



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Stephanie Everett, Executive Director

CIVILIAN REVIEW BOARD - CASE # 230

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: August 5, 2023 **DATE OF FILING:** August 5, 2023

COMPLAINANT: Anonymous

COMPLAINT SUMMARY: Complainant alleges a BPD officer violated multiple traffic laws.

OFFICER(S):

1. Unknown BPD employee

DISTRICT: Boston Police District / D-14

ALLEGED VIOLATION OF RULE:

1. Rule 102 § 3 Conduct
2. Rule 102 § Sec. 4 Neglect of Duty:
3. Rule 113 - Public Integrity Policy: Canon One
4. Rule 113 - Public Integrity Policy: Canon Four
5. Rule 302 § 3.3. Emergency Driving:

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.

Sec. 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 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.



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Rule 113 - Public Integrity Policy: Canon Four: Police officers shall at all times 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 302 § 3.3. Emergency Driving: refers to operation of an authorized police emergency vehicle, other than in pursuit, in excess of the legal speed limit and/or contrary to traffic signs and signals, with lights and sirens activated.

RECOMMENDED DISPOSITION:

The OPAT staff is recommending to the Civilian Review Board that this case be considered as having **Insufficient Evidence to make a finding**. Investigator Vergara was unable to confirm the plate number of the BPD vehicle due to the poor quality and distance of the phone video. Additionally, the interview with Police Officer Mcmarrow revealed that he was not the driver of the vehicle. According to Sergeant Detective Daniel Conway, the mentioned cruiser was assigned to District 14, and it was not listed on the BAT as an active vehicle. Investigator Vergara did not observe any city cameras around the area.

Despite the lack of evidence, the Investigator was able to see on the phone video that a BPD vehicle ran a red light without using any emergency lights. Investigator Vergara recommends that every BPD district receive training on emergency driving and the proper use of BPD equipment.

In the matter of OPAT Case #230, with regard to an Unknown BPD employee and the violations of BPD Rule 102 § 3 Conduct, Rule 102 § Sec. 4 Neglect of Duty, Rule 113 - Public Integrity Policy: Canon One, Rule 113 - Public Integrity Policy: Canon Four, and Rule 302 § 3.3. Emergency Driving, the Civilian Review Board reached a unanimous decision (6-0) to **Insufficient Evidence to make a finding**.

The Board finds a unanimous recommendation that all BPD officers receive training on emergency driving and the proper use of BPD equipment.

INVESTIGATION SUMMARY

Document list



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1. BAT records	2. Complainant's interview	3. BPD Officer Daniel McMorrow's interview
4. Sergeant Detective Daniel Conway's statement		

Case Summary:

On August 5, 2023, the Office of Police Accountability and Transparency (OPAT) received an allegation from Anonymous, (the "Complainant") regarding a Boston Police Department ("BPD") Officer. The Complainant alleged that on August 5, 2023, the Complainant drove behind a Boston Police car with license plate # E758 made 3-4 lane changes on Comm Ave, and headed eastbound without using turn signals. The Complainant stated that the police officer proceeded to drive through the intersection of Commonwealth Avenue and Allston Street with a red light and did not brake check or slow down when it turned yellow. The Complainant stated that this was very dangerous and driving was erratic and harmful to pedestrians and other drivers.

Document/Video/Other Investigation Technique Summary

On August 10, 2023, Investigator Vergara requested a photo identification of the police officer(s) driving the police vehicle with license plate number E758 from the BPD. Investigator Vergara examined the phone video evidence provided by the complainant, which showed a BPD cruiser driving through red lights. However, due to the video's quality and distance, Investigator Vergara was unable to confirm the plate number.

On August 10, 2023, Investigator Vergara went to the scene to locate surveillance cameras and did not observe any visible cameras.

On August 10, 2023, Investigator Vergara interviewed the Complainant, who reiterated the details provided on the Intake Form. The Complainant confirmed that while driving on Commonwealth Ave, they observed a police cruiser with license plate E758 changing lanes multiple times without using turn signals and running a red light without activating the emergency lights.

On October 11, 2023, the BPD liaison stated that the police vehicles have four (4) numbers on the plate number, not three (3). The liaison also mentioned that the plate number in question was most likely E7538. According to the BAT sheet provided by the BPD liaison,



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plate number E7538 was assigned to Daniel McMorrow with ID # 53071. This cruiser was assigned to District 4 on August 05, 2023.

On November 8, 2023, Investigator Vergara interviewed Police Officer Daniel Mcmorrow (ID# 53071). He stated that he was not the driver of the vehicle in question. The cruiser mentioned in the complaint was assigned out of District 14, not D4. He further added that he was working in the South End at 5:00 PM.

On August 6, 2024, Sergeant Detective Daniel Conway provided the BAT sheet for the District D-14 First Half (1600-2345) tour of duty on August 5, 2023. BPD stated that according to their Fleet Management Division, plate E758 is assigned to cruiser 0522. This cruiser is assigned to District 14, and it was not listed on the BAT.