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Mr. Anthony Schiavi
Town Manager's Office
101 Main Street
Ashland, MA 01721

Federal Bureau of Investigations
One Center Plaza, Suite 600
Boston, MA 02108

Ms. Marianne Ryan
Office of the Middlesex District Attorney
15 Commonwealth Avenue
Woburn, MA 01801

Attorney General Martha Coakly
One Ashburton Place
Boston, MA 02108

US Attorney's Office
Criminal Investigations
United States Federal Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

RE: Richard O'Dell beating
December 26, 2013 at the VFW, Ashland, MA

Dear Mr. Schiavi,

I have been asked to look into an incident occurring on December 26, 2012 at approximately 1:00AM at the VFW on Pleasant Street, Ashland. On this date Richard O'Dell, was with Linda Dionne, the former sister-in-law of Ashland Police Officer Michael Dionne. While inside he observed several off-duty police officers. These officers were glaring at him, laughing at him in an attempt to provoke him. These off-duty officers were heavily intoxicated at the time. He watched one off-duty officer repeatedly push and manhandle a woman that was with the group. At one point he watched as one of these off-duty officers push a woman to the ground. Mr. O'Dell ran over to the woman to assist her in getting up when he was suddenly sucker punched in the back

of the head, knocked to the ground and repeatedly punched and kicked in the head and abdomen area by more than one off-duty officer. All he could do was try to cover himself up to protect himself from being seriously injured or possibly killed. Finally, one of the females in the group grabbed the off-duty officer and was able to convince him to stop this senseless attack.

Mr. O'Dell got to his feet and was able to call 911. Records will show that he called at 1:07AM. One of Officer Dionne's brothers tried to assist Mr. O'Dell and told him that what these guys did to him was wrong. Officers were dispatched to the VFW and upon seeing who was involved told the other officers to slow their response. The off-duty officers not involved in the attack had a duty to intervene, to stop the other officers from the attack and to truthfully report the attack to their supervisors yet stood idly by as their brother officers senselessly beat Mr. O'Dell. To top it off and to rub salt into the wounds, these off-duty officers huddled around the responding officers' cruisers and laughed at Mr. O'Dell. Literally, stood there and laughed at him. No charges were ever filed, no police reports were written, no medical attention was rendered to Mr. O'Dell. He was simply ordered to leave the area, treated as if he was the wrongdoer. Photos were produced to Lt. Briggs showing the black eyes and bruising on his torso.

This is not justice. This is not how Mr. O'Dell's attack or any other victim of a violent crime should be handled. All Mr. O'Dell expected was that the investigation into this violent attack by off-duty Ashland Police officers would be properly investigated. What I can tell you is that based upon my investigation, the conclusion is that this investigation was either purposely conducted to be incomplete or incompetently investigated.

Two days after the attack, Mr. O'Dell spoke with former Police Chief Scott Rohmer. Chief Rohmer, due to a **proven false** whistleblower's claim by some of the officers involved in this incident, immediately ordered Lieutenant Beaudoin to conduct the investigation. Lt. Beaudoin met with Mr. O'Dell and together they reviewed the 911 calls and discussed the events that evening. Lt. Beaudoin in an effort to conduct a proper and thorough investigation then ordered the on-duty and off-duty officers to write a report. Two days after this order, Lt. Beaudoin was **falsely** accused of wrong doing by one of the officer's involved in the brutal attack. Because of the accusations against Lt. Beaudoin involving a family member of the officer, Chief Rohmer had no choice but to remove Lt. Beaudoin from the investigation and to appoint Lt. Briggs to conduct the investigation. For nearly 6 months nothing was done by Lt. Briggs. Mr. O'Dell sent emails, phone calls, and even personally appeared at the station to demand a status. The only concern of Lt. Briggs was whether Mr. O'Dell had a marijuana pipe on him that evening. Are you kidding me?

At all times my client expected a proper, fair, impartial, and thorough investigation into the brutal attack in which he sustained a concussion and to this day still feels the effects of that attack. He expected that justice would be served. On July 1, 2013, he received a letter from you indicating that there was insufficient evidence to move forward. A conclusion that I find ludicrous

as it is clear that not only did numerous code of conduct violations occur including several criminal violations yet no officer was ever reprimanded, criminal charges filed, only a conclusion that the investigation was inconclusive. What did this consist of? Why was it that no officer, on or off-duty, ever reprimanded or disciplined for their untruthfulness, not forthcoming, failure to act, or even their involvement in the attack?

I draw your attention to the following rules and regulations of the Ashland Police and the Massachusetts General Laws and demand that you take action into this matter by requesting an outside investigator, preferably an investigator from the Middlesex District Attorney's Office or the Massachusetts State Police.

Rule 4.02 - CONDUCT UNBECOMING AN OFFICER

Officers shall not commit any specific act or acts of improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police department. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and its members.

Conduct unbecoming an officer shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, morale, integrity, reputation or effectiveness of the department or its members.

Conduct unbecoming an officer shall also include off-duty conduct where there is a nexus or connection between the act or acts committed by the officer and that individual's continued fitness

RULE 4.06 - UNDUE INFLUENCE

Officers shall not seek or obtain the influence or intervention of any person, outside or from within the department, but not including a lawfully retained attorney, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a criminal or disciplinary hearing.

RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE

Officers shall not interfere with cases being handled by other officers of the department or other law enforcement agencies. When an officer believes that such involvement is absolutely necessary, he or she shall secure permission from a superior officer.

Officers shall not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person whomsoever for the purpose of permitting an accused person to escape the penalty of his or her wrongdoing, or seek to obtain a continuance of any trial or otherwise interfere with the course of justice, except in the normal course of proceedings.

RULE 4.15 – ABUSE OF POSITION

Officers shall not use the prestige or influence of their official position, or use the time, facilities, equipment or supplies of the department for the private gain or advantage of themselves or another.

RULE 4.20 - USE OF OFFICIAL POSITION

Officers shall not use their official position, department identification cards or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts.

RULE 7.7 – TRUTHFULNESS

Officers shall speak the truth at all times when on duty or when discussing a matter arising out of or related to the officers duties or the operation, organization or business of the department. In cases in which an officer is not allowed by the regulations of the department to divulge facts within his or her knowledge, the officer will decline to speak on the subject.

Officers shall not fabricate, withhold, or destroy any evidence of any kind.

RULE 13.2 - FALSIFYING RECORDS

Officers shall not knowingly enter or cause to be entered upon a police report or police record any inaccurate, false or improper information.

RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW

Officers shall not violate any provision of General Laws Chapter 268A.

MGL Chapter 268A, Section 23

(b)(2) (***Abuse of Position & Unwarranted Privilege***) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(b)(3) (***Appearance Section***) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion; or

(c)(2) (***Confidentiality Provisions***) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

MGL Chapter 265, Section 13A.

(a) Whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than 2 1/2 years in a house of correction or by a fine of not more than \$1,000.

(b) Whoever commits an assault or an assault and battery:

(i) upon another and by such assault and battery causes serious bodily injury;

shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 2 1/2 years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) For the purposes of this section, "serious bodily injury" shall mean bodily injury that results in a permanent disfigurement; loss or impairment of a bodily function, limb or organ, or a substantial risk of death.

Mr. O'Dell continues to this day to suffer from his injuries and for that reason I demand that this matter be re-opened and properly investigated. I call upon you as the Town Manager and Police Commissioner to see that this matter is not simply brushed under the rug as if nothing happened but to insure that justice is done. Mr. O'Dell and every resident of Ashland deserves an answer other than the case was unfounded. A man was beaten so badly that he continues to suffer today. You have promised results in your handling of this police department, let's see it.

I look forward to speaking with you about this matter. I have forwarded a copy of this letter to other law enforcement agencies.

Very truly yours,

Joseph F. Hennessey

cc: Richard O'Dell