



City of Boston, Massachusetts
Office of Police Accountability and Transparency

CIVILIAN REVIEW BOARD - CASE # 100

INVESTIGATOR: Michel Toney

DATE OF INCIDENT: August 29, 2022

DATE OF FILING: August 30, 2022

COMPLAINT SUMMARY: Complainant alleges BPD officers were unresponsive with his incident with an in-store shoplifter who assaulted him. He is unsatisfied that they did not take a police report or provide a response at all.

DISTRICT: Boston Police Department Headquarters

ALLEGED VIOLATION OF RULE:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment

BPD Rule 102, §4: Neglect of Duty/Unreasonable Judgment states: 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.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

1. BPD Rule 102 §4: Neglect of Duty/ Unreasonable Judgment: **Exonerated**

Based on all of the evidence presented and reviewed, the CRB voted unanimously (6-0) that the complaint be considered **Exonerated** on the alleged violations of BPD Rules and Procedures against the 911 call taker named in the complaint. The action complained of did occur, but the investigation revealed the action taken by the BPD was proper, legal and within the department's Rules and Procedures. After listening to the 911 tapes, the Complainant called 911 to report the shoplifter at his store and gave a detailed description of the individual. The dispatcher told the Complainant that a broadcast would be conducted on the suspect and a follow up phone call will be made when it happens. Dispatch called the Complainant back five minutes after the 911 call was made to inform them that a broadcast was made on the location but the suspect has not been apprehended. Dispatch



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told the Complainant that a phone call will be made to them when the suspect is arrested and in custody. No phone call was made to the Complainant since no arrest was made regarding the incident. BPD records show that a BOLO (be on the lookout shared with nearby officers) was put out on the potential suspect, and when the 911 call was placed by the Complainant, the suspect was already out of the store en route to Melnea Cass BLVD.

Discovery list

1. Interview with Supervisor of The Daily Table	3. Turret Tapes	5. CAD Sheets
2. Dispatch Records	4. Boston Police Incident History	6. Interview with Dispatcher

Case Summary:

On August 29, 2022 the Office of Police Accountability and Transparency received a complaint filed regarding the Boston Police Department not responding to a call for service.

According to the Complainant, on August 29, 2022, there was a customer inside the store getting ready to shoplift. The Complainant was notified by a crew member that a customer had “hidden” some grapes in a personal bag. The Complainant stated that he watched this individual for a few seconds and also saw that he had a pack of steak tips and bacon in his bag. The individual who was shoplifting noticed that the Complainant was looking at him and proceeded to the exit door. The Complainant stopped the individual from exiting and pointed him to the registers. The individual allegedly pushed the Complainant and said that he would “f*** (the Complainant) up.” The Complainant stated that he told the individual to leave the bag and go, and this individual allegedly responded by pushing the Complainant again and threatening to punch him. The Complainant stated that he called the police and gave them a full description of the individual in question and the details of the situation as it had occurred.

The Complainant stated that he then watched the individual walk down the street, and the



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Complainant narrated that ongoing scenario to the 911 dispatcher still on the phone line. The Complainant stated that the dispatcher told him that police would be with him in a few minutes. Ten minutes later, he was called by police and told that a description of the individual had been passed on to all patrols. As of September 21, 2022, the Complainant stated that he had heard nothing from the Boston Police Department regarding this situation. He stated that no BPD officers ever came that day, that he never spoke to a BPD officer in person about this (only the dispatcher), that he was never provided a police report or police report number for this situation, and that the police never followed up with any updates.

Document/Video/Other Investigation Technique Summary:

On August 30, 2022, Investigator Toney requested and received dispatch records, along with 9-1-1 tapes and the Boston Police Incident History from BPD Deputy Richard Dahill. After looking at the dispatch records and listening to the 9-1-1 tapes, the Complainant called 9-1-1 at approximately 10:19:37 AM to report the incident at The Daily Table. On the 9-1-1 tapes, the Complainant is telling the dispatcher what the shoplifter is doing and describes the individual as they walk out the store and down the street towards Melnea Cass BLVD. At 10:24:15 AM, the dispatcher called the Complainant back to inform them that a broadcast was made on the location and suspect. The dispatcher told the Complainant that if the police find the suspect they will notify him immediately. The Complainant did not receive a phone call because the suspect was not located or arrested.