



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD-COMPLAINT #189

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: April 12, 2023

DATE OF FILING: April 14, 2023

COMPLAINT SUMMARY:

Complainant alleges racial profiling and harassment by a BPD officer.

DISTRICT: Roxbury (B-2)

ALLEGED VIOLATION OF RULE:

Rule 102§3 - Conduct of Unbecoming: Not Sustained

Sec. 3 CONDUCT: “Employees shall conduct themselves at all times, both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees”

Sec. 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.”

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102§3-Conduct of Unbecoming - **Not Sustained**

Rule 102§9-Respectful Treatment - **Not Sustained**

Based on all the evidence presented and reviewed, the CRB voted unanimously (6-0) that this complaint be considered **Not Sustained**. After reviewing body worn camera footage, interviewing the officer names in the complaint (Officer 1), along with reviewing other evidence, Investigator Reed was unable to prove that Officer 1 violated Rules 102§3 and Rule 102§9. Officer 1 was looking for a suspect and identified the Complainant who he



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believed matched the description of the suspect, but later allowed the Complainant to leave.

INVESTIGATION SUMMARY

Document List

1. CAD Sheets/BPD Incident History	2. 9-1-1 Tape
3. FIOE Report	4. Body Worn Camera of Officers 1 and 2
5. Signed Carney Right Form	6. Facebook video of incident
7. BAT Sheet	8. Audio recording of interview with Officer 1

Case Summary:

On April 14, 2023, the Office of Police Accountability and Transparency (OPAT) received a complaint from the "Complainant" alleging police misconduct of a Boston Police Department Officer 1. The Complainant stated that on April 12, 2023, they were walking down the street and noticed several Boston Police Officers approaching them. One of the Officers identified as Officer 1 started asking them questions, such as "What are you doing?" "Where are you going?." The Complainant stated that they were confused, and then stated Officer 1 asked if they had any weapons on them. The Complainant stated no and then lifted their shirt to show Officer 1 that they had no weapons on them. After this, the Complainant went to grab their phone, which was already clearly visible to Officer 1 to record the interaction, and that is when Officer 1 allegedly said "Don't Reach!!!" Officer 1 allegedly never searched the Complainant.

The Complainant got his phone and started recording for their safety and then Officer 1 can be heard saying "Well I have my video on too." The BPD Officers were in search of a 6 foot 5 inch "hispanic male" wearing a green shirt and carrying a grocery bag when they stopped the Complainant. The Complainant specifically alleges that his issue is with Officer 1. The Complainant added that the other Officers on scene did not give them a problem.



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Interview Summary:

On May 10, 2023, Investigator Reed conducted an phone interview with the Complainant who stated they were coming from a doctor's appointment to get their cast off of their leg and then to the grocery store. The Complainant's vehicle was parked on Tremont Street. While walking to their car, the Complainant saw several Boston Police Officers pull up on them and surrounded them. One of the Officers who the Complainant identified as Officer 1 began asking them questions such as, "where are you going", "do you have any weapons on you?" The Complainant stated that they responded no and proceeded to lift their shirt to show Officer 1 that they had no weapons on them. After this, the Complainant went to grab their phone to record the interaction. During this time, Officer 1 stated to the Complainant, "Don't Reach." The Complainant also stated that the Officer never searched them and never obtained Officer 1 name or badge number.

Document/Video/Other Investigation Technique Summary:

Investigator Reed reviewed the body worn camera of Officer 1. The video is 04:57 minutes. BWC shows Officer 1 approaching the Complainant to talk to them about their whereabouts and if they have any weapons on them. The Complainant lifts up their shirt and pulls out their phone to record the interaction with Officer 1. Officer 1 allows the Complainant to listen to a radio call that was reported. The caller reported a woman stating that a Latino male who is 6'5 in height yelling and following her wearing a green shirt, and holding a grocery bag in hand. No other description was provided by the caller. The Complainant was wearing a green Levi shirt with blue jeans and had a boot on their foot. The Complainant also had dreads. Officer 1 asks the Complainant for their name, which the Complainant refuses to provide. Three other Officers are also shown in the video surrounding the Complainant, two females and one male. One of the female officers on the scene, Officer 2 approaches the Complainant to explain the reasoning of the stop.

Officer 2's BWC was also reviewed which is 4:15 minutes. BWC shows both Officers 2 and 1 interacting with the Complainant. Officer 2 then steps away to answer a call on the radio and comes back to the scene.

On June 5, 2023, Investigator Reed reviewed the cad sheets and 9-1-1 dispatch tape that was received by BPD. The caller stated to the dispatcher that a man was harassing a woman by yelling at her. The caller identified the unknown male as 6'5, wearing a green



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top carrying a plastic bag with groceries. The caller identified the man as being either Middle Eastern or Hispanic and stated that both the male and woman had on work badges. The woman kept telling the unknown male to go away and leave her alone. Additionally, BAT records were received which showed that three other officers were on the scene.

On October 16, 2023, Investigator Reed along with Investigator Michel Toney conducted an in-person interview with Officer 1 who was represented by his Attorney. The interview began at 1:26 PM and ended at 1:40 PM. Officer 1 was given his Carney Rights, which he reviewed and signed. Officer 1 stated that he wrote a FIOE Report documenting the incident to which he provided a copy of. Officer 1 stated that he may have been smiling through the interaction, but nothing out of the ordinary. Officer 1 stated that there was no one else on the street that matched the description, and that brought his attention to the Complainant wearing a green shirt and grocery bags. Officer 1 stated that he was given vague information from the radio call. Officer 1 stated that there were no other descriptors given by the reported caller other than a male following a woman who was very aggressive and wearing a green top and carrying grocery bags. Officer 1 stated that he and Officer 2 attempted to inform the Complainant of the call by playing and reading the call to the Complainant. Officer 1 stated that he never asked the Complainant to pull their shirt up and never had reason to pat frisk them. However, he did mention that the Complainant was detained, but later released.