



City of Boston, Massachusetts  
Office of Police Accountability and Transparency

**CIVILIAN REVIEW BOARD - CASE #169**

**INVESTIGATOR:** Diana Vergara

**DATE OF INCIDENT:** August 30, 2019

**DATE OF FILING:** February 22, 2023

**COMPLAINANT:** Anonymous

**COMPLAINT SUMMARY:**

Complainant alleges retaliation from BPD officers following a racist interaction with BPD officers.

**DISTRICT:** A-7

**ALLEGED VIOLATION OF RULE:**

Rule 102 § 4 Neglect of Duty / Unreasonable Judgment

Sec. 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.

**OPAT FINDINGS AND RECOMMENDED DISPOSITION:**

Rule 102 § 4 Neglect of Duty / Unreasonable Judgment - **Insufficient Evidence**

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Insufficient Evidence**. Based on the IAD investigation, several Form 26's and interview statements by the officers, were not consistent with the Complainant's allegation of events. According to several Form 26's and interview statements, officers heard a comment about the KKK but their interviews of the events differed from the Complainant's statement. Based on the officer named in the complaint's (Officer 1) interview, she reported to another officer (Officer 2) that her comment directed to the officers was not in support of the KKK but that it was a general concern for the perception of Officers and the BPD department. Officer 1 stated that she didn't want the



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public to misunderstand that BPD supported the KKK or any other group for the lack of diversity at the front of the Parade. Officer 1 also stated that she did not want to condone the activities of the KKK nor was there any bias in the comment. The complainant failed to provide video or audio evidence to support the case. Due to the time frame, Investigator Vergara was not able to obtain video surveillance footage from District B-2.

## INVESTIGATION SUMMARY

### *Discovery List*

1. Interview with Complainant	2. Officer 1 disciplinary history
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### ***Case Summary:***

On February 22, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from Anonymous, (the “Complainant”) regarding a Boston Police Department Officer. The complainant stated that on Saturday, August 30, 2019 Complainant, a BPD Officer, was stationed at B2 in Roxbury for the Straight Pride Parade. The date of the actual parade might be incorrect above, but the incident occurred the day before the Straight Pride Parade. The Complainant was at roll call the day before the parade and the Captain was reading out who would be walking with the parade. The Complainant noted that this was not a desired position for most officers, because people often throw things at you and yell at you. The Captain read out the list, and there ended up being a majority of white guys walking with the float. A white officer (Officer 3) said in response to this, sarcastically, "That list is very diverse" and proceeded to make comments about this. In response, Officer 1 allegedly said to these officers "You'd better get your KKK hats ready!" In response to this, the Captain ordered everybody to write reports about this incident and different people seemed to say different things about it. A month after this incident, the Complainant was placed on Admin Leave for ten months for no discernible reason. The Complainant stated they were retaliated against because they were labeled the snitch regarding the previous incident, even though there were other officers there for roll call that day. Meanwhile, Officer 1 was sent to the Crime Scene, which is a desired location. The Complainant stated that Officer 1 was then also promoted twice, which is the role she still seems to occupy today. The Captain allegedly told the Complainant that they had pushed this whole incident up to the Internal Affairs Division, but IAD allegedly never investigated anything. When the Complainant went to Headquarters on their own accord, they stated that other officers had alleged untrue and insane things about them to get them



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fired. One IAD Detective reportedly mentioned that they had "their case" up there, but nothing came of it and they were never made aware of any IAD case number. Furthermore, the Complainant felt there was no IAD case because Officer 1 was promoted two times during that window, and BPD officers cannot be promoted when they have a pending IAD Case. The Complainant stated that this harassment has been ongoing for far too long, and expressed an interest in going to City Hall to get this resolved.

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

On May 17, 2023, Investigator Vergara interviewed the Complainant. The Complainant repeated to the Investigator what they initially had said on the Intake Form.

On May 22, 2023, Investigator Vergara sent a records request to BPD asking for all of Officer 1's disciplinary history including any of the following: Sustained, Not Sustained, Dismissed, Founded, Unfounded, and Exonerated from the year 2017 to 2021.

On July 5, 2023, the Investigator received Officer 1's disciplinary history by BPD.

On July 8, 2023, the Investigator reviewed the Internal Affairs Case pertaining to the Complaint's allegation filed by OPAT. Investigator Vergara also reviewed all of the form 26's and the Roll Call assignment. The IAD recommended a Not Sustained. Two IAD employees conducted a recorded interview.

On Monday, January 6, 2020, Officer 1 stated that she didn't remember the exact comment that she made regarding the KKK, but something to the effect that nobody wanted to be perceived to be part of the KKK or support them. Officer 1 stated that she doesn't recall saying to put on KKK hats or hoods but she wanted to denounce them.

On Tuesday, December 17, 2019, Officer 2 reported that after he read off the assignments for the officers who were assigned to lead the float, Officer 3 stated out loud "Great, all white guys." Officer 2 stated that he didn't hear Officer 1 say any disrespectful comments. He stated that he later learned from Officer 1 that she had made some comments regarding the KKK. He stated that Officer 1 explained to him that she intended to show that the police department didn't want to look like they were supporting the group that had organized the parade. Officer 2 stated that he informed a Captain (Officer 4) that he didn't hear the statement about "putting on KKK hats"



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On December 18, 2019, Officer 3 stated that he expressed concerns about his assignment based on the negative media attention that was attached to the parade. He stated that he expressed concerns that having all white male officers escorting the float, would insight the crowd that already expressed hostility towards the participants and the police which would create a safety issue, Officer 3 stated that relative to anyone making any statement about the KKK, he heard Sergeant Kapointee say “ we might as well out on our KKK hood or hats" Officer 3 stated that as a white male, he didn't find Officer 1’s comments to be racially insensitive.

On December 5, 2019, another officer (Officer 5) reported that he heard Officer 1’s comment on the KKK but wasn't sure as to her intent or the context in which it was said. Officer 5 stated that he was not sure if it was racially insensitive because he didn't know what her intent was.

On November 26, 2019, another officer (Officer 6) stated that he overheard Officer 1 speak to some of the officers who were present and saying something about “ we got to put out KKK hats on” As a black male, he stated that it offended him when he heard the words and he thought Officer 1’s comments was racially insensitive.

On November 26, 2019, another officer (Officer 7) stated that someone made a statement about the KKK and something about white hats or white jackets. He stated that he didn't recall who commented. He stated on his Form 26 that KKK comments were racially insensitive. He reported in the interview that he was not offended when the comment was made.

On November 26, 2019, another officer (Officer 8) stated that he didn't hear any officers having any concerns about their assignments for the parade nor did he hear any comments about the KKK or any insensitive comments.

On December 3, 2019, another officer (Officer 9) stated that, when he was exiting the roll call room, he heard a comment about dressing up as a KKK but he wasn't sure who commented. He stated that having all white males in the parade was not going to look good.



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On December 4, 2019, another officer (Officer 10) stated that he heard Officer 1's comment about the KKK but he did not know the context as to why she commented.

On December 4, 2019, another officer (Officer 11) stated that she overheard some comments in regards to the KKK, but she wasn't sure who made them and the context in which it was referred. She stated that the comments were not racially insensitive and were not personally offensive. Officer 11 stated that she heard that someone had made a comment saying "The way the media has portrayed police department regarding the Straight Pride Parade we might as well wear our KKK hats."

On December 4, 2019, another officer (Officer 12) stated that she did not hear any officers making any statements regarding the KKK.

On December 5, 2019, another officer (Officer 13) stated that he did not hear any comments about the KKK. He stated that he heard Officer 3 remark "All white guys covering the first float Antifa is going to love that"

On December 5, 2019, another officer (Officer 14) stated that he heard officers saying "Why all the white officers in the front and the black officers in the back." He didn't recall which officer commented. He stated that he did not hear any comments in regards to the KKK Officer 14 stated that he wasn't offended by any of the comments made by the officers about the lack of diversity.

On December 5, 2019, another officer (Officer 15) stated that he heard a comment that stated "If that's the case, they might as well make us wear KKK masks around our helmets." He does not recall who made the statement. He stated that he doesn't find the comments insensitive.