



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

CIVILIAN REVIEW BOARD-COMPLAINT #222

INVESTIGATOR: Tastery Reed Jr.

DATE OF INCIDENT: July 18, 2023

DATE OF FILING: July 19, 2023

COMPLAINANT: Complainant

COMPLAINT SUMMARY: Complainant alleges neglect of duty and disrespect by BPD officer following an assault.

Officer Name:

Officer Jose Burgos, ID#157648

Officer Mirville, ID#164111

DISTRICT: Hyde Park, E-18

ALLEGED VIOLATION OF RULE:

BPD Rule 102§ 4-Neglect of Duty

BPD 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.”

BPD Rule 102§ 9-Respectful Treatment

BPD 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.”



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OPAT FINDINGS AND RECOMMENDED DISPOSITION:

Officer Jose Burgos, ID#157648
BPD Rule 102§4-Neglect of Duty-**Not Sustained**
BPD Rule 102§9-Respectful Treatment-**Not Sustained**

Officer Mirville, ID#164111
BPD Rule 102§4-Neglect of Duty-**Not Sustained**
BPD Rule 102§9-Respectful Treatment-**Not Sustained**

OPAT staff recommends to the Civilian Review Board that this case be considered **Not-Sustained** on BPD rule violations 102§9-Respectful Treatment and 102§4-Neglect of Duty. After reviewing the body-worn camera footage, Investigator Reed did not observe any Officers on the scene violating this rule. After reviewing the body-worn camera, the Complainant asked Officers several times if they could remove the alleged suspects away from their street and Officers explained to the Complainant that it was a public alleyway. Additionally, Officers searched the suspect's vehicle and recovered a pair of scissors, not a knife as stated by the Complainant. Officer Burgos was both sent an interview request but did not respond.

In the matter of OPAT Case #222, with regard to the two named BPD officers concerning violations of BPD Rule 102 § Sec. 4 Neglect of Duty, and BPD Rule 102§9-Respectful Treatment the Civilian Review Board reached a unanimous decision (6-0) to **Not Sustain**

INVESTIGATION SUMMARY

Document List

1. Police Report	2. Boston Police Incident Report
3. Body Worn Camera footage	4. OPAT Intake Complaint form
5. 9-1-1 call tape/Turret Tape	5. Event Chronology
6. Complainant's statement	

Case Summary:

On July 25, 2023, the Office of Police Accountability and Transparency (OPAT) received a complaint filed by the Complainant alleging police misconduct of Boston Police Officer(s) Jose Burgos (157648) and Shawn Mirville (164111). The Complainant alleged that seven



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people came to their house trying to fight their granddaughter after months of intimidation and threats. The Complainant stated that a small brawl ensued where they and their granddaughter were both assaulted. The Complainant stated that she called the police and an Officer came and took their report. A few hours later, the people were outside the house again, antagonizing their granddaughter. The Complainant stated that they told the Officers to make the suspects leave the area, but BPD allegedly told the Complainant that it was public property and didn't do anything. The Complainant told them that one of the people had a knife, but the Officer allegedly told them that they asked and the people said they didn't have one. The Complainant said that the Officer was being sarcastic and unhelpful during their interaction. The Complainant stated that they do not feel safe talking to the police about the incident after previous interactions with them.

Interview Summary:

The Complainant restated the facts above that their family was involved in an altercation where both the Complainant and their granddaughter were assaulted. The Complainant stated that individuals in a Blue Toyota came to their neighborhood making threats and refused to leave the area, causing the Complainant to call Boston Police and spoke to a 9-1-1 dispatcher. The Complainant alleged that a bunch of teenagers including someone inside the blue vehicle had a weapon, specifically a knife on them.

On 12/21/23 and 1/31/24, Investigator Reed sent out an interview request to Officer Burgos. However, Officer Burgos never responded to the request. Officer Mirville was never sent out an interview request letter.

Sergeant Cooks spoke to the former Deputy Director about the incident and shared that the Complainant was verbally abusive to each responding Officer on scene and accounts of what happened were different from everyone on scene. Allegedly the complainant was demanding that everyone involved be arrested immediately and was not helpful at all to the Officers attempting to respond and assess the situation. The only weapon found on scene was a “dull scissors” in a car and not a knife as alleged by the complainant.

Document/Video/Other Investigation Technique Summary:

Investigator Reed reviewed a police report and the BPD Incident History page. The event page shows the initial call being for a “person with a knife.” Investigator Reed reviewed the 9-1-1 call tape, which shows that a caller stated that an altercation was occurring on



City of Boston, Massachusetts
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Wood Avenue. At the 3:39 minute mark, a caller reports to the operator that passengers inside a blue Toyota car are attempting to attack their cousin and have weapons, specifically knives.

Summary of Officer(s) Burgos and Mirvillee (BWC)

Investigator Reed reviewed Body Worn Camera footage from Officer(s) Burgos and Mirvillee cameras. Both Officers BWC show the same thing. A summary of the video shows that the Complainant approaches Officer Burgos to make a statement about the incident that occurred at Ross Field earlier in the day that took place stating that someone inside a Blue Toyota has a knife, which officers never recovered. The only item recovered from the alleged suspect's vehicle is a pair of scissors. Both the Complainant and the alleged suspect are both separated from each other. The alleged suspect is in her vehicle along with two other occupants who are very uncooperative with the responding BPD Officers. The suspect refuses to leave the scene until she finds her iPhone. At the 35:36 minute mark, Officer Burgos along with other Officers begin chatting about what they should do to remove the alleged suspect off the property.

At the 43:46 mark, the Complainant's Spouse is seen approaching the alleged suspect vehicle to have a conversation with her. The Complainant's husband attempts to deescalate the situation by helping her find her phone. At the 49:30 mark, the Complainant's family members began arguing with the alleged suspect. At the 50:33 minute mark, Sergeant Cooks arrives to speak to the Complainant and the alleged suspect. Sergeant Cook explains to the alleged suspect that she needs to leave the area, which she finally does.