

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION No.:

22-1997C

RICARDO ARROYO
Plaintiff

CITY OF BOSTON
Defendant

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2022 AUG 30 PM 4:12
MICHAEL JOSEPH DROVANI
CLERK/MAGISTRATE

VERIFIED COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF

I. INTRODUCTION

1. Plaintiff, Ricardo Arroyo ("Arroyo") brings this action in equity for production of an investigative file in the possession of the City of Boston's Boston Police Department.
2. Until recently, Arroyo was unaware that an investigative file existed. He learned of the existence of the file after being contacted in August 2022 by the Boston Globe. ("Globe").
3. The Globe contacted Arroyo, who is a candidate for the Suffolk County District Attorney's Office, and shared that it had possession of an investigative file relative to a dormant criminal complaint made in approximately 2005. Arroyo was not aware that an investigation was conducted in 2005, was not informed a file existed or of its contents.
4. The Globe shared parts of the investigative file with Arroyo to aid in its discussion of a story it has now

published. The parts of the file the Globe showed to Arroyo did not include any of the investigation's conclusions, close out sheets, or any documents that would demonstrate that that complaint was unfounded.

5. The investigative file is protected pursuant to M.G.L. c.41 §97D. According to the statute, this unverified and uncharged complaint is subject to confidentiality and shall not be public. Possession of the investigative file is only accessible to the police department, upon written request, to the complaining witness and his/her attorney and any other individual specifically authorized by the complaining witness such as prosecutor victim-witness advocates as defined in section 1 of chapter 258B, domestic violence counselors as defined in section 20K of chapter 233, sexual assault counselors as defined in section 20J of chapter 233.

6. There is no information that the complaining witness obtained or disseminated a copy of the investigative file or ever had possession of the file. Dissemination of the investigative file contrary to the statute is a crime and punishable by imprisonment for not more than 1 year or by a fine of not more than \$1,000, or both such fine and imprisonment.

7. The illegal dissemination of a partial file creates immediate and irreparable harm to Arroyo. Beside the

illegal dissemination of materials to the Globe, the intended purpose of the crime is to falsely portray Arroyo in a negative light implying impropriety when there was none. By directly sending a partial file to the Globe, a string inference exists that the distributor intends on maliciously maligning Arroyo's good character to directly affect a political contest. In breaking the law the disseminator has sought to manipulate the Globe into publishing a story without the ultimate findings of the investigation. In its thirst to write any story, the Globe has forged ahead writing a story knowing it lacks a complete file including the charging decisions that supported rejecting the claims made by the complaining witness, the investigations conclusions that supported rejecting the claims made by the complaining witness, and any case summary or close out sheets that supported rejecting the claims made by the complaining witness.

8. The possession and public dissemination of these materials has now rendered them public. The public, and Arroyo, have a compelling need to access the complete file including the charging decisions that supported rejecting the claims made by the complaining witness, the investigations conclusions that supported rejecting the claims made by the complaining witness, and any case summary or close out sheets that supported rejecting the claims made by the complaining

witness. With adequate redactions the compulsion of this file is essential and necessary.

9. The Plaintiff, by and through his lawyer, made several Freedom of Information Act requests that for which the Defendant responded. Specifically, on August 18th and 19th, the Plaintiff wrote:

. . . I am requesting that BPD provide me with the specific Boston police Incident report Numbers CC#xxxxxxx and CC# xxxxxxxx. (intentionally omitted). In addition to the foregoing, I am requesting correspondence of or concerning Mr. Ricardo Arroyo and the Suffolk County District Attorney's Office and the Boston Police Department in and around 2006, as originated and received from ADA (omitted) dated November of 2006. See attached email.

10. The City of Boston confirmed that the City of Boston is in possession of the requested documents but cannot provided the same due to exemptions to the Freedom of Information Act.

II. PARTIES

11. Plaintiff, Ricardo Arroyo is a citizen, named party in the investigative file and a candidate for the Suffolk County District Attorney's Office. His campaign address is

12. Defendant The City of Boston is a municipality organized under the laws Of the Commonwealth and the Police Department is subsidiary department thereof. The Police Department is the Boston Police Department located at 1 Schroeder Plaza, Boston, MA 02120;

III. JURISDICTION AND VENUE

13. This Court has jurisdiction over this action pursuant to G.L. c.212 §4 and G.L. c. 214 §1.

14. Pursuant to c.223 §1 and §8, venue is proper in Suffolk County because Arroyo's place of business, and all parties that would have or have access to the file are located in Suffolk County. (The City of Boston, Boston Police Department, and The Boston Globe)

IV. RELIEF

COUNT I - INJUNCTIVE RELIEF

(Against City of Boston)

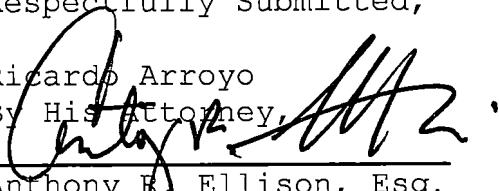
15. Plaintiff repeats and realleges paragraphs 1-4 as fully set forth herein.

16. Plaintiff will be immediately and irreparably harmed if the Defendants are not compelled to provide a full redacted copy of the investigative file.

17. The harm Plaintiff will incur if injunctive relief is not granted substantially outweighs the harm, if any, that the Defendant will incur if relief is granted.

Respectfully Submitted,

Ricardo Arroyo
By His Attorney,


Anthony R. Ellison, Esq.
The Ellison Law Firm
299 Gallivan Blvd.
Boston, MA 02124
Tel.: (617) 506-7075
Fax: (617) 506-7175
Email: arellisonlaw@gmail.com
BBO# 567037

Dated: 08/23/22

VERIFICATION

I, Ricardo Arroyo, hereby verify under oath that I am the Plaintiff in the above action and that I have read the Verified Complaint, and Ex Parte Temporary Restraining Order, and believe based on my personal knowledge and review of records and communications that the facts stated therein are true and that no material facts have been omitted therefrom.

Signed under the pains and penalties of perjury this 30th day of August, 2022.


Ricardo Arroyo