 Section 7B which governs the operation of emergency vehicles by setting specific rules for police, fire, protective departments, and ambulances.



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4. On 04/25/2025, former OPAT Investigator requested from BPD the identification of the occupants of the unmarked cruiser, providing the plate number.²
5. On 11/17/2025, this case was reassigned to the current OPAT Investigator.
6. On 12/09/2025, OPAT Investigator requested the **BAT sheets for 03/12/2025 both day shift and first half shift.**
 - a. OPAT Investigator received these BAT Sheets on 01/30/2025.
 - i. *BAT Sheet for 03/12/2025 day shift is **ID# A2500414.***
 - ii. *BAT Sheet for 03/12/2025 first half is **ID# A2500416.***
7. OPAT Investigator reviewed both the **city camera footage provided by BPD VEU and footage received from the Complaint via his FOIA request.** All city camera footage was consistent with the footage provided by Complainant.
8. OPAT Investigator reviewed the footage of the city camera facing the intersection of Tremont Street and Winter Street on 03/12/2025 at approximately 1:30 PM. The video was 00:08 in duration.
 - a. *At 00:01 of this video, OPAT Investigator viewed the unmarked cruiser on Winter Street, approximately five feet from the intersection of Tremont Street. At 00:02 a young white male who is dressed in a brown peacoat and brown pants with sunglasses appears in view.*³
 - b. *At 00:03, Complainant starts crossing Winter Street in front of the unmarked cruiser.*
 - c. *At 00:04 the cruiser suddenly moves forward. Complainant's body shifted and moved quickly away from the cruiser while continuing to cross Winter Street.*
 - d. *At 00:05 the cruiser stops moving as Complainant stares back at the cruiser's occupants.*
 - e. *At 00:07 the cruiser inches forward.*
9. OPAT Investigator contacted BPD to determine the drivers of the unmarked cruiser based on the license plate information. 01/30/2026 BPD responded that they contacted **Fleet Management** and Fleet Management could not provide any information based on the license plate provided.
10. On 12/18/2025 and 03/10/2026, OPAT Investigator contacted **Fleet Management** directly and spoke with a representative regarding the vehicle in question.

² This request was later requested to reflect the correct plate number

³ This male matched the description of what Complainant stated he was wearing that day



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11. On 03/10/2026, OPAT Investigator requested 'Supervisor's drivers' log for Department number [REDACTED].
12. On 04/07/2026, OPAT Investigator asked BPD if a Form 25 would exist for an unmarked cruiser:
 - a. BPD responded the same day, *"It depends only on whether or not the vehicle is assigned to someone."*
 - b. OPAT Investigator responded explaining the identification of the driver and passenger assigned to the unmarked cruiser for OPAT Complaint #467.
 - c. BPD responded asking for the plate number. When OPAT Investigator provided this information, BPD responded it was assigned to A1, vehicle identification [REDACTED]
13. From 04/07/2026 to 04/21/2026 OPAT Investigator reviewed both the day shift BAT (ID# **A2500414**) and the first half BAT (ID# **A2500416**) for 03/12/2025 multiple times.
14. On 04/21/2026, a BPD representative explained to OPAT Investigator that there was only one unmarked cruiser [REDACTED] assigned to each shift and that the four digit code would be the same for each [REDACTED] regardless of whether it was provided or omitted from the BAT sheet. OPAT Investigator also clarified that the five digit code to the left of the listed officers indicates which vehicle is the [REDACTED]. Based on this conversation, OPAT Investigator determined the occupants to be **officer Matthew J. McCullough, ID# 162930 and officer Tyler J. Ostholthoff, ID# 162964.**
 - a. OPAT Investigator asked BPD if it could be determined (based on the BAT sheet) who was driving the vehicle. BPD indicated negatively.
15. On 04/22/2026, 05/08/2026 and 05/19/2026, OPAT Investigator **sent interview requests via email** to both officer McCullough and officer Ostholthoff.
16. On 12/09/2025, 12/30/2025, 03/10/2026 and 04/15/2026 and 08/14/2026 OPAT Investigator sent **interview requests to Complainant** via email. On 12/09/2025, 12/30/2025, and 04/15/2026, OPAT Investigator also attempted to contact Complainant via telephone but was unable to speak with him.
17. OPAT Investigator researched the traffic rules pertaining to this intersection. The Boston Transportation Department implemented the **City of Boston Traffic Rules and Regulations** which included the **Downtown Crossing Vehicular Regulations in 09/197. This prohibition was re-established and formally adopted on 03/01/2025.**



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- a. This rule indicated that general vehicles are completely prohibited from entering Winter Street.
 - b. This rule indicated commercial vehicles are permitted strictly for loading and unloading between 6:00 PM and 11:00 AM only. Outside of these hours, the street functions entirely as a pedestrian-only zone.
18. OPAT Investigator researched how the Downtown Crossing Vehicular Regulations pertains to BPD officers and, per the MA General Law Chapter 89 Section 7B, the following rules apply:
- a. **Standard Non-Emergency Status:** If an officer is driving an unmarked cruiser in a non-emergency capacity (routine transit, running errands, or commuting) without lights and sirens, they are legally bound to obey all local traffic laws. They cannot enter the restricted [Downtown Crossing Pedestrian Zone](#) or turn left onto Winter Street.
 - b. **Covert and Undercover Operations:** The main exception for an unmarked vehicle moving *without* lights into a restricted area is a low-visibility tactical operation (e.g., active surveillance, stakeouts, or a discrete response to a nearby crime in progress like a felony warrant sweep). In these investigative scenarios, police business permits entry to ensure public safety or suspect apprehension without tipping off targets.
 - c. **Administrative and Permit Windows:** Like commercial delivery drivers, if a police vehicle needs to access the zone for a routine, non-emergency reason (such as servicing equipment or checking in on a precinct substation), they must strictly abide by the city's designated open hours or coordinate with traffic enforcement.

EVIDENCE REQUESTED/REVIEWED:

The following materials were identified, requested, and reviewed as part of the OPAT investigation.

I. Evidence Available and Reviewed

Origin of Evidence	Evidence Type	Description / Title	Requested	Received
OPAT	Intake Form	Intake information received on 03/12/2025	N/A	Yes



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Origin of Evidence	Evidence Type	Description / Title	Requested	Received
BPD	City Camera Footage	All angles of the city camera footage from cameras mounted on the intersection of Winter Street and Tremont Street, ID# [REDACTED]	Yes	Yes
BPD	FOIA requested footage from 03/12/2025	Complainant emailed OPAT camera footage he had requested through FOIA from BPD of the intersection of Winter Street and Tremont Street and a screenshot of the vehicle close-up. He also provided the plate number and the VIN number.	N/A	Yes
BPD	BAT Sheets	ID# A2500414 (Day Shift) and ID# A2500416 (First Half)	Yes	Yes
BPD	District Number and type of vehicle	Fleet Management indicated the cruiser was unmarked [REDACTED] and [REDACTED]	Yes	Yes
Third Party	Internet searches	Searches pertaining to vehicular rules and regulations on Winter Street Boston	N/A	Yes



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Evidence Requested but Not Yet Received

Evidence Type	Description / Title	Date Requested	Status
Supervisor's log of District Vehicles	Log maintained of all drivers and to which vehicle they are assigned for the date of 03/12/2025, district [REDACTED]	03/10/2026	No Response
Form 25	Form 25 which indicates to which BPD employee a vehicle is assigned	04/07/2026	No Response
Interview with Complainant	Email and telephonic requests for an interview with Complainant	12/09/2025, 12/30/2025, 03/10/2026 and 04/15/2026, and 08/14/2026	No Response
Interview with Officer Matthew J. McCullough and Officer Tyler J. Ostholthoff	Email requests for an interview with BPD officers	04/22/2026, 05/08/2026, 05/19/2026	No Response



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CRB FINAL DETERMINATION:

The CRB reached a unanimous (6-0) decision regarding allegations that **Police Officer Matthew J. McCullough (ID# 162930)** and **Police Officer Tyler J. Ostholthoff, (ID# 162964)** violated the following BPD rules:

BPD Employee Name	Applicable BPD Rule	Recommended Finding
Officer Matthew J. McCullough, ID# 162930	BPD Rule 102§4: Neglect of Duty	Not Sustained
	BPD Rule 102§35: Conformance to Laws	Not Sustained
Officer Tyler J. Ostholthoff, ID# 162964	BPD Rule 102§4: Neglect of Duty	Not Sustained
	BPD Rule 102§35: Conformance to Laws	Not Sustained

The CRB was unable to reach a finding (5-1)⁴ vote regarding allegations that **Police Officer Matthew J. McCullough (ID# 162930)** and **Police Officer Tyler J. Ostholthoff (ID# 162964)** violated the following BPD Rule:

BPD Employee Name	Applicable BPD Rule	Finding
Officer Matthew J. McCullough, ID# 162930	BPD Rule 103A§1: Police Officers assigned to Motor Vehicles	Unable to reach a unanimous finding
Officer Tyler J. Ostholthoff, ID# 162964	BPD Rule 103A§1: Police Officers assigned to Motor Vehicles	Unable to reach a unanimous finding

⁴ The board could not reach a 6-0 vote given that the board only had the minimum total number of members present to establish a quorum



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SUMMARY FINDINGS:

Police Officer Matthew J. McCullough, ID# 162930 and Police officer Tyler J. Ostholthoff, ID# 162964:

1) BPD Rule: 102§4 (Neglect of Duty)

CRB Finding: Not Sustained

Analysis: CRB determined the investigation failed to prove or disprove the allegations. Complainant alleged an unmarked cruiser, with two occupants (driver and passenger) moved forward from a stationary spot on Winter Street, perpendicular to Tremont Street; and the front of the cruiser hit Complainant.

- i) Complainant alleged the moving unmarked cruiser touched his leg while he was crossing the street. The footage provided by Complainant which was obtained from BPD through a FOIA request did not show this unmarked cruiser moving forward on Winter Street. It was not clear in the video if the cruiser made contact with Complainant's leg as Complainant crossed the street. This video footage further showed the Complainant move quickly as the vehicle continued moving forward. The vehicle then stopped.
- ii) The video footage did not show either occupant exit the vehicle to check on Complainant's well being.
- iii) The video footage did not show either occupant engaging in verbal communication with the Complainant after the incident.
- iv) It is unclear from evidence who the driver of the vehicle was on 03/12/2025 at approximately 1:39 PM; however, neither officer exited the vehicle to check on Complainant.
- v) Neither officers or Complainant complied with interviews by the current OPAT Investigator.

2) BPD Rule: 102§35 (Conformance with Laws)

CRB Finding: Not Sustained

Analysis: CRB determined the investigation failed to prove or disprove the allegations.

- a) Downtown Crossing Vehicular Regulations pertains to BPD officers and, per the MA General Law Chapter 89 Section 7B, the officers could drive on Winter Street if the following applied:
 - i) The BPD cruiser had activated lights and sirens indicating they were legally and safely bypassing traffic rules during an emergency.
 - ii) The BPD cruiser was conducting a covert operation.



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- b) Because the lights and sirens were not activated, the only exception for disobeying the MA traffic rules would be that they were engaged in a covert operation. Because the officers did not respond to interview requests, this cannot be proven or disproven.
- 3) **BPD Rule** 103A§1 (Police Officers Assigned to Department Motor Vehicles)
- CRB Finding:** Unable to reach a unanimous finding
- Analysis:** CRB determined the investigation failed to prove or disprove the allegations.
- a) Complainant alleged an unmarked cruiser, with two occupants (driver and passenger) moved forward from a stationary spot on Winter Street, perpendicular to Tremont Street; and the front of the cruiser hit Complainant.
- i) Complainant alleged the moving unmarked cruiser touched his leg while he was crossing the street. The footage provided by Complainant which was obtained from BPD through a FOIA request did not show this unmarked cruiser moving forward on Winter Street but it is not clear if the cruiser made contact with Complainant's leg as Complainant crossed Winter Street while walking on Tremont Street.
 - ii) This video footage further showed Complainant shifting his body as the vehicle continued moving forward. The vehicle then stopped.
 - iii) The video footage did not show either occupant exit the vehicle to check on Complainant's well being but it is unclear if the cruiser touched Complainant.