



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Evandro Carvalho, Executive Director

CIVILIAN REVIEW BOARD - CASE #240

INVESTIGATOR: Michel Toney

DATE OF INCIDENT: August 22, 2023

DATE OF FILING: August 22, 2023

COMPLAINANT: The Complainant

COMPLAINT SUMMARY:

Complainant alleges disrespectful treatment by a BPD officer.

BPD EMPLOYEE:

1. Officer Michael Leccese, ID# 168511

DISTRICT: Boston Police District C-11

ALLEGED VIOLATION OF RULE:

1. BPD Rule 102 §3: Conduct Unbecoming:

BPD Rule 102 §3: Conduct Unbecoming: 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.

2. BPD RULE 102§9: RESPECTFUL TREATMENT:

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



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Evandro Carvalho, Executive Director

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

1. BPD RULE 102 §3: CONDUCT UNBECOMING: **Sustained**
2. BPD RULE 102§9: RESPECTFUL TREATMENT: **Sustained**

OPAT Executive Director recommends to the Civilian Review Board that this case be considered **Sustained** on both rule violations. Although it is unclear whether the alleged interaction did occur, the officer named in the complaint was unresponsive to multiple requests for interviews after not appearing at the initial scheduled meeting on November 6, 2023. According to the Complainant, Officer Leccese was extremely disrespectful and was not courteous in his interaction with the garbage truck driver. The Complainant stated that they spoke to the garbage truck driver, and they were offended by how the officer treated them during the interaction. Based on the disciplinary matrix under **Mitigating Penalty** for a first violation of BPD rule(s) 102§3 and 102§9, OPAT Executive Director has recommended Officer Leccese receive an **Oral Reprimand to a 1 Day suspension with training**.

On May 21, 2024, the Civilian Review Board voted unanimously (7-0) to agree with OPAT's recommended disposition of **Sustained** for both rule violations. The Civilian Review Board voted unanimously (7-0) to agree with OPAT's recommended discipline of an **Oral Reprimand**.

Discovery List

1. Interview with Complainant	3. BAT Records
2. CAD Sheet(s)	

Case Summary:

On August 22, 2023, the Office of Police Accountability and Transparency received a complaint filed by the Complainant regarding a Boston Police Officer who allegedly was being disrespectful towards a garbage truck driver and whose conduct was unbecoming.



City of Boston, Massachusetts
Office of Police Accountability and Transparency

Evandro Carvalho, Executive Director

The Complainant stated that on August 22, 2023, they were walking their dog and witnessed a police cruiser driving down Hamilton Street get stuck behind a garbage truck. The Complainant stated that the officer was upset and kept using his siren until the garbage truck driver moved out of the way. The Complainant said that Hamilton Street is a very narrow street, and there was no space available for the garbage truck to move out of the way of the police cruiser. According to the Complainant, when the garbage truck was able to pull over, the officer in the cruiser drove past the garbage truck yelling and pulled over to yell at the driver even more. The Complainant said the officer got out of the cruiser to yell at the garbage truck driver. The Complainant stated that there was absolutely nothing the garbage truck driver could do in regard to where the truck was positioned. The Complainant said the officer kept yelling "unbelievable" repeatedly at the driver and said that other things were said to the driver, but they were not close enough to hear the conversation. The Complainant did not witness any disrespectful behavior from the garbage truck driver.

Document/Video/Other Investigation Technique Summary:

Investigator Toney obtained and reviewed the BAT records for the date of the alleged incident on August 22, 2023. After reviewing the BAT records, Investigator Toney was able to identify the officer named in the complaint based on the information given to OPAT staff by the Complainant, in addition to the information found on the BAT Records. The BAT records revealed that the officer identified in the complaint was, in fact, driving cruiser number 1538 during the hours of the alleged incident.

On October 25, 2023, Officer Leccese confirmed Investigator Toney's request for an interview that was scheduled for November 6, 2023.

Investigator Toney was scheduled to interview Officer Leccese at the Office of Police Accountability and Transparency on November 6, 2023. However, Officer Leccese was not present at this meeting, and no interview was conducted on that date.

Further, Investigator Toney reached out to Officer Leccese on November 8, 2023, December 4, 2023, and February 20, 2024, to make up the meeting from November 6, 2023, and was unresponsive to the requests.