



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

## **CIVILIAN REVIEW BOARD - COMPLAINT #60**

**DATE OF INCIDENT:** February 22, 2022

**DATE OF FILING:** June 15, 2022

**ALLEGATION OF MISCONDUCT:** Unlawful use of force

**PRECINCT:** Boston Police District A-1 & A-15, Downtown and Charlestown

**OPAT FILE NUMBER:** 60

**CRB MEETING DATE:** August 9, 2022

**INTAKE SPECIALIST:** Andrew Cherry

**DISPOSITION:** Not sustained

### **SUMMARY OF FACTS:**

On June 15th, 2022, the Office of Police Accountability and Transparency (OPAT) received a message from an individual looking to file a complaint regarding alleged police misconduct.

The complainant filled out our online complaint intake form and submitted it in the afternoon on June 15th, 2022. The complainant alleged that at about 2pm on February 22nd, 2022, a Boston Police Sergeant blocked his entry to Boston City Hall for a public meeting on mask mandates. He chose not to wear a mask, and the Sergeant along with several officers allegedly blocked the building entrance because of the Boston City Hall mask policy that required individuals to wear a mask that covered their faces in indoor public spaces. The complainant stated that this policy cannot lawfully be enforced by law enforcement.

He stated that he made a few attempts to walk around the officers but they continued to block his way. He allegedly informed the Sergeant several times that the mask policy was not enforceable and stated that other people attending the meeting were on live media



City of Boston, Massachusetts

Office of Police Accountability and Transparency

**Stephanie Everett, Executive Director**

walking around and testifying without masks on, including a few city councilor members. The Sergeant allegedly refused to answer any questions posed by the complainant, and further allegedly did not answer when the complainant told him that his job requires him to uphold the law, not policy. The Sergeant allegedly tried to intimidate the complainant with threats of arrest and assault because the complainant walked in front of an officer who blocked his way into City Hall and they made contact with one another.

He alleges that this incident was an abuse of authority by the Sergeant and Officers involved and that it was a violation of his rights to attend a public meeting. He claims this is not the first time it has happened to him and others, and states it is discrimination and unlawful.

#### **OUTCOME:**

The Civilian Review Board voted unanimously (6-0) to consider this complaint **Not Sustained**. In this situation, Boston City Hall legally implemented a mandate that required individuals to wear a face-covering mask inside the building. The complainant decided not to wear a mask, and the Sergeant and BPD officers were lawfully enforcing that mandate by blocking the entrance without using excessive force or displaying disrespectful behavior. Boston Police Department's Rule 303A about Use of Less Lethal Force states that "A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to... Prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm: Provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the POST Commission and the municipal police training committee (and taught at the Boston Police Academy)." The BPD officers in this case tried to verbally de-escalate and tell the complainant that they could not go in without a mask, and trying to do so would result in them stopping him from entering the building. Given that the complainant seemed to pose a very minor threat of imminent harm, the minor use of force by BPD officers to physically prevent the complainant from entering the building without a mask was appropriate after de-escalation tactics failed. This determination was made using the evidence at hand including multi-hour videos provided by the complainant of the alleged incident. This is not discriminatory, not a violation of his rights, nor an abuse of authority by the officers as alleged.