



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

CIVILIAN REVIEW BOARD - CASE #241

INVESTIGATOR: Diana Vergara

DATE OF INCIDENT: August 29, 2023 **DATE OF FILING:** August 30, 2023

COMPLAINANT: The Complainant

COMPLAINT SUMMARY: Complainant alleges disrespectful treatment and threats made by a BPD Detective.

OFFICER(S):

1. Alleged Detective

DISTRICT: Boston Police Department B-3

ALLEGED VIOLATION OF RULE:

1. Rule 102 § 4 Neglect of Duty
2. Rule 102 § 9 Respectful Treatment
3. Rule 102 § 27 Abuse of Process- Withholding Evidence
4. Rule 113 Public Integrity Policy: Canon Two
5. Rule 113 Public Integrity Policy: Canon Four
6. Rule 113 Public Integrity Policy: Canon Five
7. Rule 114 §2 Scope

Rule 102 § 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.

Rule 102 § 9 Respectful Treatment: Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates, and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed, gender identity, or sexual orientation except when necessary in police reports or in testimony.

Rule 102 § 27 Abuse of Process: Withholding Evidence: Officers shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information nor make any false accusations of a criminal charge or seek to influence the outcome of any investigations.

Rule 113 Public Integrity Policy: Canon Two: As a law enforcement organization, the Boston Police Department and its agents shall treat all those with whom it comes into contact, or who may



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

seek its assistance, or who may come under its care or custody, with the respect and dignity inherent in every person.

Rule 113 Public Integrity Policy: Canon Four: Police officers shall at all times be prepared for the proper discharge of their duties; knowledgeable in the law and legal procedures; competent in the use of authorized weapons and tactics; respectful of other elements in the criminal justice system; and possessing the necessary temperament and attitude to effect the cause of public safety and justice.

Rule 113 Public Integrity Policy: Canon Five: Employees shall be impartial in the use of their authority, providing fair access to their services and favoring no group or individual for any improper reason. They shall not allow their prejudices or biases to affect their official actions. They shall exercise their discretion so as to achieve the ends of justice and in a manner consistent with the rule of law and Departmental policy.

Rule 114 § 2 Scope: All employees are expected to conduct themselves in a professional manner with respect and concern for their fellow employees and members of the public.

RECOMMENDED DISPOSITION:

OPAT staff recommends to the Civilian Review Board that this case be considered **Not Sustained** for the following rule violations:

Alleged Detective - **Not Sustained**

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

Rule 102 § 9 Respectful Treatment - **Not Sustained**

Rule 102 § 27 Abuse of Process- Withholding Evidence- **Not Sustained**

Rule 113 Public Integrity Policy: Canon Two - **Not Sustained**

Rule 113 Public Integrity Policy: Canon Four - **Not Sustained**

Rule 113 Public Integrity Policy: Canon Five - **Not Sustained**

Rule 114 §2 Scope **Not Sustained**

OPAT staff recommends to the Civilian Review Board that this case be considered **Not Sustained**. Based on the body-worn camera footage, Investigator Vergara was able to confirm that the Officers did not tell the Complainant that there was a warrant for their arrest regarding an incident that happened in July 2020. Based on the Officer's body-worn camera footage, a BPD Detective did have a phone conversation with the Complainant on August 29, 2023. However, due to the inability to hear what the Detective was stating over the phone, Investigator Vergara was unable to prove or disprove the Complainant's



City of Boston, Massachusetts
Office of Police Accountability and Transparency

Evandro Carvalho, Executive Director

allegations. Investigator Vergara was unable to confirm the type of warrant the Complainant was referring to on the phone and for whom. Based on the Officer's BWC footage, the Officers did not know the reason why they were at the Complainant's house other than to tell the Complainant that she needed to call the alleged Detective as soon as possible and that he was trying to get in touch with them. Investigator Vergara was unable to prove or disprove the Complainant's allegations because the two Officers and the alleged Detective did not cooperate with OPAT's interview request. Based on the BWC footage, the Officers did not mention a warrant to the Complainant or observe the Officers with a warrant in hand. Investigator Vergara was not able to confirm if the conversation that the alleged Detective was having with the Complainant was because of the incident in July 2020 with other individuals. However, based on the BWC footage, one officer involved stated to the Complainant that the matter was not caused by another individual. Based on the BWC footage, Investigator Vergara also noticed that the alleged Detective was not referring to the individual either. Lastly, it takes 30 seconds for the audio to activate on the BWC footage; as a result, Investigator Vergara was not able to confirm if the Officers knocked aggressively at the Complainant's door.

While OPAT Staff is recommending a finding of **Not Sustained** OPAT also recommends BPD further investigate this case. OPAT is also recommending the alleged Detective undergo training that requires him to learn how to better interact with different members of the public while performing his duties.

On May 21, 2024, the Civilian Review Board voted unanimously (7-0) to agree with OPAT's recommended disposition of **Not Sustained**. However, the Civilian Review Board also agreed that BPD should further investigate the underlying facts and circumstances surrounding this investigation and process.

INVESTIGATION SUMMARY

Document list

1. Boston Police Incident History	2. Notice of Warrant Cancellation	3. Email from Complainant's Attorney to Detective Seoane
4. BWC of Officer	4. BWC of Officer Araujo	5. Affidavit



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

Fantaroni		
-----------	--	--

Case Summary:

On August 30, 2023, the Office of Police Accountability and Transparency (OPAT) received a complaint filed by the Complainant regarding a Boston Police Department (“BPD”) Detective. The Complainant alleged that on August 29, 2023, “A Detective from District B-3 told me tonight on August 29, at 8:44 pm, that I have to come down and answer a few things that happened in July of last year and that I have a warrant out for my arrest. I asked to see it, and they said no, and they wouldn’t tell me what it was about, but I had to answer questions. I said no, I have my children. I can’t come down tomorrow, but they can come to my home, and they told me to find someone to watch them rudely. So I said I don’t have to answer questions. I knew my rights, and then the alleged Detective said, “ I can call CPS tomorrow. Would that motivate you to come down? Or I can have you arrested tonight instead, you tell me.” They threatened me and my children and lied about a warrant, or I assume they did because I wasn’t shown anything.”

This is reportedly regarding an incident from July of 2022 that is already being settled in the courts. Officers knocked aggressively that night and proceeded to tell the Complainant there was a warrant for their arrest regarding an incident from July of a prior year. The Complainant stated that they had gone through airport security on Monday of that week after returning from Egypt. The Complainant was confused because they should have been arrested then. The officers told them to call the number of the alleged detective listed on the card, and the Complainant did so in front of the uniformed officers on speakerphone. The alleged Detective allegedly told the Complainant they would call CPS or have them arrested that night and told them, "It's not a threat; it's a promise." The Complainant stated that both officers heard this and were shocked. The Complainant stated that they called a lawyer, who told them there were no active warrants for their arrest.”

Document/Video/Other Investigation Technique Summary

On September 6, 2023, Investigator Vergara interviewed the Complainant, who re-stated what was on OPAT’s Intake Form. The Complainant stated that around 8:38 PM, two Officers were aggressively knocking on their door, asking them questions about what had happened last year in July. The Complainant stated that around 8:45 PM, they had called the alleged Detective on the business card given by the two officers. The Complainant stated that the Detective stated that they had been trying to get in touch with the Complainant for months because there was a warrant for their arrest and that the alleged



City of Boston, Massachusetts
Office of Police Accountability and Transparency

Evandro Carvalho, Executive Director

Detective was going to call the Department of Children and Families. The Complainant stated that the alleged Detective threatened them like an animal.

On September 8, 2023, Investigator Vergara received and reviewed the Boston Police Incident History and took note of the two BPD Officers who responded to the residence.

On September 19, 2023, Investigator Vergara received a copy of the “Notice Of Warrant Cancellation” from the Complainant. It is observed that the Straight Warrant, which is issued by the court at the request of police or prosecutors was issued on July 21, 2022, and was canceled on March 17, 2023.

On September 19, 2023, Investigator Vergara received and reviewed a copy of an email from the Complainant’s lawyer to the alleged Detective dated August 31, 2023. The email stated that if the alleged Detective wished to speak to the Complainant, they could contact their lawyer at any time.

On September 19, 2023, Investigator Vergara received and reviewed the body-worn camera footage of one of the BPD Officers at the scene of the alleged incident. At the 00:56 mark, the Complainant was observed talking on the phone while two officers were outside. The Complainant stated to the person on the phone, “Can you read it? Can you read the number? Because I just came back from Egypt. I will not be there at eight o'clock tomorrow. You can either come here. So be it.” At the 1:34 mark, the Officers asked the Complainant, “They want you to go to the station?” At the 1:34 mark, one of the Officers stated, “We do not know the info; we relate the information. They didn't give you any info?” At the 1:52 mark, the Complainant stated, “No, they were just being an a***e.” Investigator Vergara noticed that the two Officers and the Complainant seemed confused about the situation. Due to the surrounding noise in the background, Investigator Vergara was not able to hear what the alleged Detective was stating to the Complainant.

On September 19, 2023, Investigator Vergara received and reviewed the BWC footage of a second Officer at the scene of the alleged incident. The second Officer asked the Complainant to call the alleged Detective as soon as possible because they had been trying to contact them. The second Officer also stated, “They will tell you everything. Call him now! Does that make sense? Like now, if you don't call them by the time we get back to the station, most likely, a complaint will be filed against you.” The Complainant kept asking questions, and the Officers kept saying, “The alleged Detective will tell you.” At the 05:34



City of Boston, Massachusetts
Office of Police Accountability and Transparency

Evandro Carvalho, Executive Director

mark, the Complainant was observed calling the alleged Detective from one of the Officer's phones because the Complainant's phone was not charged. From the Complainant's reactions and questions being asked, it is observed that the alleged Detective was not giving them a lot of information because the Complainant kept asking more questions. At the 5:41 mark, the Complainant asked the alleged Detective, "Is this about (redacted name)"? Because I have my complaints against them. Is it about (redacted name) or something?" Investigator Vergara was able to hear the alleged Detective say, "(redacted name)?" At the 5:50 mark, the second Officer stated, "It's not about them."

At the 6:24 mark, the Complainant is observed asking, "Warrant for what?" At the 07:28 mark, the Complainant stated, "What's going to happen with my children? You are not giving me any answers. You are not being accommodated because you are not telling me what district you are from. Can you read my number? I just came back from Egypt." Due to the noise, Investigator Vergara was not able to hear what the alleged Detective was saying on the phone to the Complainant.

On October 23, 2023, November 6, 2023, and November 20, 2023, Investigator Vergara made several attempts to contact the second Officer for an interview. However, this Officer was unresponsive to the interview requests that Investigator Vergara sent out on the dates mentioned.

On October 23, 2023, November 6, 2023, and November 20, 2023, Investigator Vergara made several attempts to contact the first mentioned Officer for an interview. However, this Officer was unresponsive to the interview requests that Investigator Vergara sent out on the dates mentioned.

On November 20, 2023, Investigator Vergara made several attempts to contact the alleged Detective for an interview. However, an Attorney who represents the alleged Detective contacted Investigator Vergara, stating that their client declined the invitation to meet for an interview.