



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD - CASE #232

INVESTIGATOR: Michel Toney

DATE OF INCIDENT: August 8, 2023

DATE OF FILING: August 9, 2023

COMPLAINT SUMMARY:

The Complainant alleges BPD officers falsely imprisoned him after incorrectly saying he was trespassing.

DISTRICT: Boston Police District C-11

ALLEGED VIOLATION OF RULE:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment

BPD Rule 102, §4: Neglect of Duty/Unreasonable Judgment states: Any conduct of an Officer that is not in accordance with established and ordinary duties or procedures and uses unreasonable judgment shall be seen as neglect of duty.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment: **Not Sustained**

Based on all of the evidence presented and reviewed, the CRB unanimously (6-0) voted that this complaint be considered **Not Sustained** on the alleged rule violation of Neglect of Duty/ Unreasonable Judgment. An OPAT investigation was conducted by Investigator Toney. After reviewing the body-worn cameras of the Officers who arrived on the scene, Investigator Toney did not witness any of the reported allegations in the complaint. The content from the body-worn cameras was consistent with the information in the police report. There is no evidence that supports the Complainant's allegations. Officers were called to the location where the alleged incident took place to remove the Complainant for an incident that was related to the initial complaint filed with OPAT. The Complainant's father and sister called 911 on two occasions to have him removed from the incident location and was warned several times by officers not to return to the location or it would



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result in an arrest. Two officers named in the complaint (Officers 1 and 2) conducted a Walk and Talk assignment in the area of the alleged incident and observed the Complainant walk across the location of the incident. It was at this time that Officers 1 and 2 stopped the suspect and placed him under arrest.

Further, Officers 1 and 2 did not violate BPD Rule 102, §4: Neglect of Duty/Unreasonable Judgment. This rule states, “*Any conduct of an Officer that is not in accordance with established and ordinary duties or procedures and uses unreasonable judgment shall be seen as neglect of duty.*” Officers 1 and 2 used the proper judgment in arresting the Complainant since he was in fact trespassing after his father and sister called 911 to have him removed from the premises where the alleged incident occurred.

The Complainant was unresponsive during our attempts to collect more information regarding the complaint.

Discovery List:

1. OPAT’s Complainant Intake Form	3. CAD Sheet(s)
2. Police Report(s)	4. Body Worn Camera footage of officers involved in the alleged incident

Case Summary:

On August 8, 2023, the Office of Police Accountability and Transparency received a complaint regarding a Boston Police Officer who allegedly falsely imprisoned him after incorrectly saying he was trespassing.

According to the Complainant on August 8, 2023, the Complainant alleges he got into an argument with his sister who said she and her husband wanted the Complainant out of the house so they called the police and said he was trespassing. The police arrived and arrested the Complainant, but later indicated that their father owned the property so he was the only one who had the legal jurisdiction to have him arrested for trespassing. The Complainant



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stated that he would like to file an allegation of police misconduct against the officers who arrested him.

Document/Video/Other Investigation Technique Summary:

Investigator Toney obtained and reviewed the body-worn camera footage from the Boston Police Department of the alleged incident. After reviewing the body-worn camera footage, Investigator Toney did not witness any of the reported allegations in the complaint. The Complainant left the location of the alleged incident and returned hours later after being told by officers not to return. Throughout the duration of the body-worn camera footage, Officers 1 and 2 can be seen placing the Complainant under arrest in front of the location of the incident. Both officers explained to the Complainant why he was being arrested and later took him to Boston Police District C-11 to be booked and processed.