



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

**CIVILIAN REVIEW BOARD - CASE #256**

**INVESTIGATOR:** Michel Toney

**DATE OF INCIDENT:** July 26, 2023

**DATE OF FILING:** October 2, 2023

**COMPLAINANT:** The Complainant

**COMPLAINT SUMMARY:**

Complainant alleges excessive use of force by a BPD officer during a traffic stop.

**BPD EMPLOYEE(S):**

1. Officer Johnathan P. Lewis, ID #153081
2. Officer Mark Osis Jr, ID #153160

**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 §4: NEGLIGENCE OF DUTY/ UNREASONABLE JUDGMENT:

BPD RULE 102, §4: NEGLIGENCE OF DUTY/UNREASONABLE JUDGMENT: 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.



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3. BPD RULE 102 §20: SELF-IDENTIFICATION:

BPD RULE 102,§20: SELF IDENTIFICATION: General Law, Chapter 41, Section 98D, requires every officer to carry his identification card with a 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.

4. BPD RULE 304§ 2– THE USE OF NON-LETHAL FORCE, SECTION 2:  
GENERAL CONSIDERATIONS:

BPD RULE 304§ 2– THE USE OF NON-LETHAL FORCE, SECTION 2: GENERAL CONSIDERATIONS: The policy of the Boston Police Department is to use only that amount of force that is reasonably necessary to overcome resistance in making an arrest or subduing an attacker. The right to use non-lethal force is extended to police officers as an alternative in those situations where the potential for serious injury to an officer or civilian exists, but where the application of lethal force would be extreme. The availability of a variety of non-lethal weapons is necessary to provide the police officer with a sufficient number of alternatives when presented with a physical confrontation. However, since such force will not likely result in serious injury and the close public scrutiny that accompanies the use of deadly force, this availability may also increase the possibility for overzealous and inappropriate use of force. Therefore, the application of non-lethal force will generally be limited to defensive situations where (1) an officer or other person is attacked, or (2) an officer is met with physical resistance during an encounter.

**OPAT FINDINGS AND RECOMMENDED DISPOSITION:**

OPAT staff recommends to the Civilian Review Board that this case be considered **Not Sustained** for the following rule violations:

1. BPD Rule 102 §3: Conduct Unbecoming: **Not Sustained**
2. BPD RULE 102 §4: Neglect of Duty/ Unreasonable Judgment: **Not Sustained**



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- 3. BPD Rule 102 §20: Self-Identification: **Not Sustained**
- 4. BPD RULE 304§ 2– The Use of Non-Lethal Force, Section 2: General Considerations: **Not Sustained**

After a review of the body-worn camera footage and speaking to individuals involved in the incident, Investigator Toney is unable to prove or disprove the allegations as described by the Complainant in the Complaint. Officers conducted a pat frisk of the Complainant and the rest of the individuals in the vehicle based on their behavior during the traffic stop and a pocket knife being on one of their persons. Officer Lewis stated during his interview with Investigator Toney that he had reasonable suspicion to believe a crime had been committed or was about to be committed. Investigator Toney was unable to see any sort of inappropriate behavior shown by Officers. Although the Complainant was uncooperative at times during the traffic stop when speaking with Officers, Investigator Toney did not observe the Complainant ask Officers for their badge numbers or any sort of identification. Officer(s) Osis and Lewis were in accordance with the established and ordinary duties and procedures of the Boston Police Department.

On May 21, 2024, the Civilian Review Board reviewed the case report and voted unanimously (7-0) to change OPAT’s recommended disposition of **Not Sustained** to **Sustained** for BPD Rule 102§4 Neglect of Duty/Unreasonable Judgment with regard to the search of the vehicle. The CRB did not observe any reason for the vehicle to be searched. The Civilian Review Board voted unanimously (7-0), agreeing with OPAT’s disposition of **Not Sustained** for all other BPD Rule violations. The Civilian Review Board voted unanimously (7-0) to recommend a disciplinary action, such as further **training in unconscious bias and conducting the proper search of vehicles.**

*Discovery List*

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|-------------------------------|-----------------------|--|---|
| 1. Interview with Complainant | 3. 911 Call Recording | 5. Body Worn Camera Footage of Officer Jonathan P. Lewis | 7. Video(s) recorded by the Complainant |
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| 2. Interview w/Officer Jonathan P. Lewis | 4. Interview w/Officer Mark Osis | 6. Body Worn Camera Footage of Officer Mark Osis | 8. Use of Force Report |
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**Case Summary:**

On October 2, 2023, the Office of Police Accountability and Transparency received a complaint filed by the Complainant regarding Boston Police Officers who allegedly used excessive force during a traffic stop and refused to give their badge numbers.

The Complainant stated on July 26, 2023, they were driving their friend's vehicle with their friend in the car. The Complainant stated that the car had a broken tail light, and they were pulled over for this violation. The Complainant alleged that the officers were members of the Gang Unit, ran their IDs, and then proceeded to block them in with their police vehicles. The Complainant further alleged that the officers opened the driver's door by reaching through the open window to unlock it. The Complainant stated that they voluntarily got out of the car, and the officer was attempting to put them in handcuffs and said things such as "Stop Resisting." The Complainant said that the officer pushed his head into the window and sexually harassed them by rubbing their genitals. The Complainant alleged the officer was so aggressive that the officer almost broke their arm. The Complainant stated they asked the officers several times for their names and badge numbers, and they did not provide that information. The Complainant said that they were issued a citation for "Unlawful Operation of a Motor Vehicle and Failing to Stop/Yield." The Complainant alleged that the officers used an excessive amount of force to detain them.

**Document/Video/Other Investigation Technique Summary:**

On October 2, 2023, Investigator Toney reviewed videos recorded by the Complainant of the alleged incident. Investigator Toney was able to see an officer stick his arm in the driver's side window of the vehicle to open the car. The Complainant stepped out of the vehicle and was promptly pat frisked momentarily. Investigator Toney noticed that the Complainant was uncooperative with the officer's orders and did not comply with any of their commands. After being pat-frisked, the Complainant can be seen walking up to



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officers and making unwanted comments while recording them. Investigator Toney did not witness the Complainant ask the officers for their badge numbers.

On October 6, 2023, Investigator Toney obtained and reviewed the body-worn camera footage of Officer(s) Johnathan Lewis and Mark Osis. Several other officers arrived to assist Officer Osis and Lewis with the traffic stop. Both officers can be seen conducting a traffic stop of the Complainant. Officer Osis requested the operator's license, which was the Complainant, while Officer Lewis requested the IDs of the front and rear passengers. Officer Osis spoke to the Complainant while Officer Lewis observed every occupant in the vehicle with his flashlight. Officer Lewis walked over to the driver's side of the vehicle and ordered the Complainant and the rest of the passengers to exit the vehicle. All passengers exited the vehicle immediately except for the Complainant, who was uncooperative. The Complainant eventually stepped out of the vehicle and was pat-frisked by Officer Lewis. Officer Lewis can be heard instructing the Complainant to "stop turning around," and the Complainant continued to be uncooperative. Officer Lewis was able to detain the Complainant and get them under control. Both officers can be seen running the IDs of the individuals in the vehicle, and they later proceeded to search the vehicle. After running the IDs of the passengers, Officer Lewis informed the Complainant that the registered owner of the vehicle would have to take control of the vehicle since they did not have a valid MA driver's license. Officer Osis proceeded to issue the Complainant a citation, and the Complainant left the area. Investigator Toney did not observe any excessive use of force during the traffic stop, and at no point in time did the Complainant ask officers for their name and badge numbers.

On January 31, 2024, Investigator Toney conducted in-person interviews with Officer(s) Johnathan Lewis and Mark Osis at the Office of Police Accountability and Transparency. Both officers stated that on the date of the alleged incident, they conducted an onsite motor vehicle stop in the area of Columbia Road at 1:51 AM, where the Complainant was summonsed for multiple violations of Auto Laws. The Officers stated that they were patrolling the area of Geneva Ave towards Columbia Rd and observed the Complainant driving with its high beams illuminated. Officers told Investigator Toney that when the Complainant drove past them, they did not have any rear lights illuminated, and they proceeded to make a U-turn to catch up to the vehicle as it approached the traffic signals, which was "red" for the vehicle's direction of travel. The Officers further stated that they witnessed the Complainant make a right turn after failing to come to a stop at the red



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signal. Officer(s) Osis and Lewis proceeded to get directly behind the Complainant and illuminate their cruiser's emergency lights to initiate the traffic stop.

Officer(s) Osis and Lewis stated that they approached the vehicle and requested the operator's license, who was identified as the Complainant. Officer Osis was on the driver's side, while Officer Lewis was on the passenger side of the vehicle. While on the passenger side of the vehicle, Officer Lewis stated that he observed all passengers not to be wearing seat belts. Officer Lewis requested the ID's of the front and rear passengers. According to Officer Lewis, he observed a folding knife, later identified to be 3 inches long, tucked into the right-hand side of the rear seat passenger's pants. Both Officers stated that they had inquired about the presence of any weapons in the vehicle, to which the Complainant immediately became defensive. Based on the actions of the occupants of the vehicle, Officers believed that a weapon was being concealed either on their persons or in the vehicle. They issued an exit order to the occupants of the vehicle, given the history of the individuals. All of the passengers of the vehicle exited the vehicle without issue and were pat-frisked for weapons. Officers removed the knife from the rear seat passenger, and a pat frisk of the other occupants revealed no weapons. Officers attempted to remove the Complainant, who was currently operating the vehicle without a license. Officer Lewis stated that the Complainant refused to open their door, and he had to reach into the vehicle through the open window to unlock and open the driver's door.

Officer Lewis further stated that the Complainant was removed from the vehicle, and Officers attempted to pat-frisk them for weapons. Officer Lewis said that the Complainant kept turning and moving away from Officers attempting to conduct the pat-frisk. Officer Lewis also noted that the Complainant was "sweating profusely," making it difficult for Officers to maintain positive control of them. Officer Lewis said that the Complainant became more and more agitated and began pushing off of the vehicle against Officers who were forced to place the Complainant into handcuffs to retain control of them. Once the Complainant was placed into handcuffs, Officer Lewis said the Complainant attempted to step onto the open bottom of the open threshold of the driver's door frame and push themselves off the vehicle and out of the Officer's grasp. According to both officers, the Complainant's pat frisk yielded no weapons. The Complainant was eventually removed from the vehicle threshold, and a pat frisk of the motor vehicle was conducted, which yielded negative results for weapons. Investigator Toney asked both officers if they used or observed any excessive force being used during the traffic stop, and they both said "no."



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Both officers stated in their interviews that they could not recall if the Complainant asked for their badge numbers. Officer Lewis conducted the pat-frisk of the Complainant and said that everyone is uncomfortable during this procedure since you are patting down the individual's outer layer of clothing in areas that are sensitive to the individual, such as the groin area. Officer Lewis said that comments are often made by the individual when the groin area is touched during the pat-frisk, and he reiterated to them that he is just looking for weapons. Officer Lewis stated that he used no excessive force to remove the Complainant from the vehicle or to conduct the pat frisk.