

MBTA Transit Police Officer indicted for false reports related to assault at station

"A former Sergeant with the Massachusetts Bay Transportation Authority (MBTA) Transit Police Department (Transit Police) was arrested today in connection with the alleged filing of false reports regarding another Transit Police Officer's assault on a man at the Ashmont MBTA Station.

David S. Finnerty, 47, of Rutland, was indicted on two counts of false reports. Finnerty was arrested this morning and will appear in federal court in Boston later today.

"Our office holds the men and women who wear police uniforms and serve our communities in the highest regard. Instances of police misconduct are rare, but they need to be investigated and prosecuted when they do happen, especially when supervisors are involved as alleged here. For the good of the community and all the honorable officers and supervisors in the police ranks, misconduct of this nature cannot be tolerated. I commend the leadership of the MBTA Transit Police for their sustained cooperation in this investigation," said Acting United States Attorney Joshua S. Levy.

"Today, the FBI arrested former Transit Police Sgt. David Finnerty for violating his oath by filing false reports to try and obstruct an investigation into another officer's assault on a man at the MBTA's Ashmont station. We believe Sgt. Finnerty not only failed to lead by example, but betrayed the trust placed in him by his fellow officers, and the public," said Jodi Cohen Special Agent in Charge of the Federal Bureau of Investigation, Boston Division. "Make no mistake, the FBI will do everything we can to help our law enforcement partners bring to justice anyone who violates their oath by trying to

cover up civil rights violations, overshadowing the majority of officers who are dedicated, honest, and fully committed to enforcing our laws and building trust within their communities.”

According to the indictment, Finnerty was the Transit Police Officer in Charge and the supervisor of Transit Police Officer D.B. It is alleged that at or around 1:47 a.m. on July 27, 2018 at the Ashmont MBTA station, Officer D.B., while acting in his role as an officer, physically assaulted a man without legal justification. It is alleged that Finnerty falsified an arrest report and a Duty Supervisor/OIC Command Staff shift briefing regarding the incident involving Officer D.B. – specifically, by including false and misleading statements and by omitting material information.

The charge of false reports provides for a sentence of up to 20 years in prison, up to three years of supervised release and a fine of up to \$250,000. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and statutes which govern the determination of a sentence in a criminal case.

Acting U.S. Attorney Levy and FBI SAC Cohen made the announcement today. Assistant U.S. Attorneys Kristina E. Barclay and Assistant U.S. Attorney Julien Mundele are prosecuting the case.

The details contained in the indictment are allegations. The defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.”-Massachusetts Department of Justice.