



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD - CASE # 184

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: April 12, 2023

DATE OF FILING: April 12, 2023

COMPLAINANT: Anonymous

COMPLAINT SUMMARY: Complainant alleges abuse of power by a BPD officer who used his lights to run two red lights in a non-emergency.

OFFICER(S):

1. Hegerich, Christopher # 144495

DISTRICT: Boston Police District

ALLEGED VIOLATION OF RULE:

1. Rule 302 § 4.1 - Legal Considerations: Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles
2. Rule 302 § 5.1.3 - Self Initiated Call for Service

Rule 302 § 4.1: *“The driver of a vehicle of a fire, police or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.”*



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NOTE: Officers should take all necessary precaution to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to justify their actions and show that all possible safety for the public was taken into account. Officers should also be aware that the majority of Department motor vehicle accidents occur in intersections and with this in mind officers should use extreme caution while navigating through intersections.

Rule 302 § 5.1.3: It is understood that an officer may temporarily use emergency driving (particularly lights and sirens) for traffic stops as well as during “on-site” incidents. In these cases, it is not necessary for the officer to communicate the use of lights and sirens to the Dispatcher. If however, the temporary emergency driving turns into “pursuit driving,” the officer will immediately notify dispatch and follow the procedures outlined in Rule 301.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 302 § 4.1: **Sustained**

Rule 302 § 5.1.3 : **Sustained**

Based on all the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Sustained**. The Board determined that the behavior of Officer Hegerich violated Rule 302 § 4.1 and § 5.1.3, and exhibited reckless judgment and behavior. Officer Hegerich violated these rules by exiting the traffic line and then driving on the opposite lane using the emergency lights and sirens and parked on a crosswalk to obtain food. Investigator Vergara was not able to obtain video surveillance footage showing the unmarked vehicle parking in the crosswalk to pick up an order from Alfredo’s Pizza and the BPD officers eating inside the unmarked vehicle. However, Officer Hegerich attested in the interview to the Complainant’s allegation. Investigator Vergara made several attempts to reach Officer 2 and the Complainant to discuss the allegation being made. However, they were unresponsive.

Based on the disciplinary matrix, under Mitigating Penalty for a first violation of these rules, the Civilian Review Board has recommended Officer Hegerich receive an **Oral Reprimand and a 1 Day Suspension**.



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INVESTIGATION SUMMARY

Document list

1. ID of BPD Officers	2. City camera footage	3. Photos provided by the Complainant.
4. Officer Hegerich's interview		

Case Summary:

On April 12, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from Anonymous, (the “Complainant”) regarding a Boston Police Department (“BPD”) Officer. The Complainant alleged that on April 12, 2023, the Complainant was in their car waiting at the stop light near Andrew Station where Dorchester Avenue, Dorchester Street, and Southampton Street met. There was an unmarked police vehicle that entered the intersection with their lights on and they were coming north on Dorchester Avenue and turned right on Dorchester Street. They had a red light and used their light to clear the intersection. The Complainant didn't think too much of this until they ended up behind them on Dorchester and Old Colony and they used their lights again to clear the intersection. The Complaint stated that BPD turned right on East 8th Street and parked in the crosswalk. They then entered Alfredo's Pizza to pick up a pizza and sat in their vehicle to eat. The Complainants' concern is that they are using their lights to drive through several intersections to pick up pizza, which is an abuse of power. Second, they are parked in a crosswalk forcing pedestrians to walk in the street in an area that is high on traffic.

Document/Video/Other Investigation Technique Summary

On April 24, 2023, Investigator Vergara visited the scene to locate surveillance cameras. Investigator Vergara observed surveillance cameras from the City cameras mounted on Southampton Street and Dorchester Street, the Intersection of Dorchester Avenue & Preble Street, and Dorchester Street and Ninth Street, Boston, MA 02127.

On April 24, 2023, Investigator Vergara reviewed the photos provided by the Complainant. Investigator Vergara was able to observe Plate Number 484RW4 on the BPD cruiser that appeared in the photo. Investigator Vergara requested from BPD a photo identification of the officers driving the vehicle Plate Number 484RW4.



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On April 24, 2023, Investigator Vergara sent a record request to BPD.

On April 25, 2023, April 26, 2023 April 28, 2023, Investigator Vergara attempted to contact the Complainant but Investigator Vergara was unable to reach the Complainant.

On May 10, 2023, Investigator Vergara viewed the surveillance footage from the City cameras provided by BPD. On video “485_Andrew Square #1” At 0:25”02 mark, an unmarked black SUV with the emergency lights was observed exiting the traffic line and then driving in the opposite lane towards the intersection.

On May 10, 2023, Investigator Vergara viewed the surveillance footage from the City cameras provided by BPD. On video “485_Andrew Square #2” At 0:25:08 mark, Investigator Vergara observed the same unmarked black SUV with the emergency lights driving at the intersection of Dorchester Avenue and Dorchester Street.

On May 10, 2023, Investigator Vergara viewed the surveillance footage from the City cameras provided by BPD. On Video “C 6 - Dorch St. - E 9th St PTZ-20230412-190000(3)” At 19:26:30 mark, Investigator Vergara observed the same Unmarked black SUV driving on Dorchester Street with the blue lights off. At 19:26:56 mark, Investigator Vergara was able to observe when the unmarked black SUV turned the blue lights at the traffic light of West 8th Street and Dorchester Street and then turned left towards Alfredo’s Pizza, into active traffic. Investigator Vergara lost sight of the Unmarked black SUV due to the position of the City camera.

On October 18, 2023, October 23, 2023, and November 6, 2023, investigator Vergara made several attempts to contact Officer 2 for an interview, and no reply was provided by him.

Officer Hegerich’s interview

On October 18, 2023, Investigator Vergara interviewed Officer Hegerich. Officer Hegerich stated that he was driving a black cruiser Plate #484RW4 with his partner (Officer 2). Investigator Vergara presented to Officer Hegerich the following surveillance footage: “485_Andrew Square #1”, “485_Andrew Square #2” and “C 6 - Dorch St. - E 9th St PTZ-20230412-190000(3)”. After Officer Hegerich viewed the three (3) surveillance footage, he stated that running the red light was a lack of judgment because he came from a



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firearm arrest and dropped two of his partners at the station. Officer Hegerich stated that the Youth Violence Strike Force often doesn't have time to eat since they don't have a set break for lunch. Officer Hegerich stated that they can work up to twelve (12) hours without food so he grabs food whenever he has a chance. He further stated they had not eaten anything all day so he and Officer 2 decided to pick up food for the four of them and used the emergency lights and sirens to go through the intersection. Officer Hegerich also stated that they did park partially on the crosswalk because it was a heavily congested traffic area but they immediately left because they received a call on a gun chase and couldn't finish the meal. Officer Hegerich acknowledged that he shouldn't have used the emergency lights and sirens and should have found a better place to park. He further stated that his Lieutenant and Sergeant counseled him concerning what he did that day and he read the rules and regulations. Officer Hegerich expressed to his supervisor that he has never done that before, he has never had any issues with his driving, or been into an accident that he is at fault for, he has no internal affairs investigations and he is transparent on what he did and has not done it ever since. Officer Hegerich also stated that he takes full responsibility.