

To: Michael A. Cox, Police Commissioner *MAC*  
Boston Police Department

From: Richard Dahill, Deputy Superintendent  
Chief Administrative Hearings Officer

Date: March 10, 2023

Subject: Boston Police Department v. Sergeant Shana Cottone, ID No. 106714

IAD Case Nos. 2021-0455, 2022-0004, 2022-0014, 2022-0015, 2022-0103, &  
2022-0136

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Sir,

I respectfully report that after formal notification was given, a hearing on the matter of Boston Police Department v. Sergeant Shana Cottone, was held at Boston Police Headquarters on January 23 and February 2, 2023, in accordance with M.G.L. Chapter 31 § 41 and Rule 108 of the Boston Police Department Rules and Procedures. Sergeant Cottone requested a public hearing by email after the first day of hearing already began. Approximately 7 individuals were allowed for the first day and approximately 17 members of the public were allowed for the second day of the hearing. The hearing was stenographically recorded, and the resulting transcripts (Tr. 1 Vol. I and Tr.1 Vol. II) is the official hearing record.

Attorney James McGee represented the Department and Attorney Patrick Bryant and William Gents, on the second day only, represented Sergeant Shana Cottone.

The Department charged Sergeant Cottone with violating Department Rule 102 § 04, Neglect of Duty and Rule 102 § 08 Directives and Orders (3 Counts) relative to IAD Case No. 2021-0455.

The Department charged Sergeant Cottone violating Department Rule 102 § 04, Neglect of Duty and Rule 102 § 3, Conduct relative to IAD Case No. 2022-0004.

The Department charged Sergeant Cottone violating Department Rule 102 § 35, Conformance to Laws (2 Counts) and Rule 102 § 3, Conduct (3 Counts) relative to IAD Case No. 2022-0014.

The Department charged Sergeant Cottone violating Department Rule 102 § 03, Conduct (4 Counts), Rule 102 § 19, Statement of Opinion, and Rule 102 § 35, Conformance to Laws (2 Counts) relative to IAD Case 2022-0015.

The Department charged Sergeant Cottone with violations of Department Rule 102 § 35, Conformance to Laws, Rule 102 §3, Conduct, and Rule 102 § 9, Respectful Treatment relative to IAD Case No. 2022-0103,

The Department charged Sergeant Cottone with violations of Department Rule 102 § 35, Conformance to Laws and Rule 102 §3, Conduct, in relation to IAD Case No. 2022-01136.

**IAD Case No. 2021-0455**

**SPECIFICATION I**

On or about December 23, 2021, Sergeant Shana Cottone was serving as Patrol Supervisor in Area E-5. On that morning, without obtaining coverage from another supervisor, Sergeant Cottone left her area of responsibility and traveled to area B-3 to attend roll call where Mayor Wu was scheduled to speak. Additionally, on December 23, 2021, Sergeant Cottone again left her area of responsibility and traveled to an event at the International Brotherhood of Electrical Workers. Sergeant Cottone in this instance obtained coverage from an on-duty Sergeant Detective leaving him responsible for two supervisory functions. Such conduct violates Rule 102 § 04, Unreasonable Judgment/Neglect of Duty.

**SPECIFICATION II**

On or about December 23, 2021, Sergeant Shana Cottone was serving as Patrol Supervisor in Area E-5. On that morning, without obtaining coverage from another supervisor, Sergeant Cottone left her area of responsibility and traveled to area B-3 to attend roll call where Mayor Wu was scheduled to speak. Sergeant Cottone did not notify operations that she was leaving her district. Such conduct violates Rule 103 § 08 Directives and Orders.

**SPECIFICATION III**

On or about December 23, 2021, Sergeant Shana Cottone was serving as Patrol Supervisor in Area E-5. On that morning, without obtaining coverage from another supervisor, Sergeant Cottone left her area of responsibility and traveled to area B-3 to attend roll call where Mayor Wu was scheduled to speak. While at the B-3 roll call, Captain John Flynn announced to all present that recording of the roll call was prohibited. Subsequently, Sergeant Cottone proceeded to record the Mayor's remarks on her cellphone in direct violation of Captain Flynn's order. Such conduct violated Rule 102 § 08, Directives and Orders.

**SPECIFICATION IV**

On or about December 23, 2021, Sergeant Shana Cottone was serving as Patrol Supervisor in Area E-5. On that morning, without obtaining coverage from another supervisor, Sergeant Cottone left her area of responsibility and traveled to area B-3 to attend roll call where Mayor Wu was scheduled to speak. While at the B-3 roll call, Captain John Flynn announced to all present that recording of the roll call was prohibited. Sergeant Cottone proceeded to record the Mayor's remarks on her cellphone in direct violation of Captain Flynn's order. Subsequently, Deputy

Superintendent Lanita Cullinane observed Sergeant Cottone to be recording roll call on her cellphone. Deputy Superintendent Cullinane then reminded Sergeant Cottone of Captain Flynn's order and directed Sergeant Cottone to put her phone away. Subsequently, Deputy Superintendent Cullinane observed Sergeant Cottone's cellphone protruding from her pocket in such a manner that Superintendent Cullinane could tell it was still recording. Such conduct violated Rule 102 § 08, Directives and Orders.

#### **SPECIFICATION V**

On or about December 23, 2021, Sergeant Shana Cottone was serving as Patrol Supervisor in Area E-5. On that morning, without obtaining coverage from another supervisor, Sergeant Cottone left her area of responsibility and traveled to area B-3 to attend roll call where the Mayor was scheduled to speak. While at the B-3 roll call, Captain John Flynn announced to all present that recording of the roll call was prohibited. Sergeant Cottone proceeded to record the Mayor's remarks on her cellphone in direct violation of Captain Flynn's order. Subsequently, Deputy Superintendent Lanita Cullinane observed Sergeant Cottone to be recording roll call on her cell phone. Deputy Superintendent Cullinane then reminded Sergeant Cottone of Captain Flynn's order and directed Sergeant Cottone to put her phone away. Subsequently, Deputy Superintendent Cullinane observed Sergeant Cottone's cellphone protruding from her pocket in such a manner that Superintendent Cullinane could tell it was still recording. Deputy Superintendent Cullinane again approached Sergeant Cottone and ordered her to put her phone away. Sergeant Cottone responded by stating "Lanita don't do this." Sergeant Cottone subsequently shared the recorded video with some of her friends. Such conduct violated Rule 102 §08, Directives and Orders.

#### **IAD CASE No. 2022-0004**

#### **SPECIFICATION I**

On or about December 21, 2021, Sergeant Cottone, who was conducting roll call at Area E-5, failed to assign a protection detail to the Mayor's residence. After BPD personnel inquired as to why a protection detail had not been assigned, Sergeant Cottone replied that "she [the Mayor] does not want us there." Following roll call, Sergeant Cottone, in an agitated state, inquired of Captain Greeley as to why the Department was providing officers to protect the Mayor's house. Specifically, Sergeant Cottone expressed that she did not believe the Department should be protecting the Mayor, as the Mayor was harming officers through the COVID-19 vaccine mandate. Such conduct violates rule 102 § 04, Neglect of Duty/Unreasonable Judgement.

#### **SPECIFICATION II**

On or about December 21, 2021, Sergeant Cottone, who was conducting roll call at Area E-5, failed to assign a protection detail to the Mayor's residence. After BPD personnel inquired as to why a protection detail had not been assigned, Sergeant Cottone replied that "she [the Mayor] does not want us there." Following roll call, Sergeant Cottone, in an agitated state, inquired of Captain Greeley as to why the Department was providing officers to protect the Mayor's house. Specifically, Sergeant Cottone expressed that she did not believe the Department should be protecting the Mayor as the mayor was harming officers through the COVID-19 vaccine mandate.

Following the above-referenced exchanges, Captain Greeley inquired of Sergeant Cottone why she did not assign the required unit to the Mayor's house, to which Sergeant Cottone replied "who is the rat" and "rats get bats" and then accused Sergeant Steve O'Brien of being a "gossip". Such conduct violates Rule 102 §3- Conduct.

#### **IAD CASE NO. 2022-0014**

#### **SPECIFICATION I**

On or about January 15, 2022, Sergeant Cottone was off-duty and entered Penguin Pizza in the Mission Hill section of Boston. After entering, Sergeant Cottone and the group she was with acknowledged that they were not in compliance with the City of Boston Covid-19 vaccine and indoor mask dining mandate. Sergeant Cottone was subsequently asked to leave the premises by an employee. Sergeant Cottone refused to leave the establishment and the employee called BPD. After BPD officers responded Sergeant Cottone continued to refuse to leave the premises. Such conduct violates Rule 102 § 35, Conformance to Laws (Trespass).

#### **SPECIFICATION II**

On or about January 15, 2022, Sergeant Cottone was off-duty and entered Penguin Pizza in the Mission Hill section of Boston. After entering, Sergeant Cottone and the group she was with acknowledged that they were not in compliance with the City of Boston Covid-19 vaccine and indoor mask dining mandate. Sergeant Cottone was subsequently asked to leave the premises by an employee. Sergeant Cottone refused to leave the establishment and the employee called BPD. After BPD officers responded Sergeant Cottone continued to refuse to leave the premises. Such conduct violates Rule 102 § 35, Conformance to Laws (COVID-19 Mandate).

#### **SPECIFICATION III**

On or about January 15, 2022, Sergeant Cottone was off-duty and entered Penguin Pizza in the Mission Hill section of Boston. After entering, Sergeant Cottone and the group she was with acknowledged that they were not in compliance with the City of Boston Covid-19 vaccine and indoor mask dining mandate. Sergeant Cottone was subsequently asked to leave the premises by an employee. Sergeant Cottone refused to leave the establishment and the employee called BPD. After BPD officers responded Sergeant Cottone continued to refuse to leave the premises. Such conduct violates Rule 102 § 03, Conduct.

#### **SPECIFICATION IV**

On or about January 15, 2022, Sergeant Cottone was off-duty and entered Penguin Pizza in the Mission Hill section of Boston. After entering, Sergeant Cottone and the group she was with acknowledged that they were not in compliance with the City of Boston Covid-19 vaccine and indoor mask dining mandate. Sergeant Cottone was subsequently asked to leave the premises by an employee. Sergeant Cottone refused to leave the establishment and the employee called BPD. After BPD officers responded Sergeant Cottone continued to refuse to leave the premises. During Sergeant Cottone's exchange with restaurant staff and responding officers, Sergeant Cottone was

rude and discourteous. Specifically, Sergeant Cottone attempted to get the restaurant employees to serve her, in violation of the vaccine mandate by feigning that she was having an episode of low blood sugar and required a bottle of water. Such conduct violates Rule 102 § 03, Conduct.

#### **SPECIFICATION V**

On or about January 15, 2022, Sergeant Cottone was off-duty and entered Penguin Pizza in the Mission Hill section of Boston. After entering, Sergeant Cottone and the group she was with acknowledged that they were not in compliance with the City of Boston Covid-19 vaccine and indoor mask dining mandate. Sergeant Cottone was subsequently asked to leave the premises by an employee. Sergeant Cottone refused to leave the establishment and the employee called BPD. After BPD officers responded Sergeant Cottone continued to refuse to leave the premises. During Sergeant Cottone's exchange with restaurant staff and responding officers, Sergeant Cottone was rude and discourteous. Specifically, as it pertains to her interactions with fellow officers, Sergeant Cottone called Officer Beauchemin a "smart ass." Subsequently, Sergeant Cottone continued to berate Officer Beauchemin in front of the group by stating Officer Beauchemin did not know how to do his job, and that he was a "follower". Sergeant Cottone continued by calling the officers "disgusting, really disgusting." Sergeant Cottone, while speaking to Sergeant Conway, pointed towards Officer Beauchemin and said "you should take that uniform off, you should not be a police officer. Him, I got a problem with, he's got a bad attitude." Sergeant Cottone also informed the officers they were "dismissed" and could leave. Such conduct violates Rule 102 § 03, Conduct.

#### **IAD CASE NO. 2022-0015**

#### **SPECIFICATION I**

On or about January 15<sup>1</sup>, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination. Boston Police Officers were subsequently summoned to the scene. Among the Boston Police employees who arrived on scene was Sergeant John Wright. In her interaction with Sergeant Wright, Sergeant Cottone was openly disrespectful and discourteous. For example, Sergeant Cottone told Sergeant Wright that he was a "corrupt cop," "mumble mouth" "disgusting" and stated "Don't be wrong, Wright." Such conduct violates Rule 102 § 03, Conduct.

#### **SPECIFICATION II**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination. Boston Police Officers were subsequently summoned to the scene. Once the officers arrived on scene, Sergeant Cottone's conduct towards responding officers was disrespectful and

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<sup>1</sup> The original specification listed the date as January 8, 2022. The actual date was January 15, 2022 and was corrected for this report.

discourteous. For example, Sergeant Cottone referred to her fellow officers as “naughty boys” and “Nazis”. Such Conduct violates Rule 102 § 03, Conduct.

### **SPECIFICATION III**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination. Boston Police Officers were subsequently summoned to the scene. Once the officers arrived on scene, Sergeant Cottone’s conduct towards the Manager of Pizzeria Regina was disrespectful and discourteous. Specifically, Sergeant Cottone called the manager of Pizzeria Regina [REDACTED] a “little liar” and a “tyrant man.” Such Conduct Rule 102 §3- Conduct.

### **SPECIFICATION IV**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination. Boston Police Officers were subsequently summons to the scene. Once the officers arrived on scene, Sergeant Cottone’s conduct towards Pizzeria Regina staff members was disrespectful and discourteous. Specifically, Sergeant Cottone called the food attendant a “fuckin liar” and referred to him as “baldy.” Such conduct violates Rule 102 § 03, Conduct.

### **SPECIFICATION V**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone refused to wear masks or show proof of COVID-19 vaccination. Boston Police Officers were subsequently summoned to the scene. While on scene, Sergeant Cottone made numerous remarks in front of three store employees, and police officers, as people entered the store for food service, that were overly critical of the city government. She stated the following remarks: *“The police are not to be enforcing this mandate. You can take yourself and leave. If you’re not gonna stand by your oath, you shouldn’t be on the job. I’m gonna sue you individually.” “You guys are gonna lose your jobs. The Mayor said the police wouldn’t be enforcing the vaccine...policy. What are you doing here?”* She stated that Mayor Wu *“does not belong in politics, that she is not a leader and shouldn’t be in politics.”* She berated Sgt. Wright stating *“you should go and do your job because this is not part of your job. Mayor Wu has confused you and this is not part of your job. Mayor Wu said the police were not enforcing this.”* She stated to the officers *“if you not are going by your oath, you shouldn’t be doing this job, you understand. Just working. It’s a cop-out and you on the wrong side copping out to violating our rights.” “History has shown us that high steppers like you trample on the rights of the innocent. You go down in history as the bad guys.”* And further stated, *“Most dysfunctional family I belonged to and I’m not being quiet anymore, going to take my job but I won’t!”* She further stated that, in Sergeant Wright’s presence, it was a *“police state”* as he was standing there watching them eat. She continued confronting him and stated that he did not want to go after

criminals, drug-addicted people, or help the homeless, he preferred to be with them. Such conduct violates Rule 102 § 19, Statement of Opinion.

#### **SPECIFICATION VI**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination in violation of the Boston Health Commission's regulations regarding indoor dining. Such conduct violates Rule 102 § 35, Conformance to Laws.

#### **SPECIFICATION VII**

On or about January 15, 2022, Sergeant Cottone was off-duty and along with a group of individuals, entered the Pizzeria Regina located on Boylston Street in the City of Boston. The group, including Sergeant Cottone, refused to wear masks or show proof of COVID-19 vaccination in violation of the Boston Health Commission's regulations regarding indoor dining. Sergeant Cottone and the group were asked to leave by Pizzeria Regina Staff and responding officers, but refused to do so. Such conduct violates Rule 102 § 35, Conformance to Laws.

#### **IAD CASE NO. 2022-0103**

#### **SPECIFICATION I**

On or about March 14, 2022, at approximately 7:15am, a group of individuals were gathered in the area of Mayor Michelle Wu's residence. The group included Sergeant Shana Cottone, who was off-duty at the time. The group was yelling in the direction of the Mayor's residence and utilizing noise making devices including containers used as drums and bullhorns. Boston Police personnel arrived and advised the crowd that if they continued to use these devices that they could be charged with Disturbing the Peace. Following these admonishments, Sergeant Cottone was observed on two occasions to be utilizing a bullhorn to loudly shout remarks in the direction of the Mayor's home at a volume that could be heard at a distance of 100 feet. Such conduct violates Rule 102 § 35, Conformance to Laws.

#### **SPECIFICATION II**

On or about March 14, 2022, at approximately 7:15am, a group of individuals were gathered in the area of Mayor Michelle Wu's residence. The group included Sergeant Shana Cottone, who was off-duty at the time. The group was yelling in the direction of the Mayor's residence and utilizing noise making devices including containers used as drums and bullhorns. Boston Police personnel arrived and Sergeant Steven O'Brien advised the crowd that if they continued to use these devices that they could be charged with Disturbing the Peace. During the time in which Sergeant O'Brien was advising the crowd, Sergeant Cottone interrupted him on numerous occasions. For example, Sergeant Cottone at one point interrupted Sergeant O'Brien, stating that the information he was giving the crowd regarding noise amplification devices was incorrect and violated "free speech." Additionally, Sergeant Cottone stated to Sergeant O'Brien, "Steve, I don't think that's the law" and then said to the group "I don't think he knows what he is talking about." In another instance,

Sergeant Cottone sat in a lawn chair blocking a section of an adjoining street. Such conduct violates Rule 102 § 03, Conduct.

### **SPECIFICATION III**

On or about March 14, 2022, at approximately 7:15am, a group of individuals were gathered in the area of Mayor Michelle Wu's residence. The group included Sergeant Shana Cottone, who was off-duty at the time. The group was yelling in the direction of the Mayor's residence and utilizing noise making devices including containers used as drums and bullhorns. Boston Police personnel arrived and Sergeant Steven O'Brien advised the crowd that if they continued to use these devices that they could be charged with Disturbing the Peace. During this time, Sergeant Cottone was openly disrespectful to Sergeant O'Brien. Specifically, Cottone interrupted O'Brien in his address to the protestors and then stated, "Steve, I don't think that's the law" and further stated to the other protestors, "I don't think he knows what he's talking about," and then informed the protestors that they did not have to abide by Sergeant O'Brien's orders. Such conduct violates Rule 102 § 9, Respectful Treatment.

### **IAD CASE NO. 2022-0136**

### **SPECIFICATION I**

On or about, April 1, 2022, at approximately 7:00am, Sergeant Shana Cottone, while off-duty, was part of a group of individuals who were gathered in front of Mayor Wu's house. During that time, Sergeant Cottone was observed to be yelling chants in the direction of the Mayor's house. Members of the Boston Police Department had previously received complaints from the Mayor's neighbors regarding this loud and disruptive activity. Once on scene, Sergeant Detective Jason Gilmore advised the group of protestors, including Sergeant Cottone, of the recently passed City of Boston Targeted Residential Picketing Ordinance. During this exchange, Sergeant Cottone was openly disrespectful and argumentative towards Sergeant Detective Gilmore and Sergeant Steven O'Brien. After being advised of the ordinance, Sergeant Cottone remained in front of the Mayor's house and continued to chant. Following this exchange, Sergeant Cottone was observed entering her personal vehicle and proceeding to follow the Mayor's vehicle while yelling chants through a noise amplification device. Such conduct violates Rule 102 § 03, Conduct.

### **SPECIFICATION II**

On or about, April 1, 2022, at approximately 7:00am, Sergeant Shana Cottone, while off-duty, was part of a group of individuals who were gathered in front of Mayor's house. During that time, Sergeant Cottone was observed to be yelling chants in the direction of the Mayor's house. Members of the Boston Police Department had previously received complaints from the Mayor's neighbors regarding this loud and disruptive activity. Once on scene, Sergeant Detective Jason Gilmore advised the group of protestors, including Sergeant Cottone, of the recently passed City of Boston Targeted Residential Picketing Ordinance. During this exchange, Sergeant Cottone was openly disrespectful and argumentative towards Sergeant Detective Gilmore and Sergeant Steven O'Brien. After being advised of the ordinance, Sergeant Cottone remained in front of the Mayor's house and continued to chant. Following this exchange, Sergeant Cottone was observed entering

her personal vehicle and proceeding to follow the Mayor's vehicle while yelling chants through a noise amplification device. Such conduct violates Rule 102 §35, Conformance to Laws.

## **EXHIBITS**

### **Department's Exhibit List**

#### **IAD Case No. 2021-0455**

1. Lieutenant Detective Ryan Mason IAD Findings Report
2. Sergeant Detective Roberto Paulino IAD Investigative Report
3. Boston Police Department Incident Report #212093685
4. Area E BATs
5. Administrative Form 26 Reports
  - a. Detective Emanuel Canuto Form 26 Report
  - b. Captain John Flynn Form 26 Report
  - c. Lieutenant Brian Miller Form 26 Report
  - d. Sergeant Eric Travers Form 26 Report
6. Transcript of Captain John Flynn IAD Interview
7. Transcript of Superintendent Lanita Cullinane IAD Interview
8. Transcript of Detective Emanuel Canuto IAD Interview
9. Transcript of Lieutenant Brian Miller IAD Interview
10. Transcript of Lieutenant Michael Hegarty IAD Interview
11. Transcript of Lieutenant Brian Leahy IAD Interview
12. Transcript of Lieutenant Michael Locke IAD Interview
13. Transcript of Sergeant Detective Michael Mylett IAD Interview
14. Transcript of Sergeant Peter McCarty IAD Interview
15. Transcript of Officer Ydritzel Oller IAD Interview
16. Transcript of Sergeant Ryan Cunningham IAD Interview
17. Transcript of Sergeant Detective Cary Chin IAD Interview
18. Transcript of Sergeant Eric Travers IAD Interview
19. Transcript of Sergeant Shana Cottone April 8, 2022 IAD Interview
20. Transcript of Sergeant Shana Cottone April 20, 2002 IAD Interview
21. Transcript of Sergeant Timothy Fitzpatrick IAD Interview
22. Digital Exhibits
  - a. BostonLive617 Video
  - b. Video provided by Sergeant Detective Cary Chin
  - c. Audio recording of Sergeant Shana Cottone March 10, 2022 IAD Interview

#### **IAD Case No. 2022-0004**

1. Specifications
2. Lieutenant Detective Henry Stains IAD Findings Report
3. Sergeant Detective Juana Hernandez IAD Investigative Report
4. BPD Administrative Form 26 Report
  - a. Sergeant Stephen O'Brien

- b. Sergeant Tomas Kearney
- c. Captain Darren Greeley
- 5. Area E-5 BAT
- 6. Boston Herald Article dated January 9, 2022
- 7. Transcript of Sergeant Tomas Kearney IAD Interview
- 8. Transcript of Lieutenant Detective Michael Kern IAD Interview
- 9. Transcript of Sergeant Shana Cottone IAD Interview
- 10. Transcript of Sergeant Stephen O'Brien IAD Interview
- 11. Transcript of Captain Darren Greeley IAD Interview

**IAD Case No. 2022-0014**

- 1. Specifications
- 2. Lieutenant Detective Timothy Gaughan IAD Findings Report and Sergeant Detective Erin Schroeder-Withington IAD Investigative Report
- 3. Licensing Board of Boston Advisory RE: Updated Covid-19 Operation Protocols
- 4. City of Boston Temporary Order RE: Indoor Dining
- 5. Boston Public Health Commission Emergency Medical Services Regulations
- 6. Sergeant Cottone Carney Form
- 7. Boston Police Department Incident Report #222003214
- 8. Transcript of Officer John Beauchemin IAD Interview
- 9. Transcript of Officer Max McGuire IAD Interview
- 10. Transcript of Sergeant Daniel Conway IAD Interview
- 11. Transcript of Sergeant Shana Cottone IAD Interview
- 12. Digital Exhibits
  - a. Officer Max McGuire Body Worm Camera video
  - b. Officer John Beauchemin Body Worm Camera video
  - c. [REDACTED] 911 call audio recording

**IAD Case No. 2022-0015**

- 1. Specifications
- 2. Lieutenant Detective Thomas Lema IAD Findings Report
- 3. Sergeant Detective Palomares IAD Investigative Report
- 4. Boston Police Incident Report #22203233
- 5. Boston Police Department Administrative Form 26 Reports
  - a. Officer Christopher Keaton
  - b. Sergeant John Wright
  - c. Officer Jordan Aragones
  - d. Officer Thomas Antonio
  - e. Officer Anthony Dowling
- 6. Licensing Board for the City of Boston Advisory RE: Updated Covid 19 Operational Protocols
- 7. Transcript of Officer Anthony Dowling IAD Interview
- 8. Transcript of Officer Christopher Keaton IAD Interview
- 9. Transcript of Officer John Aragones IAD Interview

10. Transcript of Officer Thomas Antonio IAD Interview
11. Transcript Sergeant John Wright IAD Interview
12. Transcript Sergeant Shana Cottone IAD Interview
13. Digital Exhibits
  - a. Officer Anthony Dowling Body Worm Camera video
  - b. Officer Jordan Aragonés Body Worm Camera video
  - c. Officer Christopher Keaton Body Worm Camera video
  - d. Officer Thomas Antonio Body Worm Camera video
  - e. [REDACTED] 911 call audio recording

**IAD Case No. 2022-0103**

1. Specifications
2. Lieutenant Detective Henry Staines IAD Findings Report
3. Sergeant Detective Erin Schroeder IAD Investigative Report
4. Boston Police Department Incident Report 222017793
5. Transcript of Officer John Callahan IAD Interview
6. Transcript of Officer Moses DaSilva IAD Interview
7. Transcript of Officer Peter Giannopoulos IAD Interview
8. Transcript of Officer Curtis Jones IAD Interview
9. Transcript of Officer Luis Rivera IAD Interview
10. Transcript of Sergeant Shana Cottone IAD Interview
11. Transcript of Sergeant Stephen O'Brien IAD Interview
12. Digital Exhibits – Body Worn Camera Video
  - a. "Protest\_17\_Augustus\_ave"
  - b. "CD19,\_Augustus\_ave"
  - c. Augustus\_ave\_Protest"
  - d. Protest\_17\_Augustus\_Ave(1)"
  - e. Protest\_At\_17\_Augustus\_Ave"
  - f. 17\_Augustus\_Ave"

**IAD Case. 2022-0136**

1. Specifications
2. Sergeant Detective Paul Joseph IAD Investigative Report
3. Lieutenant Detective Thomas Lema IAD Findings Report
4. CAD Sheet/Incident History and Boston Police Incident Report
5. Transcript of Officer Ydritzabel Oller IAD Interview
6. Transcript of Officer Carlos Martinez IAD Interview
7. Transcript of Officer James Kominsky IAD Interview
8. Transcript of Officer John Callahan IAD Interview
9. Transcript of Officer John Ciccolo IAD Interview
10. Transcript of Officer Leah Phillips IAD Interview
11. Transcript of Officer Luis Rivera IAD Interview
12. Transcript of Officer Michael Flaven IAD Interview
13. Transcript of Officer Patrick Creavin IAD Interview

14. Transcript of Officer Peter Giannopoulos IAD Interview
15. Transcript of Officer Styvalis Sosa IAD Interview
16. Transcript of Sergeant Detective Cary Chin IAD Interview
17. Transcript of Sergeant Detective Jason Gilmore IAD Interview
18. Transcript of Sergeant Shana Cottone IAD Interview
19. Transcript of Sergeant Stephen O'Brien IAD Interview
20. Digital Exhibits
  - a. Officer Carlos Martinez Body Worm Camera video
  - b. Officer Patrick Creavin Body Worm Camera video
  - c. Officer Leah Phillips Body Worm Camera video
  - d. Officer John Ciccolo Body Worm Camera video
  - e. Officer Michael Flaven Body Worm Camera video
  - f. Officer John Callahan Body Worm Camera video
  - g. Officer Peter Giannopoulos Body Worm Camera video
  - h. Officer James Kominsky Body Worm Camera video
  - i. Video taken from Mayor's vehicle

#### **Employee Exhibits List**

1. Article "Pattern of Discrimination seen at BPD" dated October 14, 2020  
Article "Police Vow: No More bullhorns or sirens at early morning scream fest outside Mayor's House" Universal Hub
2. Packet of Emails "Lisa O'Brien dated January 10, 2022
3. City Public Records Request R003631-122322
4. Application of Complaint #2206AC00385
5. Application of Complaint #2206AC00385
6. Article "Boston Police Investigating if Officers Made Capitol Riot Post"
7. List of IAD Cases received from July 1 to August 30, 2021/ Also Text exchange between Captain Greeley and Sergeant Cottone
8. Public Records Request IAD Cases
9. Sergeant Cottone email to self "Eddy Crispin Call to E-5 DS Line 12/24/21
10. Deputy Superintendent Crispin Email "Open IA Investigations Against Sgt. Cottone" dated January 10, 2022
11. Sean Murphy email "Dear Shana Cottone/Magistrate's Hearing" dated April 6, 2022
12. Tweet "Michelle Wu@wutrain" on the way to "Flood the Seaport" protest
13. Packet of Police Commissioner's Personnel Orders concerning discipline
14. Hypoglycemia (Low Blood Glucose) Information Sheet
15. Spreadsheet 2021 IAD Cases and Dispositions
16. Digital Video Evidence
  - a. January 10, 2022 Sergeant O'Brien
  - b. B3 – Captain Flynn Speaks
  - c. B3-Mayor Speaks
  - d. Brightness Tweaked Cottone & Bullhorn
  - e. Brightness Tweaked Melissa Yells for Wu
  - f. Cottone Buys Bottle Water
  - g. O'Brien/ Cottone Interactions March 14, 2022 Protest

- h. Wu Bullhorn Protest Picket
- i. Wu Says No Police Enforcement Passports
- j. Zoomed in Phone in Hand

## **TESTIMONY**

The Department called the following witnesses: Superintendent Lanita Cullinane (Chief, Bureau of Field Services), Sergeant Detective Erin Schroeder-Withington (Internal Affairs Division), Sergeant Stephen O'Brien (District E-5), Sergeant Detective Lucia Palomares (Internal Affairs Division), Sergeant Detective Juana Hernandez (School Police Unit), and Sergeant Detective Roberto Paulino (Internal Affairs Division)

The Employee called Deputy Superintendent Eddy Chrispin, assigned to the Bureau of Field Services. Sergeant Shana Cottone did not testify on her own.

## **APPLICABLE RULES**

### **Rule 102 § 03, Conduct:**

*"Employees shall conduct themselves at all times, both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees."*

### **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 § 8 DIRECTIVES AND ORDERS:**

*"Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all orders of a superior officer or supervisor."*

#### ***"Improper Orders:***

*An employee, given an order which he believes to be improper or not in accordance with Department rules, must obey the order. He may then appeal the matter to his commanding officer, and if the matter is not resolved at that level, it may be appealed through the chain of command to the Police Commissioner."*

#### ***"Conflicting Orders:***

*An employee given an order which conflicts with Department rules and/or policies or with a previous order from a higher authority, shall promptly and respectfully call the conflict to the attention of the superior officer or supervisor giving the order. If the superior officer or*

*supervisor does not withdraw or change his order to avoid the conflict, the order shall be binding upon the employee unless or until it is specifically countermanded by an officer or supervisor of higher rank."*

**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 § 19 STATEMENT OF OPINION:**

*"Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing, or expression in any other manner when such speech, writing or other expression is defamatory, unlawful, interferes with the maintenance of discipline, or is made with reckless disregard of its truth or falsity."*

**Rule 102 § 35 CONFORMANCE TO LAWS:**

*"Employees shall obey all laws of the United States, of the Commonwealth of Massachusetts, all City of Boston ordinances and by-laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations. An employee of the Department who commits any criminal act shall be subject to disciplinary action up to and including discharge from the Department. Each case shall be considered on its own merits, and the circumstances of each shall be fully reviewed before the final action is taken."*

**Rule 103: Overview**

*This rule is issued to establish the responsibilities and duties of the rank of Patrol Officer.*

**Rule 103 § 8 Assigned Area**

*[A Patrol Officer] Shall confine his patrol within the limits of his assigned sector or area except in case of emergency when he shall immediately notify the Operations Division by radio. A patrol officer will not otherwise leave his assigned area until properly relieved unless he is dispatched elsewhere by the Operations Division or a Superior Officer.*

**FINDINGS OF FACT**

Based on the testimony and documentary evidence presented at the hearing, I make the following findings of facts:

1. Sergeant Cottone has been a member of the Department since May 27, 2008 and was promoted to Sergeant on July 29, 2017. Prior to being placed on administrative leave on January 8, 2022, Sergeant Cottone was assigned to District E-5. (Administrative Notice)
2. On December 20, 2021, Mayor Michelle Wu announced she was City of Boston employees would be required to get the Covid 19 vaccine and weekly testing would not be an option. (Administrative Notice – Boston Globe Article)
3. Sergeant Cottone is also the founder and leader of the Boston First Responders United group formed to oppose Boston Mayor Michelle Wu's expanding vaccine mandate requiring most municipal workers to get the vaccine by January 15, 2022. (Department Exhibit 6, Boston Herald Article dated January 9, 2022)

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4. On Tuesday December 21, 2021, Sergeant Cottone was assigned as the Day Tour Patrol Supervisor along with Sergeant Stephen O'Brien. Lieutenant John Early was assigned as the Duty Supervisor. Lieutenant Detective Michael Kerns, the District 5 District Detective Commander was also working. (Department Exhibit 5, District 5 BAT)
5. Because Lieutenant Early, the Day Shift Duty Supervisor, was running late, Sergeant Cottone conducted the District 5 Day Shift Roll Call. Lieutenant Kerns and Sergeant O'Brien were present at the roll call. (Department Exhibit 9 p. 8, Sergeant Cottone IAD Interview dated March 10, 2022; Department Exhibit 8 p. 7 Lieutenant Kerns IAD Interview; Department Exhibit 10 p. 7, Sergeant O'Brien IAD Interview)
6. One of the purposes of the District 5 roll call is give out assignments to provide 24 hours a day security of Mayor Wu's personal residence located at 17 Augustus Road in District 5. The assignments are given out to Officers in 2 hour periods of time. (Tr. 1 Vol. I, p. 150, Testimony of Sergeant O'Brien; Department Exhibit 9 pgs. 8-9, Sergeant Cottone IAD Interview; Department Exhibit 10 p. 10, Sergeant O'Brien IAD Interview)
7. Sergeant Cottone ended roll call without assigning officers to cover the security detail at Mayor Wu's house. Sergeant Cottone and Lieutenant Detective Kerns then went to the Duty Supervisor's office. (Department Exhibit 9 p. 9, Sergeant Cottone IAD Interview; Department Exhibit 8 p. 7, Lieutenant Detective Kerns IAD Interview)
8. One of the officers approached Sergeant O'Brien and asked about the assignments at the Mayor's house. There was also a question of relieving Last Half Shift Officer assigned to the Mayor's security detail. Sergeant O'Brien then went to the Duty Supervisor's Office and told Sergeant Cottone that they forgot to give out the Mayor's security detail. (Tr. 1 Vol. I p. 152-154, Testimony of Sergeant O'Brien; Department Exhibit 10 p 7, & 10; Department Exhibit 8 p. 7, Lieutenant Kerns IAD Interview; Department Exhibit 9 p. 9, Sergeant Cottone IAD Interview)

9. Sergeant Cottone replied, "*Oh what are we going to put a cop up [at the Mayor's house] who's unvaccinated who [Mayor Wu] is going to fire next week, that's fucking rich.*" (Department Exhibit 9 p. 9, Sergeant Cottone IAD Interview)
10. Lieutenant Kerns reported that, "*Sergeant Cottone expressed that she was not going to assign any officers to the Mayor's residence and questions why we (the BPD) are posted at her home especially since the Mayor does not want the BPD there.*" (Department Exhibit 4 d. Lieutenant Kerns Administrative Form 26 Report; See also Department Exhibit 8 p. 8, Lieutenant Kerns IAD Interview)
11. Sergeant O'Brien also reported that Sergeant Cottone said that they would not be covering the Mayor's security detail because the Mayor does not want the BPD at her house. (Tr. 1 Vol. I p. 154, Testimony of Sergeant O'Brien; Department Exhibit 10 p. 7, Sergeant O'Brien IAD Interview)
12. Sergeant O'Brien then walked out of the office to tell the Officers that there would not be any assignments at the Mayor's house. (Tr. 1 Vol I p. 155, Testimony of Sergeant O'Brien)
13. At this point, Lieutenant Kerns intervened and told Sergeant O'Brien to send an Officer to relieve the Last Half Officer at the Mayor's house. Lieutenant Kerns told Sergeant Cottone and Sergeant O'Brien that the Captain wants the Mayor's house covered. (Tr. 1 Vol. I p. 155, Testimony of Sergeant O'Brien; Department Exhibit 8 p. 8, Lieutenant Kerns IAD Interview; Department Exhibit 9 p. 10, Sergeant Cottone IAD Interview)
14. Sergeant Cottone then said, "*Cooler heads prevail. Make sure somebody is up at the Mayor's house.*" (Tr. 1 Vol I p. 155, Testimony of Sergeant O'Brien, Department Exhibit 9 p. 10, Sergeant Cottone IAD Interview; Department Exhibit 8 p. 8, Lieutenant Kern IAD Interview)
15. There was no lapse in coverage of security of the Mayor's house. (Tr. 1 Vol I p. 155, Testimony of Sergeant O'Brien; Department Exhibit 9 p. 10, Sergeant Cottone IAD Interview)
16. A short time later, at about 8:20am, Captain Darrin Greeley, the District 5 Commander, stopped by the Duty Supervisor's office and greeted Sergeant Cottone, Sergeant Tomas Kearney, working as the Detail Supervisor, and Sergeant O'Brien. (Tr. 1. Vol. I p. 156, Testimony of Sergeant O'Brien; Department Exhibit 11 p. 7, Captain Greeley IAD Interview; Department Exhibit 7 p. 8, Sergeant Kearney IAD Interview; Department Exhibit 9 p. 12, Sergeant Cottone Interview)
17. Sergeant Cottone immediately asked Captain Greeley why they had to provide security for Mayor Wu's house because she was hurting Officers by forcing them to get the vaccine. (Tr. 1 Vol I p. 156, Testimony of Sergeant O'Brien; Department Exhibit 11 p. 7, Captain Greeley IAD Interview; Department Exhibit 7 pgs. 8-9, Sergeant Kearney IAD Interview)

18. At this point, Sergeant O'Brien left the room because he did not want to be part of the conversation. (Tr. 1 Vol I p. 156, Testimony of Sergeant O'Brien)
19. Captain Greeley replied, "...It's our duty as sworn officers. We've been protecting every mayor since I've been on this job. It's what we always do... Our duty is to protect the mayor's house" Department Exhibit 11 p. 7-8, Captain Greeley IAD Interview; See also Department Exhibit 7 pgs. 8, Sergeant Kearney IAD Interview)
20. Sergeant Cottone was stressed, upset, and venting about the vaccine mandate. (Department Exhibit 11 p. 7, Captain Greeley IAD Interview; Department Exhibit 7 p. 8, Sergeant Kearney IAD Interview; Department Exhibit 9 p. 12, Sergeant Cottone Interview)
21. At some point, Captain Greeley asked Sergeant Cottone if she wanted to go home if she was feeling too stressed about the vaccine mandate situation. Sergeant Cottone declined. (Department Exhibit 11 p. 7, Captain Greeley IAD Interview; Department Exhibit 7 p. 9, Sergeant Kearney IAD Interview)
22. At about this time, Sergeant O'Brien was nearby in the hallway with some Officers and could hear Captain Greeley tell Sergeant Cottone that if she couldn't use reasonable judgement, she would be sent home. Sergeant O'Brien then cleared the officers out of the area figuring the conversation was getting a little heated. (Department Exhibit 10 p. 9, Sergeant O'Brien IAD Interview)
23. Captain Greeley then left the office while Sergeant Cottone and Sergeant Kearney, who is also a union representative, continued to talk about the vaccine mandate and the union's response. (Department Exhibit 7 p. 10, Sergeant Kearney IAD Interview)
24. A short time later, Sergeant O'Brien and Captain Greeley had a conversation<sup>2</sup> about Sergeant Cottone's failure to assign the Mayor's security detail at roll call. (Tr.1 Vol. I p.158, Cross examination of Sergeant O'Brien; Department Exhibit 11 p. 8, Captain Greeley IAD Interview)
25. Sergeant O'Brien said, "*Captain, listen, 45 seconds later, [Sergeant Cottone] said cover it. She was just venting.*" (Tr.1 Vol. I p.158, Cross examination of Sergeant O'Brien)
26. Captain Greeley had Lieutenant Detective Kern, Sergeant O'Brien and Sergeant Kearney document the incident with Sergeant Cottone in an administrative Form 26 report. (Department Exhibits 4a, 4b, 4d)

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<sup>2</sup> There is a discrepancy as to who initiated the conversation. Captain Greeley indicated that Sergeant O'Brien approached him while Sergeant O'Brien relayed that Captain Greeley approach him. Regardless, both reported having the conversation.

27. Captain Greeley had a phone call and had a follow up face to face conversation with Sergeant Cottone about her failure to assign Officers to the Mayor's residence security detail. (Department Exhibit 11 p. 8, Captain Greeley IAD Interview)
28. Sergeant Cottone asked the Captain, "*Who's the rat, rats get bats.*" Sergeant Cottone blamed Sergeant O'Brien for telling the Captain that she did not assign Officers to the Mayor's house. Sergeant Cottone believed that Sergeant O'Brien was spreading rumors<sup>3</sup> about her because he, according to Sergeant Cottone, was a gossip.
29. Captain Greeley told Sergeant Cottone that it not a question of who's the rat, but rather that it is important that she remain professional despite her opposition to the Mayor's vaccine mandate and to staff the Mayor protection detail. (Department Exhibit 11, p. 9, Captain Greeley IAD Interview; Department Exhibit 4c, Captain Greeley Administrative Form 26 Report)
30. [REDACTED]  
[REDACTED] Captain Greeley also noted that during roll calls Sergeant Cottone had held officers over during roll calls to talk about the vaccine and to encourage the officers to stand united against the Mayor. (Department Exhibit 11, p. 13 Captain Greeley IAD Interview; Department Exhibit 4c, Captain Greeley Administrative Form 26 Report; See also IAD Case No 2022-0015, Department Exhibit 13 d., Officer Christopher Keaton Body Worn Camera video)

#### IAD Case No. 2021-0455

31. On December 22, 2021, Captain John Flynn, District 3 Commander, informed Deputy Superintendent Lanita Cullinane, Area B Zone Commander that Sergeant Detective Cary Chin, assigned to the Mayor's Detail, notified him that Mayor Michelle Wu would be attending the District 3 Day Shift Roll Call the following morning on Thursday December 23, 2021. (Tr. 1. Vol. 1 p. 170, Testimony of Superintendent Cullinane; See also Department Exhibit 8 p. 6, Cullinane IAD Interview)
32. Mayor Wu was attending the District 3 roll call to meet with the officers, provide coffee and croissants, and to thank them for the service during the Covid 19 pandemic. (Department Exhibit 18, p. 7, Chin IAD Interview; Employee Exhibit 16 b, Video of Captain John Flynn)
33. On December 23, 2021, Sergeant Cottone was assigned to the District 5 Day Shift as the Patrol Supervisor. Sergeant Fitzpatrick was assigned as the Day Shift Duty Supervisor. There were also 11 officers assigned to patrol for the District 5 Day shift. (Department Exhibit 5, District 5 BAT)

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<sup>3</sup> Although not relevant, Sergeant Cottone, Captain Greeley and Sergeant O'Brien referenced two rumors circulating through the station: 1. She did not assigned officers to the Mayor's house and 2. She had been relieved of duty.

34. On December 23, 2021 at around 7:00am, Sergeant Cottone told Sergeant Fitzpatrick that she would not be attending the District 5 Day Shift but would instead be attending roll call at District B-3. (Department Exhibit 23 c., Audio Recording of Sergeant Cottone's March 10, 2022 Interview; Department Exhibit Sergeant Fitzgerald IAD Interview)
35. Sergeant Cottone called over to both District 13 and District 18 to see if any of the patrol supervisors could, "cover for her." Sergeant Cottone erroneously believed that one of the other stations had an extra patrol supervisor who would be able to cover for her but she could not remember which station. Sergeant Cottone was unable to recall who she spoke with at either District. (Department Exhibit 23 c., Audio Recording of Sergeant Cottone's March 10, 2022 Interview)
36. Working the Day Tour on December 23, 2021 at District 13 were Lieutenant Michael Hegarty as the Duty Supervisor, Sergeant (now Lieutenant) Thomas Leahy as the Patrol Supervisor and Sergeant Ryan Cunningham also as a Patrol Supervisor, but on light duty status. (Department Exhibit 5, District 13 BAT)
37. Working the Day Tour on December 23, 2021 at District 18 were Lieutenant Michael Locke as the Duty Supervisor and Sergeant Patrick McCarthy as the Patrol Supervisor (Department Exhibit 5, District 18 BAT)
38. Both Sergeant Detective Mylett and Sergeant Leahy recall having conversations with Sergeant Cottone about "covering" but neither could recall any specific details. Both also relayed that they believed the conversations took place after roll call. (Department Exhibit)
39. Sergeant Cottone arrived at District 3 before roll call and before Mayor Wu's arrival. (Department Exhibit 23 c., Audio Recording of Sergeant Cottone's March 10, 2022 Interview)
40. Prior to the Mayor's arrival, Captain Flynn advised those present that the Mayor's visit was just a meet and greet. He also told them he was unaware as to whether or not Mayor Wu would be taking questions. He reminded those present that he expected them to be professional. Captain Flynn acknowledged that there were a lot of questions and passion surrounding the vaccine mandate but he expected everyone to remain professional. Employee Exhibit 16 b. Video of Captain Flynn)
41. Sergeant Detective Cary Chin and Detective (now Sergeant Detective) Emanuel Canuto, assigned to the Dignity Protection Unit arrived as the Advance Unit about 15 minutes before Mayor Wu to make sure the area was secure. (Department Exhibit 9 p. 7, Transcript of Canuto IAD Interview; Department Exhibit 18 p. 7, Transcript of Chin IAD Interview)

42. Prior to roll call, Sergeant Chin asked Captain Flynn to instruct those present not record the event for security and privacy reasons. (Department Exhibit 18 p. 7, Transcript of Sergeant Detective Chin IAD Interview)
43. Mayor Wu, accompanied by Officer Ydritzabel Oller, arrived at District 3 at about 7:22am and entered the station at about 7:23am. (Department Exhibit, District 2 Rear Parking Lot Surveillance Video for December 23, 2021, Department Exhibit 16 p. 7, Transcript of Officer Ydritzabel Oller IAD Interview)
44. With the Mayor by his side, Captain Flynn began roll call and gave some initial instructions. One of the instructions was not to record the event. (Tr. 1 Vol. 1 p. 172, Testimony of Cullinane; Department Exhibit 25 p. 6, Transcript of Flynn IAD Interview; Department Exhibit 18 p. 8, Chin IAD Interview; Department Exhibit 10 p.7 Miller IAD Interview; Department Exhibit 19 p. 7, Travers IAD Interview)
45. Mayor Wu did take questions from those in attendance. (Department Exhibit 23 b, Video provided by Sgt Det Chin)
46. Sergeant Cottone recorded the event using her personal iPhone. (Department Exhibit 22 c., Audio recording of Sergeant Shana Cottone March 10, 2022 IAD Interview)
47. Sergeant Detective Chin was made aware that Sergeant Cottone was recording the event. Sergeant Chin approached Sergeant Cottone and told her not to record due to the personal nature of some of the comments. Sergeant Chin then stood in front of Sergeant Cottone to block the view of the recording. (Tr. 1 Vol. I p. 172, Testimony of Superintendent Cullinane, Department Exhibit 11 p. 8, Paulino IAD Report, Department Exhibit 18 p.9, Chin IAD Interview, Department Exhibit 23 b, Video provided by Sgt Det Chin, Department Exhibit 23 c, Audio of Sergeant Cottone IAD Interview dated March 10, 2022)
48. Sergeant Cottone refused because she was of equal rank with Sergeant Chin and he did not have to authority to prohibit her from recording. Sergeant Cottone did not believe there were privacy issues because the people were talking in a group setting. Sergeant Cottone felt she needed to record the roll call (Department Exhibit 11 p. 8, Paulino IAD Report)
49. Superintendent Cullinane also observed Sergeant Cottone continue recording the event after her interaction with Sergeant Detective Chin. Superintendent Cullinane approached Sergeant Cottone and reminded her that Captain Flynn told her not to record the event and to put the phone away. Sergeant Cottone appeared to comply. (Tr. 1. Vol I. pgs. 172-173, Testimony of Superintendent Cullinane)
50. Superintendent Cullinane then noticed that Sergeant Cottone had placed her phone with the top portion of the phone extending out of the pocket suggesting that the phone was still recording. (Tr. 1. Vol I. pgs. 174, Testimony of Superintendent Cullinane)

51. Superintendent Cullinane again<sup>4</sup> told Sergeant Cottone to stop recording and to put her phone away. Sergeant Cottone responded, "*Lanita, don't do this,*" to which Superintendent Cullinane replied, "*Shana, No, you don't do this.*" (Tr. 1. Vol I. pgs. 173-175, Testimony of Superintendent Cullinane)
52. The phone was still recording after being placed into Sergeant Cottone's pocket. (Department Exhibit 20 p. 15, Sergeant Cottone IAD Interview April 20, 2021; See also Department Exhibit 23 a. BostonLive617 Video)
53. Sergeant Cottone asked Mayor Wu questions centered on the possibility that there may be a shortage of first responders (police, fire and ambulance) due to the vaccine mandate. (Department Exhibit 23 a. BostonLive617 Video)
54. At some point after roll call, Sergeant Cottone left District 3 and returned back to District 5. Sergeant Cottone conservatively estimated that she was out of district for about 40 minutes. She was recorded as being back at the District 5 station at about 9:01 am. (Department Exhibit 20 pgs. 11- 12, Cottone April 8, 2022 IAD Interview)
55. Sergeant Cottone distributed the original video she recorded to unspecified friends. Clips of the video were ultimately distributed on social media as well as traditional media outlets. (Department Exhibit 20 pgs. 16-17, Cottone April 8, 2022 IAD Interview; See also Department Exhibit 23 a. BostonLive617 Video)
56. Later that day, Sergeant Cottone attended an informational meeting concerning the vaccine mandate held by various unions. The meeting began at 1:00pm at the IBEW<sup>5</sup>. Sergeant Cottone did not return to District 5 until the end of the shift. (Department Exhibit 21 pgs. 7-8, 11, Cottone April 20, 2022 IAD Interview )

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57. On December 20, 2021 and again on January 10, 2022, Mayor Michelle Wu announced updated Covid 19 protocols including a vaccine mandate for certain indoor spaces for license premises that provide in service food and drinks. The protocol, effective January 15, 2022, required certain businesses to require proof of at least one dose of a Covid 19 vaccine of dine-in patrons. Failure to adhere to any of the protocols could result in disciplinary action including suspensions of any license issued by the Licensing Board of the City of Boston or fines. (Department Exhibit 4, City of Boston Temporary Order RE: Indoor Dining; Department Exhibit 5, Boston Public Health Commission Emergency Medical Services Regulation)

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<sup>4</sup> Superintendent Cullinane was unsure if she told Sergeant Cottone to stop recording twice or three times. Given the uncertainty, I find Superintendent Cullinane told Sergeant Cottone to stop recording twice.

<sup>5</sup> The office of The International Brotherhood of Electrical Workers is located 256 Freeport Street in Dorchester. (Administrative Notice)

58. Penguin Pizza located at 735 Huntington Avenue, Boston has in-door seating and was covered by the Covid 19 protocols. (Department Exhibit 7, Boston Police Incident Report #I222003214)
59. On January 15, 2022 at about 2:24pm, Penguin Pizza employee [REDACTED] called 911 and reported that he informed five customers of the Covid 19 vaccine mandate policy and the group became verbally abusive and were refusing to leave. [REDACTED] also stated that the group was filming, not wearing masks, and refusing to leave. (Department Exhibit 12 c. 911 call recording)
60. Officer Max McGuire and Officer John Beauchemin were dispatched to respond to Penguin Pizza. (Department Exhibit 7, Boston Police Incident Report #I222003214)
61. Officers entered the establishment and spoke with the worker behind the counter who stated that the customers entered without wearing face mask and refused to show proof of vaccination. The worker also stated that the group came in just to start trouble. (Department Exhibit 12 a. Officer John Beauchemin Body Worn Camera Video)
62. The Officers approached the group and Officer Beauchemin asked the group, "*What's going on,*" and Sergeant Cottone<sup>6</sup> states, "*We just want to eat.*" Officer Beauchemin tells the group that they are not going to be served due to the vaccine mandate. Several members of the group are holding up phones as if recording. (Department Exhibit 12 b., at about .40 mark, Officer John Beauchemin Body Worn Camera Video, Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video )
63. Neither Officer Beauchemin nor Officer McGuire knew Sergeant Cottone or knew that she was a sworn member of the Department. (Department Exhibits 8 & 9, Transcript of Officer Beauchemin IAD Interview and Transcript of Officer McGuire IAD Interview)
64. Officer Max McGuire also told the group that it's a private establishment and that they are trespassing. He further stated that if the restaurant workers want you to leave, you have to leave. Officer McGuire also stated that he understood where they're coming from and indicated that he is somewhat sympathetic to their cause<sup>7</sup>. (Department Exhibit 12 b., at about .405 mark, Officer Max McGuire Body Worn Camera Video)
65. Sergeant Cottone stated, "*Thank you for your advice. You can leave now.*" Members of the group also state that they are not going to leave. Sergeant Cottone asked the Officers why they were there because the Mayor had said that the Police would not be enforcing the vaccine mandate. The Officer explained that they were there because they received a radio call and that if someone calls with a problem the Police will respond. (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video; Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)

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<sup>6</sup> At this time, Sergeant Cottone has been place on administrative leave and is not on duty.

<sup>7</sup> Officer McGuire was not asked about his remarks, "Trust me. I know where you're coming from." While it is possible that Officer McGuire opposed the mandate, it appears he was trying to deescalate the situation.

66. At about the 1:25 mark, Officer Beauchemin walks away from the group and calls for a Patrol Supervisor to respond the scene. (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
67. Sergeant Cottone can be heard telling the Officers to *"Pick a side. You took an oath. Do your job. You should just walk out now."* (Department Exhibit 12 b. Officer John Beauchemin Body Worn Camera Video, Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video )
68. When Officer Beauchemin informs the group that a Patrol Supervisor would be responding, Sergeant Cottone tells him, *"Of course, because you can't do the right thing on your own. You have to be told what to do. You're not a leader. I know your type. You don't know how to do your job. You are a follower."* (Department Exhibit 12 b., Officer John Beauchemin Body Worn Camera Video, Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video )
69. Before the Patrol Supervisor arrives, Sergeant Cottone requested water because her blood sugar is low. Officer Beauchemin asks if Sergeant Cottone if she needs an ambulance. Sergeant Cottone becomes agitated and says, *"No, but I'm glad I met you and your smartass comments. What's your name and badge number?"* Officer Beauchemin gives his name and badge number. (Department Exhibit 12b., Officer John Beauchemin Body Worn Camera Video)
70. Officer Beauchemin asked again if Sergeant Cottone would like an ambulance. Sergeant Cottone replies, *"No, I'm good. Would you like an ambulance for a psych [evaluation] because you seem to have lost your mind?"* (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
71. Sergeant Cottone again asked for water because, she said, she is feeling weak. She asked the Officers for water and said she just wants tap water. The Officers tell her that she can go to a nearby 7-Eleven and get water. They also tell her that they are not her server. (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
72. Officer Beauchemin steps back from the group, keys his radio, and ask for operations. He ask again if Sergeant Cottone wants an ambulance and she replies, *"No."* (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
73. Sergeant Cottone then tells the group that Officer Beauchemin, *"is the type of Officer who is a little turd who will follow the mandate."* (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
74. Someone in the group asks about police substations and when Officer Beauchemin begins to answer, Sergeant Cottone interrupts saying, *"I can actually answer those questions for you because I care. This clown in the black mask just lives... [Becomes inaudible]."* (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)

75. Sergeant Conway arrives and Officer Beauchemin begins to brief him about the situation. Sergeant Cottone yells to Sergeant Conway that Officer Beauchemin is rude. (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video, See also Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video)
76. Sergeant Conway begins to talk to the group and Sergeant Cottone says, *"You better make sure you follow the book because the whole world is watching."* Sergeant Conway begins to talk about the new mandate and is interrupted several times. Sergeant Cottone says, *"I've made my choice. I'm doing the right thing."* She continues, *"Don't make this about me,"* and tells Sergeant Conway to, *"Get on the right side of this and just walk away...Figure out where [he] stands on this."* (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video at about 10:00 mark)
77. Sergeant Cottone talking to Sergeant Conway then points to Officer Beauchemin and says, *"He should be ashamed...He has a bad attitude. He should take off that uniform and he shouldn't be a police officer. I can already tell. I never met him before, but I know his type. He doesn't serve the people, he serves himself. He should take off that uniform and go protect Mayor Wu."* (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video at about 10:45 mark)
78. Sergeant Cottone also questioned why there was a police response given that the Mayor said that the police would not be enforcing the new mandate. She also told Sergeant Conway that he is dismissed. She also asked, *"What did the Captain say, what did the Captain say?"* (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video)
79. Sergeant Conway explains that they will not be forcing the group out of the restaurant but they will not be served while the group is there. (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video)
80. Officer Beauchemin goes to the worker behind the bar and explains that they will not be removing the group from the restaurant and the manager explains that he has asked the group to leave several times and that he is not comfortable with the group staying. Officer Beauchemin says he believes the group will leave after the Officers leave and that he will standby in the area in case there is further trouble. (Department Exhibit 12b, Officer John Beauchemin Body Worn Camera Video)
81. Sergeant Conway and Officer McGuire also move away from the group toward the bar area. At this point, Sergeant Conway identifies Sergeant Cottone to the Officers. Sergeant Conway also reiterates what Officer Beauchemin told the worker. The worker says that he doesn't feel safe with the group there. The Sergeant and the Officers leave the establishment. (Department Exhibit 12 a., Officer Max McGuire Body Worn Camera Video at about 14:40 mark)

82. At about 2:56pm, the restaurant worker called back reporting that the group was being verbally abusive toward him. The worker then says the group is finally leaving and he is all set. (Department Exhibit 12 c. Second 911 call recording)

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83. A short time later on January 15, 2022, at about 3:15pm, Pizzeria Regina Manager [REDACTED] called 911 reporting that a group of 6-8 women were in the restaurant causing a lot of trouble, were filming, and refusing to leave. [REDACTED] reported that the group was not wearing mask and were refusing to follow the new protocols. He requested Boston Police to respond. (Department Exhibit 13 e., 911 call recording)
84. Officer Jordan Aragonés and Dowling, assigned to District 4, were dispatched to respond to the Pizzeria Regina located at 1330 Boylston Avenue. Officer Aragonés spoke with [REDACTED] who reported that a group of females came into the restaurant, sat down and wanted to order food. [REDACTED] further stated that the group refused to comply with the vaccine mandate and that he wanted them removed. (Department Exhibit 4, Boston Police Incident Report #22203214)
85. Officers Aragonés approached the group and Sergeant Cottone said, *"Why are you here, what is your purpose...Listen to me, you are walking a thin line and police are not supposed to enforce the mandate...Why are you enforcing the vaccine passport."* (Department Exhibit 13 a., Officer Jordan Aragonés Body Worn Camera video)
86. Officer Aragonés says, *"This is a private establishment. That's what they want. They want to see it. It's mandated by the City and you guys don't want to show it. You guys can't sit down. You do take out."* (Department Exhibit 13 a., Officer Jordan Aragonés Body Worn Camera video)
87. Officer Dowling recognized of member of the group as Sergeant Shana Cottone assigned to District 5 from when he worked there and Sergeant Cottone was his supervisor. The Officer requested a Patrol Supervisor to respond. (Department Exhibit 7 p. 8, Officer Dowling IAD Interview)
88. Member of the group compared the officers to acting like Nazis and segregationists. The group reported that the Officers were violating their rights. (Department Exhibit 13 a., Officer Jordan Aragonés Body Worn Camera video)
89. Sergeant Cottone told the Officers that they were on the wrong side of this issue and if they will not stand by their oaths they should not be police Officers. When the officers said they were just doing their jobs, Sergeant Cottone replied, *"They were copping out to violating our rights. You're being naughty boys...History has shown us that goose steppers like you trample the rights of the innocents. You go down in history as the bad guys."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video at 5:50 mark)

90. At one point, Officer Dowling asked if the group bought anything and Sergeant Cottone said, *"You are going to leave me alone so I can enjoy my beverage...14 years, 14 years...You know what, time to make a choice boys. You don't have to do this. You don't have to do this Anthony, this is not how it's done."* Sergeant Cottone also says, *"They took my gun and badge a week and a half ago."* She adds, *"You are being corrupted by money. This is wrong."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video at 6:20 mark)
91. Sergeant John Wright arrived on scene and was advised that the group is protesting the vaccine mandate. Sergeant Wright was also advised that one member of the group is a sworn member of the Department. Sergeant Wright determined that they are just going to wait it out and will not force the group to leave the restaurant. (Department Exhibit 11 p. 10, Transcript of Sergeant John Wright IAD Interview)
92. [REDACTED] reported to the Officers that an employee gave Sergeant Cottone a bottle of water and incorrectly said that she did not pay for it. (Department Exhibit 11 p. 13, Transcript of Sergeant John Wright IAD Interview)
93. At some point, apparently before the Officers arrived, Sergeant Cottone asked the restaurant worker for a bottle of water. Sergeant Cottone tells the worker, *"We're not leaving."* The worker, looking uncomfortable, hands Sergeant Cottone a bottle of water. Sergeant Cottone holds money in her hand and gestures as if to pay for the water. The worker, steps back and away, still looking uncomfortable. Sergeant Cottone then places the money in the tip jar. The restaurant manager is not visible during this interaction. (Employee Exhibit 16 f, Sergeant Cottone buys bottle water)
94. At this point, Sergeant Cottone disputes this and yells that [REDACTED] is a liar. Sergeant Cottone yells, *"Don't play games with me. I tried to pay for the bottle and [the employee] would not take the money. It's like when you get free coffee and you put the money in a tip jar."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video)
95. Sergeant Wright says the Officers will take a report. Sergeant Cottone erupts, *"No. You will not take a report. You're going to get the footage. Don't play with me. Don't play games with me. You're going to look at the footage."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video)
96. Sergeant Wright asks Sergeant Cottone for her name for the report and Sergeant Cottone tells Sergeant Wright she will not cooperate. She also says *"You are a corrupt, corrupt man. You are falsely testifying. I will sue you. I want the footage."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video)
97. Sergeant Wright says the Officer will take the report and indicates that it is a he said/she said situation. Sergeant Cottone says, *"Bullshit. You're bullshit...You can't take the report. [The manager] is not a credible witness. Sergeant Wright, you hear me."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video)

98. Sergeant Cottone continues, *"You are a corrupt cop. It is your opinion, not based on observations and you choose to be a corrupt cop. What is your name and badge number...Shame on you. Disgusting. You're a disgrace. You have the choice to do the right thing but you choose to be part of this corrupt system."* (Department Exhibit 13 a., Officer Anthony Dowling Body Worn Camera video)
99. At some point, two boxes are dropped off to the group. The group appear to take pictures and videos of themselves eating pizza. Sergeant Cottone says, *"You don't know me. I am a person. Can't tell us not to eat."* She also says, *"I want to give a shout out to [Deputy Superintendent] Eddy Chrispin [at the time Commander of Internal Affairs Division] to stop violating my rights."* (Department Exhibit 13 b., Officer Jordan Aragoes Body Worn Camera video)
100. At one point, Sergeant Cottone tells the manager, *"Manager man, did you turn off the phones because you're being a little tyrant."* Sergeant Cottone tells some customers, *"Guys make sure that you check your receipts cause [the manager] is a liar. He tried to get me in trouble that I didn't pay for my pizza and that he's charging the proper price of the pizza."* (Department Exhibit 13 d., Officer Thomas Antonio Body Worn Camera video)
101. Sergeant Cottone continues, *"This is not normal. Three years ago. We should have laughed and said not in our country. This is not our country guys... [Mayor Wu] does not belong in politics. She is not a leader and shouldn't be in politics."* (Department Exhibit 13 d., Officer Thomas Antonio Body Worn Camera video)
102. At one point, Sergeant Cottone said to Sergeant Wright, *"Little tyrant mayor man. We can teach you about people's rights. Give you a civics lesson. Sorry, Wright. You are wrong. There will be a next time and maybe you'll do the right thing. Most dysfunctional family I belonged to and I'm not being quiet anymore. Going to take my job but I won't... You will have to tell your kids and grandkids what you did... You are corrupt. You are a yes man. I didn't sign up for this. I signed up to care for people and protect their rights. Maybe you'd know if you showed up to my roll calls<sup>8</sup> leading up to this, you would understand."* (Department Exhibit 13 d., Officer Christopher Keaton Body Worn Camera video)

### **IAD Case. 2022-0103**

103. On March 14, 2022, at about 7:15am Sergeant O'Brien responded to an active protest located at the Mayor's house located at 17 Augustus Avenue in Roslindale. (Department Exhibit 2, Lieutenant Detective Staines' IAD Report, Summary of Complaint)

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<sup>8</sup> Captain Greeley noted that Sergeant Cottone often made remarks about fighting the vaccine mandate during roll calls. It is not clear if Sergeant Cottone is referring to the same activities.

104. Officers John Callahan, Luis Rivera, Curtis Jones and Peter Giannopoulos also responded to the protest. Sergeant O'Brien instructed the Officers to remain across the street from the protesters and to keep their Body Worn Cameras activated. (Department Exhibit 11 p. 7, Sergeant O'Brien Interview; See also Department Exhibit 9 pgs. 10-11, Officer Rivera IAD Interview)
105. A protest started with about 6 individuals who were pretty quiet. A few minutes later approximately 9 to 10 other individuals arrived to join in the protest. Sergeant Cottone was one of the protesters. (Department Exhibit 11 p. 7, Sergeant O'Brien Interview)
106. Sergeant O'Brien approached the protesters, told them they could yell, scream, and hold signs, but that if they used amplification devices, whistles, bullhorns, or banged pans, they could face a criminal application for disturbing the peace or a civil infraction for violating the sound ordinance. (Tr. 1. Vol. I p. 115, Testimony of Sergeant O'Brien; Department Exhibit 11 p. 7, Sergeant O'Brien Interview)
107. In front of the protesters and Officers, Sergeant Cottone questioned Sergeant O'Brien about what was considered an amplification device and questioned how Sergeant O'Brien could handle the matter legally. (Tr. 1. Vol. I p. 115, Testimony of Sergeant O'Brien)
108. Sergeant Cottone yells, "*Amplification device is an electronic device...*" (Department Exhibit BWC Protest\_AT-17\_Augusta\_Ave at 00:39 mark)
109. Sergeant Cottone continued and relayed that an amplification device must be electronic, not a bell or a whistle. She also tell Sergeant O'Brien, "*It's good to know the rule and regs, you know.*" (Department Exhibit BWC Protest\_AT-17\_Augusta\_Ave at the 7:07 mark)
110. The group began using amplification devices and whistles. Sergeant O'Brien also observed Sergeant Cottone on one occasion using a bullhorn. Sergeant O'Brien stated, "*Ms. Scott was using [the bullhorn] and at one point when she was using it, Shana leaned in and they both used it together.*" (Tr. 1. Vol. I p. 115, Testimony of Sergeant O'Brien, See also Department Exhibit BWC Protest\_AT-17\_Augusta\_Ave at the 1:18:34 mark)
111. Sergeant O'Brien also said, "*I didn't have a sound device, but it was clearly audible. I think you could hear it all the way down the street.*" (Tr. 1. Vol. I p. 118, Testimony of Sergeant O'Brien)
112. Sergeant O'Brien had a good working relationship with Sergeant Cottone and when he first arrived at District 5, Sergeant Cottone took time out of her day to show him around the station and show him where everything was located. He also said that he didn't think that Sergeant Cottone was being disrespectful. (Tr. 1. Vol. I pgs. 113 & 119, Testimony of Sergeant O'Brien)

**IAD Case. 2022-0136**

113. On April 1, 2022, Sergeant Cottone and a group of individuals were protesting in front of Mayor Wu's personal residence. Sergeant Cottone was yelling, "*Michelle Wu, the biggest fool April ever knew, Stop being a Tyrant,*" among other things. (Department Exhibit 17, Transcript of Sergeant Detective Jason Gilmore; See also Department Exhibits 20 a. b. & c., Body Worn Camera Video from Officers Martinez, Creavin, & Giannopoulos)
114. At about 7:26 am, Sergeant Detective Gilmore approached the protesters and Sergeant Cottone and informed them about the newly issued City of Boston Targeted Residential Picketing Ordinance and gave out copies of the ordinance. Sergeant Gilmore also informed the protester and Sergeant Cottone that they were blocking the street. (Department Exhibits 20 a. b. & c., Body Worn Camera Video from Officers Martinez, Creavin, & Giannopoulos)
115. Sergeant Cottone was argumentative and belligerent toward Sergeant Gilmore and Sergeant O'Brien. Sergeant Cottone also threatened to sue Sergeant O'Brien. (Department Exhibit 17, Transcript of Sergeant Detective IAD Interview, Department Exhibit 19, Transcript of Sergeant O'Brien IAD Interview)
116. At about 7:52 am Sergeant Cottone left the area immediate area. (Department Exhibit 17, Transcript of Sergeant Detective IAD Interview, Department Exhibit 19, Transcript of Sergeant O'Brien IAD Interview)
117. Shortly thereafter, Sergeant Cottone could be heard on an amplification device yelling, "Mayor Wu is a Tyrant." Sergeant Cottone was about 150 feet away down Crandall Street at her vehicle. (Department Exhibit 17, Transcript of Sergeant Detective IAD Interview, Department Exhibit 19, Transcript of Sergeant O'Brien IAD Interview)
118. Sergeant Cottone got into her vehicle and drove up to the intersection of Augustus Ave and Crandall Street. (Department Exhibit 17, Transcript of Sergeant Detective IAD Interview, Department Exhibit 19, Transcript of Sergeant O'Brien IAD Interview; See also Department Exhibit 20, Digital Evidence, BWC Video of Officer Rivera, Officer Martinez, Officer Giannopoulos and Officer Creavin)
119. When Mayor Wu with her security left in a black SUV. Sergeant Cottone, in her own vehicle, followed the Mayor, and was yelling anti-Wu slogans, (i.e. Mayor Wu is a tyrant) on an amplification device. (Department Exhibits 17, 16, 19, 7, 9, 12, 5, & 13, Transcripts of IAD Interviews of Sergeant Detective Gilmore, Sergeant Detective Chin, Sergeant O'Brien, and Officers Kominsky, Ciccolo, Flaven, Oller, and Creavin)

120. Sergeant O'Brien's applications for a criminal complaint against Sergeant Cottone for Targeted Residential were dismissed (Employee Exhibit 4 & 5, Applications for Complaint).

## **ANALYSIS**

### **IAD Case No. 2022-0004**

There is no dispute that on December 21, 2021, the day after Mayor Wu announced the new vaccine mandate for city employees, Sergeant Shana Cottone, acting as the District 5 Duty Supervisor, failed to assign Officers to the security detail to Mayor Wu's residence during roll call. Sergeant Cottone suggestion that her failure was a mere oversight is not credible based on her comments and actions when questioned about the assignments. When notified of her omission, Sergeant Cottone, in her own words, said, "*Oh what are we going to put a cop up [at the Mayor's house] who's unvaccinated who [Mayor Wu] is going to fire next week, that's fucking rich.*" and that they were not going to cover it. I find that it was only with Lieutenant Detective Kern's intervention did Sergeant Cottone relent, again in her own words, saying, "*Cooler heads prevail,*" and had Officers assigned to security detail. I find the Department proved by the preponderance of the evidence, Sergeant Cottone violated 102 § 2, Neglect of Duty, when she failed to assign Officers to Mayor Wu's security detail.

Even after providing the security duty assignments, Sergeant Cottone continued to rail against Mayor Wu's new vaccine mandate for municipal workers to Captain Greeley and Sergeant Kearney. Sergeant Cottone suggested that Mayor Wu, because of her policies and views of policing, was not deserving of protection by the Boston Police Department. Sergeant Cottone, when questioned about her failure to assign the protection detail, asked, "*Who was the rat*" and commented, "*rats get bats.*" Sergeant Cottone suggests she was just having candid policy discussion tinged with gallows humor. I disagree. I find Sergeant Cottone was advocating to withhold vital police services, protective details, based on her policy disagreements with the Mayor. I find Sergeant Cottone allowed her personal grievances to impair the operation of the Department in violation of Department Rule 102 § 3, Conduct.

### **IAD Case No. 2021-0455**

Two days later, on Thursday December 23, 2021, Sergeant Cottone was assigned as the District 5 Day Shift Patrol Supervisor. Sergeant Cottone told Sergeant Fitzgerald, the Day Shift Duty Supervisor, that she would not be attending their roll call, rather she was going to go to the District 3 roll call where Mayor Wu was also attending. Sergeant Cottone relayed that she made a few calls and she was "*being covered*" by one of the other Area E Patrol Supervisors. Sergeant Cottone did not notify Operations that she was leaving District 5.

Prior to the arrival of Mayor Wu, Sergeant Cottone recorded Captain John Flynn tells those in attendance that he was unsure whether or not the Mayor would be taking questions and that he expected them all to remain professional. Captain Flynn, when introducing Mayor Wu, also directed the attendees not to record the event. Nevertheless, Sergeant Cottone recorded the event

with her phone. Sergeant Cottone continued to record the event with her phone despite being told at least twice by then Deputy Superintendent Lanita Cullinane not to record the event and to put her phone away. Sergeant Cottone did eventually put her phone in her pocket but continued to record the event. Sergeant Cottone subsequently distributed the recording and the recording was shown on traditional and social media.

I find the Department has shown by the preponderance of the evidence that Sergeant Cottone violated Department Rule 102 § 8, Directives and Orders three times when she recorded the event despite being told not to do so by Captain Flynn and by Deputy Superintendent Cullinane twice. It strains credulity that Sergeant Cottone conveniently "*zoned out*" when Captain Flynn gave the directive not to record after all the effort she made to attend an out of district roll call. I also find it implausible that Sergeant Cottone continued recording inadvertently after she put her phone in her pocket. That Sergeant Cottone then distributed the recording, despite being told not to record, reinforces her total disregard for the directives.

Sergeant Cottone argued that the prohibition against recording was only made at the Mayor's request, which, Sergeant Cottone suggests, runs contrary to the Mayor's call for transparency, and that members of the Mayor's staff were recording the event. These arguments have no merit. The order was issued by Captain Flynn and again by Superintendent Cullinane regardless of whether it was at the Mayor's request. Additionally, even if the Mayor's staff recorded the event, and there is no evidence they did, the directives here apply only to members of the Department. Lastly, even if the order was improper, subordinates are still expected to follow them and make an appeal up through the chain of command to the Commissioner.

I also find the Department has shown by the preponderance of the evidence that Sergeant Cottone violated Department Rule 102 § 4, Neglect of Duty. In addition to leaving her district for at least 40 minutes to go to the District 3 roll call, Sergeant Cottone also went to a non-departmental informational meeting about fighting the vaccine mandate held at the International Brotherhood of Electrical Workers hall located in Dorchester beginning at 1:00 pm and did not return to her district until the end of her tour of duty. While Sergeant Cottone argued she had "*coverage*" from other Area E supervisors and District 5 Sergeant Detective, I find "*coverage*" to be misleading in that none of them were providing the services of a Patrol Supervisor as outlined in Department Rules 104, Patrol Supervisors. Rather they were "*listening up*" for major emergencies. Sergeant Cottone was out of district for almost half of the day for personal reasons and was not performing her duties as a Patrol Supervisor.

The Department also charged Sergeant Cottone with violating Department Rule 103 § 8 for leaving her area of responsibility without notifying Operations. While Sergeant Cottone did leave District 5 without notifying Operations, Rule 103 specifically states it applies to the rank of Patrol Officer and is not applicable to Sergeant Cottone. I should note that the Department could have charged Sergeant Cottone with several violations of Rule 104 which applies to the rank of Sergeant or Rule 104A which outlines the duties and functions of a Patrol Supervisor.

**IAD Case No. 2022-0014**

On January 15, 2022 at about 2:24pm, the first day of the City's updated Covid Policy protocols requiring restaurants to require proof of at least one dose of a Covid 19 vaccine for dine-in patrons, Sergeant Cottone, who at this time was on administrative leave, and a group of about 5 women entered Penguin Pizza located 735 Huntington Street. Sergeant Cottone and the group refused to comply with the new protocol prompting the manager to call 911 reporting that a group refused to follow the protocol, were verbally abusive and were refusing to leave.

Officer Beauchemin and Officer McGuire were subsequently dispatched to respond. The Officers approached the group and Sergeant Cottone and advised them that they would not be served, and the restaurant worker wanted them to leave, and that they were trespassing. Sergeant Cottone was argumentative, rude and dismissive toward the Officers and they called for a Patrol Supervisor to respond. Sergeant Cottone continued to be belligerent, disrespectful and demeaning towards the Supervisor and Officers. Sergeant Cottone left the restaurant at about 3:00pm.

I find that the Department has proved, by the preponderance of the evidence that Sergeant Cottone was trespassing at the Penguin Pizza in violation of Rule 102 § 35, Conformance to Laws. Sergeant Cottone was asked to leave by the restaurant workers, the responding Officers and the Patrol Supervisors. The fact that the Officers and the Supervisors opted to take the soft approach and were not going to forcibly remove Sergeant Cottone or arrest her, did not give her permission to remain in the restaurant or negate that she was trespassing in a private establishment.

The Department also charged Sergeant Cottone with violation of Rule 102 § 3, Conformance to Laws because she violated the Covid 19 protocols issued by the City of Boston Licensing Board. While I agree that protocols issued by the Licensing Board would fall under the Department's Conformance to Law Rule, in this case the protocols and its enforcement applies to certain covered businesses, not individuals. Accordingly, I find that the Department has not proved Sergeant Cottone violated the Conformance to Laws Rule in relation to City of Boston Covid 19 Protocols for restaurants with dine in service.

I find Sergeant Cottone's behavior did violate Rule 102 § 3, Conduct. Sergeant Cottone did intentionally enter Penguin Pizza knowing that she was violating the protocols that the restaurant was mandated to follow. Sergeant Cottone and her group refused to leave when asked by the manager, was verbally abusive, and caused such a disturbance that the manager felt it necessary to request Boston Police Department to respond. I find Sergeant Cottone's behavior and demeanor as a sworn superior officer reflected very unfavorable upon the Department in violation of Rule 102 § 3, Conduct.

I also find Sergeant Cottone's actions and criticism toward the responding Officers and Patrol Supervisor amount to Conduct Unbecoming. Sergeant Cottone was shockingly disrespectful and belligerent to her colleague and subordinates. Sergeant Cottone's suggestion that she was merely bantering with the Officers or using "*gallows humor*" has no merit after viewing all the video evidence. Sergeant Cottone also directly interfered with their performance of their police duties. I find Sergeant Cottone behavior directly impaired the operation of Department employees in violation of Rule 102 § 3, Conduct.

**IAD Case No. 2022-0015**

A short time later after the incident at Penguin Pizza, at about 3:00pm, Sergeant Cottone along with her group, entered Pizzeria Regina located on Boylston Street. Again, the restaurant manager called 911 because the group was causing a disturbance. At this time, Officers assigned to District 4 responded. Sergeant Cottone's conduct was increasing dismissive, offensive, and argumentative toward the Officers and she again refused to leave the establishment. Sergeant Cottone was also increasingly belligerent, confrontational and threatening toward the Patrol Supervisor, who was called to respond to the scene, the Officers and restaurant workers. Sergeant Cottone and her group eventually left at some point after 4:10pm.

In this case, the Department charged Sergeant Cottone with four counts of Conduct Unbecoming; for her conduct toward the responding Patrol Supervisor, for her conduct toward the responding Officers, for her conduct toward the restaurant manager, and one for her conduct toward the restaurant workers. The Department successfully proved, by the preponderance of the evidence, that Sergeant Cottone violated Rule 102 § 3, Conduct on all four counts.

Sergeant Cottone was openly disrespectful and argumentative toward her colleague, the responding Patrol Supervisor. Sergeant Cottone was appallingly belligerent and demeaning toward the responding officers, who are considered her subordinates. And again, Sergeant Cottone also directly interfered with the responding Officers and Patrol Supervisor in their performance of their police duties in violation of Department Rule 102 § 3, Conduct.

Sergeant Cottone was also flagrantly discourteous, confrontational, and insulting toward both the restaurant manager and the restaurant worker. Again, Sergeant Cottone and her group refused to leave when asked by the manager and caused such a disturbance that the manager felt it necessary to request Boston Police Department to respond. I find such conduct displayed by Sergeant Cottone, as a sworn superior officer, reflected very unfavorably upon the Department in violation of Rule 102 § 3, Conduct.

Again, I find that the Department has proved, by the preponderance of the evidence that Sergeant Cottone was trespassing at the Regina Pizzeria in violation of Rule 102 § 35, Conformance to Laws. Sergeant Cottone was asked to leave by the restaurant workers, the responding Officers and the Patrol Supervisors. Just because the responding officers and the patrol supervisor opted to take the soft approach and were not going to forcibly remove Sergeant Cottone or arrest her, did not give her permission to remain in the restaurant or negate that she was trespassing in a private establishment.

Like the previous case, the Department also charged Sergeant Cottone with violation of Rule 102 § 3, Conformance to Laws because she violated the Covid 19 protocols issued by the City of Boston Licensing Board. While I agree that protocols issued by the Licensing Board would fall under the Department's Conformance to Law Rule, in this case the protocols and its enforcement applies to certain covered businesses, not individuals. Accordingly, I find that the Department has not proved Sergeant Cottone violated the Conformance to Laws Rule in relation to City of Boston Covid 19 Protocols for restaurants with dine in service.

In contrast to the previous case, the Department also charged Sergeant Cottone with violating Rule 102 § 19, Statement of Opinion which prohibits Department employees from publicly criticizing the Department and other Department employees. Sergeant Cottone publicly ridiculed and criticized the responding Officers in their performance duties. Sergeant Cottone also publicly criticized and ridiculed Sergeant John Wright as he attempted to perform his duties. I find the Department has proved beyond the preponderance of the evidence that Sergeant Cottone violated Rule 102 § 19, Statement of Opinion.

### **IAD Case. 2022-0103**

Sergeant Cottone was charged with violating Department Rule 102 § 35 Conformance to Laws, Department Rule 102 § 3 Conduct, and Department Rule 102 § 9, Respectful Treatment for her behavior while protesting with a group of people at Mayor Wu's personal residence on March 14, 2022.

I find the Department has proved, by the preponderance of the evidence, that Sergeant Cottone violated the Department's Conformance to Laws rule when she used a bullhorn in violation of City of Boston Ordinance 714 § 354. The ordinance prohibits the use amplification devices which are plainly audible at a distance of 100 feet. Video evidence shows Sergeant Cottone using the bullhorn at least on one occasion and Sergeant O'Brien testified that he observed Sergeant Cottone using the bullhorn on two occasions. Although Sergeant O'Brien did not use a noise meter, he did testify that it was his opinion that the sound could be heard more than 100 feet away. I find that it is more likely than not that Sergeant Cottone, when using the bullhorn, could be heard at a distance of 100 feet in violation of the city ordinance, thus violating the Department Rule 102 § 35 Conformance to Laws.

In addition, the Department has proved, by the preponderance of the evidence that Sergeant Cottone's actions amounted to Conduct Unbecoming. Sergeant Cottone was argumentative and belligerent toward Sergeant O'Brien. She interrupted him as he tried to interact with the protestors and challenged his knowledge of the laws in front of the public as well as their subordinates. Sergeant Cottone was also seated in a lawn chair in the middle of the street. Sergeant Cottone's behavior did not reflect favorably on the Department and interfered with Sergeant O'Brien performance of his police duties on scene.

The Department also charged Sergeant Cottone with violating Rule 102 § 9, Respectful Treatment. The evidence shows that Sergeant Cottone was argumentative with Sergeant O'Brien and undercut his authority. Sergeant Cottone suggests that she was just having a frank conversation with a colleague on the finer points of law and Sergeant O'Brien testified that he did not find Sergeant Cottone's behavior to be disrespectful toward him. However, despite Sergeant O'Brien's testimony to the contrary, I find the video evidence clearly shows that Sergeant Cottone did not treat Sergeant O'Brien in a respectful manner. I find the Department has proved, by the preponderance of the evidence that Sergeant violated Department Rule 102 § 9, Respectful Treatment.

**IAD Case. 2022-0136**

The Department has proved by the preponderance of the evidence, that on April 1, 2022 Sergeant Cottone violated Department Rule 102 § 3, Conduct. Sergeant Cottone was disrespectful and argumentative with both Sergeant Detective Gilmore and Sergeant O'Brien. Sergeant Cottone interfered with their police duties as they tried to keep the street clear and provide security for Mayor Wu. Sergeant Cottone also pursued Mayor Wu's security vehicle, creating a risk of danger, while using an amplification device to shout anti- Mayor Wu statements. The conduct of Sergeant Cottone does not reflect favorably on the Department and directly interfered with the Department operations and employees.

I also find that Sergeant Cottone violated Department Rule 102 § 35 Conformance to Laws. The Department has proved by a preponderance of the evidence that Sergeant Cottone was chanting and yelling before 9:00am, in violation of the City of Boston Targeted Residential Picketing Ordinance even after being warned by Sergeant Detective Gilmore. Sergeant Cottone also used an amplification device that could be heard from over 150 feet while driving after Mayor Wu. Sergeant Cottone conduct violated Department Rule 102 § 35 Conformance to Laws.

I find Sergeant Cottone's behavior throughout all these cases hindered the Department's continued efforts to build a trusting relationship with all members of community at a time when policing is under increasingly intense scrutiny. Sergeant Cottone's conduct, regardless of her intentions to speak only as a private citizen, are a reflection on the Department. *"Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior of those who deliver police services."*<sup>9</sup> Sergeant Cottone's conduct towards members of the public, her colleagues as well as her subordinates, seriously and negatively impacted the Department's operations as well as its relationship with the community.

It should be noted that when one becomes a member of the Department they do not forfeit their First Amendment right to free speech. *"The Boston Police Department recognizes that its employees have certain basic personal rights and restricts those rights only where necessary to ensure the integrity of the Department and the highest quality of police service are maintained."*<sup>10</sup> Here, however, I find Sergeant Cottone's repeated and inappropriate actions impaired the working relationships within the Department and with the community, especially in her assigned District that encompasses Mayor Wu's personal residence. I find Sergeant Cottone directly impeded the performance of duties, interfered with the Department operations and, most importantly, undermined public faith in the Boston Police. Here, the Department, as an employer, does have the right to limit the conduct of their employees and, if necessary, issue discipline.

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<sup>9</sup> Rule 102 § 02, General Considerations

<sup>10</sup> Rule 102 § 02, General Considerations

## **CONCLUSION**

### **IAD Case No. 2021-0455**

Accordingly, for the reasons stated above, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I, Rule 102 § 04, Neglect of Duty, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION II, Rule 103 § 08, Assigned Area, be **NOT SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION III, Rule 102 § 08, Directives and Orders, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION IV, Rule 102 § 08, Directives and Orders, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION V, Rule 102 § 08, Directives and Orders, be **SUSTAINED**.

### **IAD Case No. 2022-0004**

Accordingly, for the reasons stated above, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I, Rule 102 § 04, Neglect of Duty be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION II, Rule 102 § 03, Conduct Unbecoming, be **SUSTAINED**.

### **IAD Case No. 2022-0014**

Accordingly, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I, Rule 102 § 35, Conformance to Laws (trespass), be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION II, Rule 102 § 35, Conformance to Laws (Covid Mandate), be **NOT SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION III, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION IV, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION V, Rule 102 § 03, Conduct, be **SUSTAINED**.

#### **IAD Case No. 2022-0015**

Accordingly, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION II, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION III, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION IV, Rule 102 § 03, Conduct, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION V, Rule 102 § 19, Statement of Opinion, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has not met its burden of proof and recommend the charge in SPECIFICATION VI, Rule 102 § 35, Conformance to Laws (mandate), be **NOT SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION VII, Rule 102 § 35, Conformance to Laws (trespass), be **SUSTAINED**.

#### **IAD Case No. 2022-0103**

Accordingly, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I, Rule 102 § 35, Conformance to Laws, be **SUSTAINED**.

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION II , Rule 102 § 03, Conduct, be **SUSTAINED**.

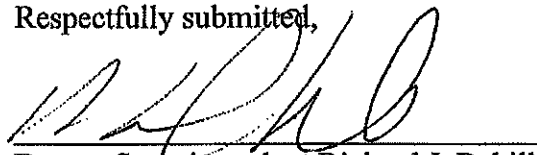
I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION III , Rule 102 § 09, Respectful Treatment, be **SUSTAINED**.

**IAD Case No. 2022-0136**

Accordingly, I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION I , Rule 102 § 03, Conduct, be **SUSTAINED**

I find, based on the preponderance of the evidence, that the Department has met its burden of proof and recommend the charge in SPECIFICATION II, Rule 102 § 35, Conformance to Laws, be **SUSTAINED**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard J. Dahill', is written over a horizontal line.

Deputy Superintendent Richard J. Dahill  
Chief Administrative Hearings Officer