



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD-COMPLAINT #170

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: February 21, 2022

DATE OF FILING: February 23, 2023

COMPLAINT SUMMARY:

Complainant alleges BPD officers lied about writing a police report and failed to enforce a restraining order.

DISTRICT: Roxbury (B-2)

ALLEGED VIOLATION OF RULE:

Rule 102§4: Neglect of Duty

Section 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.”

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 102§4-Neglect of Duty - **Not Sustained**

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Not Sustained**. Based on all the evidence that Investigator Reed reviewed, there was no evidence that suggested police misconduct of Officers McQuaid and Ryan violating Rule 102§4-Neglect of Duty. According to the harassment order, “all contact must be in writing and only about the property and/or rent. If a property manager is designated, then only contact must be made through the property manager.” Because the Complainant is the landlord of the residence, BPD did not violate this rule.

INVESTIGATION SUMMARY



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Document List

1. Police/Incident Report	2. CAD Sheets/Incident History
3. Ring Camera Video submitted by the Complainant	4. Bat Records
5. Harassment Prevention Order	6. Body Worn Camera of Officers
7. Housing Court Records	

Case Summary:

On February 23, 2023, the Office of Police Accountability and Transparency (OPAT) received a complaint from the Complainant alleging police misconduct by two members of the Boston Police Department, Officer 1 and Officer 2. The Complainant stated that on February 21, 2023, a male tenant arrived at their residence with Officers 1 and 2 with a court order allowing a male tenant to go to the property to retrieve his belongings. The Complainant stated that both them and another female tenant have a harassment order against the male tenant relating to domestic violence. The Complainant stated that neither they nor another tenant were notified ahead of time that male tenant was stopping by to get his personal belongings. The Complainant stated that the male tenant violated a restraining order when he spoke to them in the presence of both Officers 1 and 2. According to the Complainant, the judge specifically wrote in the restraining order that male tenant could not verbalize any communication to the Complainant because his voice gives them trauma. Also the judge stated that any communication between the male tenant and the Complainant need to be written and pertaining only to the ongoing living situation. The Complainant stated that they told the Officers that this was a violation of the restraining order, but the Officers allegedly told the Complainant that they were not violating the restraining order.

A second violation that the Complainant added is that BPD was dishonest by telling them that they would write a police report and never did.

Interview Summary:

On February 23, 2023, Investigator Reed went to Roxbury Court to gather court documents from the Clerk's office. Investigator Reed received and reviewed an harassment prevention order that the Complainant filed against the male tenant. The order stated that the defendant must remain at least 3 yards from the Complainant's residence, and that "any and



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all contact must be in writing and only about the property and/or rent. If a property manager is designated, then only contact must be made through the property manager. The order also stated that it is valid from January 31, 2022 to July 28, 2023.

On February 28, 2023, Investigator Reed contacted the Complainant regarding the case. The Complainant largely recalled and recounted the situation mentioned above. The Complainant added that they were not able to get the Police Officers names or badge numbers who arrived with the male tenant. The Complainant alleged that on February 9, 2023, a judge from Roxbury District Court ordered the tenant an eviction notice to vacate the property and not to return. The Complainant noted that the male tenant is not to speak to them verbally for specific reasons. The Complaint stated in quote”the male tenant’s voice gives them trauma.” The Complainant alleged that Officers failed to do their job when they did not arrest the male tenant for talking to them in the Officer's presence. The Complainant explained that Officers told them that the male tenant was not violating the restraining order because they were there.

On March 2, 2023, Investigator Reed contacted the witness. The witness stated to Investigator Reed that on February 21, 2023, at 7:00PM, she was in the house when she heard the doorbell ring. The witness stated that she saw two Officers from Boston Police who stated that they have a Court Order for the male tenant. The witness alleged that both Officers were unprofessional and rude. They both attempted to open the door several times although she told them the correct apartment number that the Complainant resided in. The witness stated that she was unable to retrieve any of the Officer's names and badge numbers. She alleged that the male tenant stated "Open the f***** door. I got my keys."

Document/Video/Other Investigation Technique Summary:

Investigator Reed reviewed BAT records from the Boston Police Department. Records identified the Officers who responded to the Complainants residence as Officer 1 and Officer 2.

Investigator Reed reviewed two Ring Camera videos that the Complainant submitted as evidence. One video is 0:50 seconds long that shows Officers 1 and 2 with the male tenant standing on the Complainant's porch. The Officers are providing the male tenant information about the process of eviction. The second video is 1:00 minute long.



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At the beginning of the video, the Complainant can be heard saying to the Officers, "I am going to get dressed." Neither video shows any misconduct of the Officers. Investigator Reed reviewed another ring video that the Complainant sent that was 1:00 minute long. It shows both Officers arriving at the Complainant's home with the male tenant and announcing their presence. The door that the male tenant took Officers 1 and 2 to was the female tenant's (witness) door. At this time, the male tenant takes out his keys attempting to open the door. However, the lock on the door was changed.

Investigator Reed reviewed Officer 2's body worn camera, which is 40:48 minutes. In summary, the video shows Officers 2 and 1 escorting the male tenant from the police vehicle to the residence in an attempt to get his personal belongings. At 11:18 mark, the Complainant opened the door while engaging in conversation with both Officers. At 13:03 to 13:10 mark, while the Complainant is engaging in a conversation with the Officers, the male tenant begins to engage in small talk with the Complainant. The Complainant then allows the male tenant and both Officers 2 and 1 to go inside so that the male tenant can get his things. Once done, Officers escort the male tenant out of the house and back into the police cruiser.

Investigator Reed reviewed Officer 1 BWC, which is 41:19 minutes. In summary, BWC shows Officers 1 and 2 escorting the male tenant to the Complainant's residence to get his personal belongings. Officer 2 knocked on the female tenant's door saying that he has a court order for the male tenant to get his belongings. The female tenant is heard stating that she has a restraining order against him. The Complainant allows the male tenant along with Officers 1 and 2 to enter the home to grab his belongings. Officer 2 goes up the stairs to observe the male tenant gather his items while Officer 1 is conversing with the Complainant. Once the male tenant is done gathering his items, the male tenant along with Officers 1 and 2 leave the Complainant's residence.