



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

## **CIVILIAN REVIEW BOARD - CASE #136**

**INVESTIGATOR:** Diana Vergara

**DATE OF INCIDENT:** October 26, 2022

**DATE OF FILING:** October 26, 2022

### **ALLEGED VIOLATION OF RULE:**

Rule 102 Sec 3 Conduct

Rule 301 Sec. 7.6.5 Unreasonable Speed

Rule 301 Sec 7.6.6 Reckless and Hazardous Driving Maneuvers:

Sec. 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. 7.6.5. UNREASONABLE SPEED: The Primary and Secondary Pursuit Units shall not, at any time, operate a Department vehicle at such a rate of speed or in such a manner as to cause the officer to lose control of a pursuit vehicle or otherwise endanger the public.

Rule 301 Sec 7.6.6 RECKLESS AND HAZARDOUS DRIVING MANEUVERS:

Reckless and hazardous driving maneuvers by the suspect shall not be replicated by the pursuing officer

**DISTRICT:** Boston Police District C-6 South Boston

### **OPAT FINDINGS AND RECOMMENDED DISPOSITION:**

Rule 102 Sec 3 Conduct- Unfounded

Rule 301 Sec. 7.6.5 Unreasonable Speed- Unfounded

Rule 301 Sec 7.6.6 Reckless and Hazardous Driving Maneuvers- Unfounded



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Based on all of the evidence presented and reviewed, the CRB voted unanimously (8-0) that the complaint be considered **Unfounded** for violation of Rule 102 §3, Rule 301 §7.6.5, and Rule 301 §7.6.6 of the officer named in the complaint. The Complainant was unresponsive to OPAT's attempts to contact them for information on the complaint and to identify the person on the video. After reviewing surveillance footage provided to it was determined that the Officer was not driving recklessly and did not almost hit them.

## INVESTIGATION SUMMARY

### *Discovery List*

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| <ol style="list-style-type: none"><li>1. Surveillance footage from Bank of America</li></ol> |
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### *Case Summary:*

On October 26, 2022, the Office of Police Accountability and Transparency (OPAT) received an allegation of police misconduct from the "Complainant", regarding a Boston Police Department Officer. The Complainant alleged that on October 26, 2022 between the hours of 10:00AM and 10:30 AM, they were crossing the intersection using the crosswalk located at 5 Fan Pier Blvd and Northern avenue, Boston 02210. The Complainant alleges that they were in the middle of the crosswalk, when they noticed a police car approaching them which almost ran them over. The Complainant stated that if they had not stopped right in the middle of the crosswalk, they could have been injured by the police cruiser. The Complainant stated that the police cruiser did not have their siren or police lights activated at the time.

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

Attempts to reach the Complainant by email were made on October 26, 2022, October 31, 2022 and November 1, 2022. In all attempts, the Investigator has not been able to contact the Complainant. Given this, the Complainant failed to respond to the request to provide more information about their complaint to OPAT. However, although the Complainant



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failed to respond to OPAT staff, there was enough information that had been provided in the initial intake for the case to proceed to investigation.

On November 10, 2022 Investigator Vergara obtained video surveillance footage mounted at Bank of America located at 7 Fan Pier Boulevard, Boston, MA 02210. The video footage observed at 0:00:25 mark, a Boston Police Department cruiser slowing down while a pedestrian wearing black jacket, black pants and black shoes was crossing the Street. It was observed that the police cruiser was approximately 6 feet away from the Complainant. It was observed on the video surveillance that the BPD cruiser waited until the Complainant crossed the street to continue.

On February 21, 2023, Investigator Vergara attempted to contact the Complainant to confirm if the pedestrian matching the description observed on the video was in fact the Complainant, but the Investigator was unable to contact the Complainant.