



Legal Update

Officer can be Charged with Impersonating a Police Officer

Commonwealth v. Hilma Nordstrom, et al. Appeals Ct. 20-P-1192, 20-P-1193 (Nov. 23, 2021)

Relevant Facts

In October 2005 the victim, 17 years old at the time, reported to the Foxborough police that he was raped by someone he had dated. The police investigated, but charges never issued. There was no activity on the investigation after 2005.

On December 9, 2014 the victim was home and answered a knock at the front door where he found the defendants, Nordstrom and French. The victim testified that, although they were not in uniform, the defendants identified themselves as police officers and one was holding a notepad. The victim, believing them to be police officers, invited them inside. Once inside, the defendants identified themselves as the sister and mother of the former boyfriend. They wanted the victim to sign a document saying that he lied to the Foxborough police about the rape. French recorded the conversation with the consent of the victim.

During the 10-minute conversation, both defendants questioned the truthfulness of the victim and pressured the victim to recant. When asked why this was coming back up, the defendants said that the former boyfriend was going to court the next day for something “horrendous” and they wanted to provide the court with a letter from the victim. French also said that she was a police officer and had been in the military police for 15 years. The victim told the defendants that he did not lie, that he had been raped, and that he would not be signing the paper.

Both defendants were charged and convicted of impersonating a police officer and intimidating a witness.

Discussion

French argues that, because she was a military police officer, she cannot have “falsely assumed or pretended” to be a police officer. The court found that a police officer can violate the statute “if by words or conduct they state, or can reasonably be understood to represent, that they hold an office that they do not in fact hold.”

For specific guidance on the application of these cases or any law, please consult your supervisor or your department’s legal advisor or prosecutor.

“Here, the defendants' statement at the door that they were police officers could reasonably have been understood as a representation (at least, a jury could so find) that the defendants had some authority in the situation, such that the victim should give them deference, let them into his home, and speak with them. The jury also could have found that the defendants reinforced this false impression through their actions -- arriving unannounced at the victim's home early in the morning, notepad in hand, asking to talk.”

A military police officer would have no authority regarding the rape allegation from 2005 that French wanted to discuss with the victim. “The jury thus could reasonably have found that she falsely pretended or assumed the role of a police officer.”

Witness Intimidation

The defendants argue that there was no witness intimidation because the rape allegation was not an ongoing investigation at the time they spoke with the victim. The court did not decide that issue because it found that there was sufficient evidence to prove that the defendants were trying to obtain the recantation for use in another investigation or proceedings. The defendants wanted to use the recantation in court proceedings scheduled for the next day. The fact that the alleged rape was unrelated to this new matter was of no consequence.

The convictions were affirmed.

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