



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD COMPLAINT #148

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: May 17, 2022

DATE OF FILING: December 7, 2022

COMPLAINT SUMMARY:

Complainant alleges BPD was physically overactive and removed him from his car in a way that affected his disability

OFFICER(S):

1. Unknown

DISTRICT: Boston Police Gang Unit

ALLEGED VIOLATION OF RULE:

Rule 102 § 3 - Conduct
Rule 113 - Public Integrity Policy Canon One
Rule 113 - Public Integrity Policy Canon Four
Rule 306A § 2 - Display of Identification
Rule 103 § 1 - General Considerations

RULE 102 § 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.

Rule 113 - PUBLIC INTEGRITY POLICY: Canon One: The Boston Police Department and every employee acting under its authority shall uphold the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts, and all laws enacted or established pursuant to legally constituted authority.

Rule 113 - PUBLIC INTEGRITY POLICY: Canon Four: Police officers shall at all times



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be prepared for the proper discharge of their duties; knowledgeable in the law and legal procedures; competent in the use of authorized weapons and tactics; respectful of other elements in the criminal justice system; and possessing the necessary temperament and attitude to effect the cause of public safety and justice.

RULE 306A § 2 Display of Identification: Sworn: Sworn personnel shall carry their badges and identification cards on their person readily accessible for display at all times. The officer's rank and badge number shall always be readily identifiable on the badge.

Sec. 1 GENERAL CONSIDERATIONS: A patrol officer, in carrying out the functions of the department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services shall constantly direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to answer calls and obey the orders of his superiors. He shall be held to a strict accountability for the good order of the sector, beat, or post to which he has been assigned to duty.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Sustained**. The video footage begins after the Complainant has exited his vehicle. Investigator Vergara also made several attempts to interview Officer Vertyl, Louisimond ID #14033 who ran the Complainant's name or the vehicle's plate number on the day of the incident, but no reply was provided by the officer. Further, due to members of the Gang Unit not participating in the Body Worn Camera program or being able to find any documentation of this stop, we were unable to identify the rest of the officers in this video to conduct an independent investigation as to why the Complainant was stopped and to inquire about the other matters raised during our interview with the Complainant. Investigator Vergara recommended to the CRB that the complaint be considered Insufficient evidence to Make a Finding on the following Rule violations: Rule 102 § 3, Rule 113 Cannon One, Rule 113 Cannon Four, Rule 306A § 2, and Rule 103 § 1. Investigator Vergara recommended that the complaint be considered Insufficient Evidence to Make a Finding because OPAT was not able to determine if the BPD officers violated any of their policies and procedures during this stop.

However, the Civilian Review Board decided to amend the alleged violation of rules as follows: Rule 102 § 4, Rule 102 § 9, Rule 102 § 20, Rule 103 § 1, and Rule 113 Cannon 2. The Board found these rule violations to be Sustained due to the absence of a CAD sheet



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and FIOE documentation, an independent video from an unbiased bystander, and the failure of the officer to respond to numerous interview requests.

Rule 102 § 4 (Neglect of Duty): **Sustained**
Rule 102 § 9 (Respectful Treatment): **Sustained**
Rule 102 § 20 (Self-Identification): **Sustained**
Rule 103 § 1 (General Considerations): **Sustained**
Rule 113 Canon 2: **Sustained**

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.

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.

Rule 102 § 20 SELF-IDENTIFICATION: General Law, Chapter 41, Section 98D, requires every officer to carry his identification card with photograph and exhibit this card upon a lawful request for purposes of identification. Any officer, acting in his official capacity, shall give his name, rank and badge number, in a civil manner to any person who may inquire unless he is engaged in an undercover police operation and his physical safety or the police operation would be jeopardized by his making such identification. Civilian employees, while engaged in their Departmental duties, shall identify themselves in a civil manner to any person who may inquire as to their identity and status within the Department.

Rule 103 § 1 GENERAL CONSIDERATIONS: A patrol officer, in carrying out the functions of the department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services shall constantly direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to answer calls and obey the orders of his superiors. He shall be held to a strict accountability for the good order of the sector, beat, or post to which he has been assigned to duty.



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RULE 113 CANNON 2: As a law enforcement organization, the Boston Police Department and its agents shall treat all those with whom it comes into contact, or who may seek its assistance, or who may come under its care or custody, with the respect and dignity inherent in every person.

Based on the disciplinary matrix, under Mitigating Penalty for a first violation of these rule violations, the Civilian Review Board has recommended Officer Louisimond Vertyl receive a **5 Day Suspension**. The CRB also instructed the Boston Police Department to further investigate the incident to determine the identity of the other officers present.

INVESTIGATION SUMMARY

Document list

1. Witness Statement	2. Video footage provided by Complainant	3. CJIS Offline Search Request Form
4. Complainant Statement	5. Complainant's Facebook post provided by the Complainant	4. Field Interaction/Observation/Encounter (FIOE)

Case Summary:

On December 7, 2022, the Office of Police Accountability and Transparency (OPAT) received an allegation from the “Complainant”. The Complainant alleges BPD was physically overactive and removed him from his car in a way that affected his disability. The Complainant stated that on May 17th, the Complainant was driving to work when he noticed what he thought was a BPD gang unit vehicle following him for about three blocks. The Complainant said he took two right turns onto Dudley Street in Roxbury, and then said he had to pull over because he has Ulcerative Colitis (a catheter and an external incontinence bag and/or a urine drainage bag that stays attached to his body) that required attention. The Complainant stated soon after he pulled over, the BPD gang unit vehicle pulled up behind the Complainant’s vehicle. The Complainant stated that four plain clothes BPD Officers wearing BPD-labeled vests exited the vehicle and approached his vehicle with their weapons drawn. The Complainant stated that he was asked to produce his driver’s license and proof of vehicle registration and while asked for this information the officers kept their weapons drawn on him. The Complainant stated that a BPD Officer asked him why he was so nervous, and the Complainant stated that he told them it was because they had their guns drawn on him, especially for him in today's climate as a black



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man. In response to this statement, the Complainant stated that one of the officers rescinded his gun and re-holstered it but that the others kept their guns drawn. At this point the Complainant realized the license was in his pants, rather than his bag, so he told them that. Officers allegedly responded by saying "Well which is it? You still seem very nervous." The Complainant stated that BPD then allegedly leaned their heads into his car via his windows and told the Complainant "You're a little too nervous for me, get out of the car." The Complainant stated that despite establishing his medical condition, BPD officers physically took him out of his car, resulting in his pants dragging on the street and some of the contents of his catheter bag spilling onto his person.

The Complainant stated that at this point, BPD told him they pulled him over because he ran a stop sign, and the Complainant felt like this was an overreaction by BPD to start the interaction with their guns drawn on him for what should have been a fairly routine traffic stop. The Complainant stated that BPD asked if they could search the car for drugs and/or weapons, and he said yes, and stated that they found nothing when they searched the car. He stated he was standing on the side of the street being asked unimportant questions by BPD while the other officers ripped apart his vehicle. The Complainant stated that he was not arrested or given a ticket after the stop was over. The Complainant also stated that during the interaction with BPD, he asked them for their name and badge numbers but the BPD officers allegedly said no and denied his request.

Document/Video/Other Investigation Technique Summary

On December 12, 2022, Investigator Vergara, spoke to a witness to the incident, who stated that what caused her to open the window of her home was the flashing lights from the police cruiser and the yelling from the BPD Officers. The Witness stated that she observed four BPD Officers and two unmarked police cruisers. The Witness stated that there were two white BPD Officers but she doesn't remember the other two BPD Officers. The Witness stated that the Officers were wearing uniforms but didn't remember if they had body-worn cameras. The Witness stated that she doesn't remember seeing any physical contact with BPD and the Complainant. The Witness also stated that she doesn't remember if the Complainant was physically removed from his vehicle. The Witness stated that she did not observe the Complainant's pants down and did not observe biological matter on him or any visible item on the Complainant. The Witness stated that she witnessed when BPD Officers were yelling at the Complainant, telling him to get out of the vehicle. The Witness stated that she also witnessed when the officers were searching the Complainant's vehicle. The Witness stated that she asked the BPD officers if they had a search warrant to which the BPD Officers yelled at her to close the window and mind her own business. The Witness doesn't know why the Complaint was stopped and what was the reason for letting him go. The Witness further stated that she doesn't remember if BPD officers had their



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firearms out. The Witness stated that the Complainant seemed scared, confused, and in shock.

On December 21, 2022, Investigator Vergara, spoke with the Complainant who stated that he was being followed by BPD from Zeigler Street, Boston, MA 02119 to 250 Dudley Street, Boston, MA 02119. The Complainant largely reiterated what was in the original complaint and stated in the Summary of Facts above. The Complainant further stated that when he was outside, the Latino BPD Officer was asking him irrelevant questions, while other officers were searching his vehicle. The Complainant stated that BPD gave him a verbal warning and told him to be less nervous the next time he gets pulled over. The Complainant also stated that he had asked BPD Officers for their name and badge numbers but the BPD Officers denied his request. The Complainant stated that a female witness provided him with a video of his interaction with BPD. The Complainant stated that he had to drive back to his house in Rhode Island covered with fecal matter and blood. The Complainant further stated that he never challenged or disrespected the officers. The Complainant also stated that the Latino BPD Officer was the most aggressive and was redirecting the other officers.

On December 21, 2022, Investigator Vergara reviewed the Facebook post provided by the Complainant. Investigator Vergara reviewed a screenshot depicting the allegation of police misconduct.

On January 6, 2023, a Police Record request was sent to the Boston Police Department asking for Police reports.

On January 9, 2023, Investigator Vergara reviewed video footage provided by the Complainant. Investigator Vergara observed four BPD undercover officers and one unmarked vehicle. Investigator Vergara, observed the Complainant exiting the vehicle and being walked away from his vehicle by two BPD Officers while the other two officers were searching the Complainant's vehicle. Investigator Vergara did not observe physical contact between the Complainant and BPD officers or firearms being drawn out by the officers. Investigator Vergara reviewed the video provided by the Complainant and noticed that the Complainant's pants were pulled up. Investigator Vergara did not observe the contents of the Complainant's catheter bag spilling onto his person.

On January 13, 2023, BPD stated that there are no records regarding an incident at the provided location for the provided time and date. BPD also stated that there are no incident reports concerning the Complainant for that date. BPD stated that there are two reports for the Complainant but they were in different years and concerned different fact patterns.



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On February 03, 2023, Investigator Vergara was informed by BPD that without any preliminary records, like an incident report, BPD can not provide body-worn camera footage. Investigator Vergara requested that BPD preserve any records related to the incident if found in the future.

On February 17, 2023, Investigator Vergara attempted to locate any information related to the witness on social media related to the Complainant's allegation. Investigator Vergara was unable to find any information on social media.

On February 22, 2023, Investigator Vergara, sent an FIOE request to OPAT's Policy and Data Analyst to obtain more information regarding the BPD Officers during this alleged incident.

On March 6, 2023, Investigator Vergara sent and received an Offline Search Form request to CJIS to find out who ran the Complainant's name or the vehicle's plate number on the day of the incident. Investigator Vergara observed that Police Officer Vertyl, Louisimond ID #140337 ran several inquiries on the Complainant on May 17, 2022.

On March 17, 2023, Investigator Vergara sent a request to BPD regarding any records under Officer Vertyl, Louisimond ID #140337.

On April 11, 2023, Investigator Vergara received an email from BPD stating that there was not an incident in the Computer-aided dispatch (CAD) history that matches the officer, no BWC for the officer for that day, and no unit history for the officer for that day.

On April 13, 2023, the OPAT's Policy and Data Analyst stated that according to BPD, there was no Field Interaction/Observation/Encounter (FIOE) available.

On July 31, 2023, August 11, 2023, August 14, 2023, August 22, 2023, and October 18, 202, Investigator Vergara made several attempts to contact Officer Vertyl for an interview, and no reply was provided by him.