



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Evandro C. Carvalho, Executive Director

CIVILIAN REVIEW BOARD-COMPLAINT #98

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: July 14, 2022

DATE OF FILING: July 14, 2023

COMPLAINANT: Complainant

COMPLAINT SUMMARY:

The Complainant alleges that an off-duty officer was in the wrong for telling them that they took a left at a red light when the light was green.

OFFICER(S):

1. Detective Paul Bercume, ID #0113893

DISTRICT: Boston Police Headquarters

ALLEGED VIOLATION OF RULE:

1) **Rule 302 § 4.1 - Legal Considerations: Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles.**

Sec. 4.1. Legal Considerations: Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles, states that:

“The driver of a vehicle of a fire, police or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle



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to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.”

NOTE: Officers should take all necessary precautions to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to justify their actions and show that all possible safety for the public was taken into account. Officers should also be aware that the majority of Department motor vehicle accidents occur in intersections, and with this in mind officers should use extreme caution while navigating through intersections.

2) Rule 302 § 5.1.3 - Self Initiated Call for Service:

Sec. 5.1.3. Self-Initiated Call for Service. It is understood that an officer may temporarily use emergency driving (particularly lights and sirens) for traffic stops as well as during “on-site” incidents. In these cases, it is not necessary for the officer to communicate the use of lights and sirens to the Dispatcher. If, however, the temporary emergency driving turns into “pursuit driving,” the officer will immediately notify dispatch and follow the procedures outlined in Rule 301.

OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Rule 302§4.1: Legal Considerations: Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles-**Sustained**

Rule 302§5.1.3:Self Initiated Call for Service -**Sustained**

OPAT staff recommends to the Civilian Review Board that this case be considered **Sustained**. As a result of the video evidence, Investigator Reed determined that the Complainant had a green light and the right of way to make a left turn on Charlesgate E Street. Detective Bercume did not have the right of way. Additionally, Detective Bercume was not responding to an emergency. Investigator Reed made several attempts to contact Detective Bercume for an interview to discuss the allegation being made. However, Detective Bercume was unresponsive. Investigator Reed reviewed BPD Rules 302§4.1 and 302§5.1.3. Based on the disciplinary matrix, under Mitigating Penalty for a first violation of this rule, Investigator Reed has recommended Detective Bercume receive a 1-day **suspension**. Investigator Reed recommends that the BPD rule committee make a rule strictly centered on using sirens for non-emergency vehicles.



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On May 21, 2024, the Civilian Review Board agreed unanimously (6-0) with Investigator Reed's recommended **Sustained** disposition, with one board member abstaining due to them not being present during the discussion of the case. The Civilian Review Board voted unanimously (6-0), with one board member abstaining, to adopt a disciplinary action of a **One (1) Day Suspension**. The Civilian Review Board also recommended that the Boston Police Department rule committee create a policy specifically for the use of sirens on non-emergency vehicles.

INVESTIGATION SUMMARY

Discovery List

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| 1. <i>Video submitted by Complainant</i> |
| 2. <i>Pictures of the BPD Red Mazda vehicle</i> |

Case Summary:

On August 26, 2022, the Office of Police Accountability and Transparency (OPAT) received a complaint filed by the Complainant who alleged that on August 21, 2022, at 9:52 PM, they were driving at the intersection of Commonwealth Avenue & Charlesgate E Street. The Complainant noticed the Boston Police employee, Detective Paul Bercume (ID #011393), who works in the fugitive unit, turned on his sirens and proceeded to run through a red light. Detective Bercume and the Complainant met at the next red light at Commonwealth Avenue and Charlesgate W Street, where Detective Bercume claimed that he had a green light while the Complainant was turning left on a red light. The Complainant disputes that Detective Bercume had the right of way.

Interview Summary:

On August 30, 2022, Investigator Tastery Reed called the Complainant to get more information about the incident that occurred. The Complainant alleged that on August 21, 2022, at 9:52 PM, they were doing a GrubHub delivery, and while following their car GPS, they landed on Commonwealth Avenue going to Charlesgate E Street. The Complainant alleged that they were traveling behind another vehicle on a green light and noticed a red



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Mazda vehicle with a Massachusetts license plate number 3GVT74 run a red light. Detective Bercume put on their sirens, which caused the Complainant to break. The Complainant did not realize the driver was a BPD Officer until the sirens came on. Detective Bercume gave the Complainant a dirty look while putting on his sirens. Detective Bercume continued on Charlesgate E Street, took a left onto Commonwealth Avenue, and then stopped at a red light followed by the Complainant. Detective Bercume initiated a conversation with the Complainant about what had occurred. Detective Bercume stated to the Complainant that he had a green light and that the Complainant was taking a left turn on a red light. Detective Bercume then said to the Complainant, “Drive with your eyes.”

On August 17, 2023, Investigator Reed attempted to interview Detective Bercume. Investigator Reed made several attempts to contact Detective Bercume to discuss the complaint, alleging them of engaging in conduct that constituted a violation of the Boston Police Department’s Rules and Procedures. Detective Bercume failed to respond to the interview requests sent by Investigator Reed.

Document/Video/Other Investigation Technique Summary:

On August 30, 2023, Investigator Reed reviewed video evidence that the Complainant sent to OPAT staff. In summary, the video revealed that the Complainant had the green light and was traveling behind another vehicle, making a left turn from Commonwealth Avenue to get onto Charlesgate E Street. As the Complainant was taking a left turn, Detective Bercume, who was in the Red Mazda, was stopped at a red light cut in front of the Complainant and put on his sirens. The Red Mazda continued on Charlesgate E Street and stopped at the red light back on Commonwealth Avenue. As the Complainant approached the red light, Detective Bercume engaged in a conversation with the Complainant. Detective Bercume stated to the Complainant that he had the right of way.” Detective Bercume specifically stated, “I had a green light, and you're taking a left on a red.” The Complainant responds, “No, it was green for me.” Detective Bercume responds back with, “Drive with your eyes,” ending the conversation.

Additionally, the Complainant sent a photo taken at the time of the incident identifying the Red Mazda vehicle driven by Detective Bercume with the plate number. The photo has a time and date of when the alleged incident occurred.