

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

JOHN DRISCOLL,  
Plaintiff

V.

TOWN OF ASHLAND,  
SCOTT ROHMER, in his Individual and  
Official Capacities, and  
EDWARD POMPONIO, in his Individual and  
Official Capacities,  
Defendants

## COMPLAINT

## PARTIES

1. The Plaintiff, John Driscoll, is an individual residing in Ashland, Middlesex County, Commonwealth of Massachusetts.
2. The Defendant, Town of Ashland, is a municipality located in Middlesex County, Commonwealth of Massachusetts.
3. The Defendant, Scott Rohmer, was at all times relevant to this Complaint, employed as Chief of Police of the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.
4. The Defendant, Edward Pomponio, is employed as a police officer in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

## FACTS

1. Officer John Driscoll (hereinafter "The Plaintiff") has been a Police Officer for five (5) years. His assignments have included, but are not limited to, general patrol duties as Patrolman, investigation of serious crimes as a Detective, and shift supervision as Provisional Sergeant.
2. Defendant Pomponio had recently left the Milford Police Department to seek employment with the Ashland Police Department.

3. Defendants Rohmer and Pomponio are close personal friends.
4. After being hired by defendant Rohmer at the Ashland Police Department, defendant Pomponio had his license to carry a firearm revoked by his former employer, the Milford Police Department for being an "unsuitable" person to carry a firearm. **Exhibit A.**
5. Upon Pomponio's appeal of the firearm revocation, the Milford District Court upheld the decision of the Milford Police Chief and determined that Defendant Pomponio was not fit to carry a firearm. The Court ruled that "Pomponio exhibited a grudge against Chief O'Loughlin and Milford Officer Poissant and intended to seek revenge against them and their families." The decision was based on sixteen (16) incidents demonstrating Pomponio's animus and an intent to retaliate against the aforementioned Milford Police employees. **Exhibit B.**
6. Despite the Court's ruling, Chief Rohmer reissued Pomponio his license to carry firearms without investigating the reasons that the aforementioned judge upheld Milford Police Chief O'Loughlin's decision to revoke Pomponio's license to carry.
7. Defendant Rohmer has since promoted Pomponio to Sergeant, despite the objection from every member of the command staff with the exception of one member of the Ashland Police Department.
8. Defendant Rohmer has, on several occasions, accepted items of value from subordinate Officer Pomponio, a violation of Massachusetts Ethics Law. Defendant Rohmer accepted these items while now Provisional Sergeant Pomponio was still a Patrolman.
9. Defendant Rohmer also created a new specialty position for Pomponio. The position removed Pomponio from the least desirable shift from 11 PM to 7AM and placed him on the 7AM to 3PM shift with weekends and holidays off. Chief Rohmer created this position over the objection of most of the command staff.
10. The Chief has purchased uniforms and equipment for Pomponio out of the Police Department budget.
11. Chief Rohmer has failed to discipline or even investigate Pomponio for several acts of extreme misconduct.
12. These acts include, but are not limited to, unlawfully destroying drug evidence, assaulting Patrolman Doug Grout inside the police station, threatening to stab Sgt. Robert Macquarrie's eye out with a pen, harassing Officer Allena Downey to the point that she was afraid to come to work, and harassing another female officer, Luann Tomaso.
13. Additionally, Pomponio was reported to have been untruthful by members of the Ashland Police Department on several occasions. Each instance of untruthfulness on the part of Defendant Pomponio was reported to Chief Rohmer however, due to their close personal

friendship, the defendant has refused to conduct an investigation into any of these allegations or conducted a sham inquiry to exonerate Pomponio.

14. On January 23, 2012, the Plaintiff and 17 other members of the Department voted yes for a vote of no confidence of Chief Rohmer.
15. On January 23, 2012, numerous members of the Ashland Police Department, including the Plaintiff, signed and filed a formal letter of complaint with then-Town Manager Petrin alleging numerous allegations of improper conduct committed by Defendant Rohmer in his capacity as Chief of Police. This document was filed under the protection of the Massachusetts "Whistleblower" statute. **Exhibit C.**
16. On February 9, 2012, Defendant Pomponio confronted the Plaintiff and threatened him, stating that everyone who signed the complaint against the Chief would be sued. The Plaintiff believes Defendant Pomponio was trying to intimidate him in an effort to change his vote.
17. The Plaintiff subsequently completed a written complaint regarding this confrontation with Pomponio and submitted it through his chain of command requesting an investigation. The Plaintiff still has not been notified of any result of this complaint. **Exhibit D.**
18. In March 2012, Detective Sergeant Greg Wildman, Defendant Pomponio, and the Plaintiff began to conduct an evidence inventory. This process was conducted from March of 2012 to July of 2012.
19. On or about June 1, 2012, Detective Sergeant Greg Wildman, Provisional Sergeant Ed Pomponio, and the Plaintiff were conducting evidence inventory when a firearm was located in a restricted area. The firearm had been placed there by Officer Magnani in March of 2012. Officer Magnani was not authorized to access this area. The firearm had been unaccounted for in the previous six (6) years. The firearm should have, according to departmental policy, been placed in the gun evidence locker.
20. On June 5, 2012, the Plaintiff submitted a written complaint to his supervisor regarding the unauthorized access and mishandling of evidence, seeking answers as to where the firearm was for the previous six years. **Exhibit E.**
21. On June 6, 2012, the Plaintiff was subsequently informed that there was no resulting discipline and no findings would be provided, formal or otherwise. To date, the Plaintiff has not been notified of any results of his complaint.
22. On July 10, 2012, the Ashland Police Detective Office was breached by Sgt. Pomponio in an attempt to access the safe, without authorization, in order to obtain evidence room keys to change locks.
23. Defendant Pomponio was unable to gain access to the safe. The evidence room door

locks were subsequently removed by force and changed without the Plaintiff's presence. The Plaintiff was subsequently advised there were multiple sets of keys made for the Chief.

24. The Plaintiff submitted a written complaint to his supervisor for unauthorized access to Detective Office, attempted breach of safe, and unauthorized access to evidence rooms. To date, the Plaintiff has not been notified of any results of this complaint. **Exhibit F.**
25. In July of 2012, during this ongoing inventory process, it was determined that the last recorded destructions of drug evidence pursuant to Massachusetts State law had occurred in the year 2009. As a result of learning this information, the Plaintiff recalled a recent case in which other drugs had been taken from the evidence room and personally destroyed by Defendant Pomponio prior to the trial of the underlying criminal case.
26. The Plaintiff, who had made the arrest in that drug case, asked Defendant Pomponio how and why he destroyed those drugs in violation of the statute. Pomponio claimed that he "accidentally" destroyed the drugs because he "didn't know they were needed for evidence." Pomponio also stated to the Plaintiff that "a State Police Major assisted him" with the evidence destruction.
27. The Plaintiff subsequently discovered that the drugs were destroyed two weeks after arrest and were not destroyed in compliance with State policy. As a result of the unlawful destruction of the drug evidence, the underlying criminal case was dismissed.
28. At the time, Defendant Pomponio was assigned as the Court Officer for the Ashland Police Department.
29. Soon thereafter, the Plaintiff again asked Sgt. Pomponio how he destroyed the drug evidence in question. Sgt. Pomponio again stated that a State Police Major helped him out, but refused to provide any further information.
30. In August 2012, Officer Magnani was promoted to Shift Supervisor while awaiting approval from Board of Selectman for promotion to Provisional Sergeant.
31. In September 2012, Interim Town Manager Jim Purcell began his employment with the Town of Ashland.
32. On November 19, 2012, the Plaintiff submitted a written complaint of the illegal drug destruction by Sgt. Pomponio to the Attorney General's Office.
33. On November 22, 2012, the Plaintiff contacted Selectman Bob Hebdan for assistance in conveying the information to Town Manger Purcell. The Plaintiff met with Selectman Hebdan and provided all the relevant information.
34. This communication was intended to be confidential out of concern for retaliation by Defendant Rohmer due to his close personal relationship with Defendant Pomponio and was done so under the protection of the Massachusetts Whistleblower statute.

35. While on duty in November 27, 2012, the Plaintiff was told to go to the Town Manger's Office. The Plaintiff requested a union representative to accompany him, and Officer Kevin Piers attended the meeting alongside the Plaintiff.
36. As they entered the Town Manager's Office, both Chief Rohmer and Town Manager Purcell were present.
37. The individuals discussed the issues raised by the Plaintiff, including the allegations made regarding the improper destruction of evidence. Town Manager Purcell stated he would have them investigated. Furthermore, Town Manager Purcell guaranteed the Plaintiff, with Officer Piers as a witness, that there would be no retaliation against him as a result of the complaints.
38. Despite these assurances from Town Manager Purcell, Defendant Rohmer failed to supervise, discipline, and restrain Defendant Pomponio from intimidating, harassing, and/or threatening Plaintiff following the reporting of Pomponio's illegal destruction of evidence. To the contrary, Defendant Rohmer tacitly encouraged Pomponio's harassment of Plaintiff and has himself actively participated in the retaliatory actions of Pomponio against the Plaintiff.
39. Following the meeting with Town Manager Purcell, the Plaintiff went back to the station to secure his office. The Plaintiff observed Chief Rohmer and Lt. Beaudoin exit the Chief's office and leave together out of the station. Defendant Rohmer, Beaudoin, and Defendant Pomponio are all close personal friends.
40. Later that day, the Plaintiff received approximately five (5) phone calls, between the hours of 1630 to 1930 hours, from the Ashland Police Station. They were generated by Sgt. Magnani.
41. At approximately 1730 hours, Ashland police cruiser A13, operated by Sgt. Magnani, slowly drove by his house.
42. At approximately 2000 hours, Sgt. Magnani knocked on the Plaintiff's front door, at home, with his family present. Sgt. Magnani stated he was checking on overtime shifts and was wondering what shifts the Plaintiff was working. At the end of the conversation Sgt. Magnani asked the Plaintiff what went on at Town Hall. Sgt. Magnani asked if it involved him, and the Plaintiff stated he could not talk about it.
43. The following day, on November 28, 2012, the Plaintiff worked the 7am to 3pm shift as shift supervisor. Defendant Rohmer sat in during the Plaintiff's roll call which had seldom occurred prior to that day. Throughout the roll call, Defendant Rohmer said nothing, but continued to stare at the Plaintiff in a hateful manner.
44. The Plaintiff then received an email from Chief Rohmer about an Officer not being ready during roll call. After roll call, but prior to the Chief's email, the Plaintiff had conducted

a verbal warning to the Officer and explained the reasoning of being on time and ready for shift. An email from the Plaintiff was sent to the Chief with the above explanation.

45. On November 29, 2012, the Plaintiff met Sgt. Magnani in the hallway of Ashland Police Station. The two individuals then stepped into the Detective's Office, where Sgt. Magnani then closed the door and stated he knew what was reported to the Town Manager. The Plaintiff expressed to Sgt. Magnani that they shouldn't talk about it. Sgt. Magnani expressed his concern that it was reported to the AG's office and the Selectmen. The Plaintiff again advised Sgt. Magnani that they cannot continue the conversation.
46. Later that day, the Plaintiff returned from lunch break and upon entering the station, Chief Rohmer was exiting his office. As the Chief approached the Plaintiff, he gave the Plaintiff a hateful, glaring look and continued to stare at him as he walked by.
47. On November 30, 2012, the Plaintiff learned that Sgt. Pomponio had requested information regarding all of the Plaintiff's traffic stops, contrary to customary practice. Upon information and belief, this was done to intimidate the Plaintiff and to create a sham basis to discipline the Plaintiff.
48. Soon thereafter, Chief Rohmer called the Plaintiff and stated that the Plaintiff should not participate in the scheduled training on Monday. Instead, the Chief wanted to discuss the complaints and information that the Plaintiff had provided to the Attorney General's Office.
49. On December 3, 2012, the Plaintiff met with Chief Rohmer at Town Hall for an interview regarding the complaints. At no time during the interview did Chief Rohmer order the Plaintiff not to talk about the ongoing investigation.
50. On December 4, 2012, the Plaintiff received a letter from the Chief's secretary. The letter, referencing the interview from the previous day, requested all documents in the Plaintiff's possession with regard to the investigation. The Plaintiff complied, despite his concerns that the information would be shared with Defendant Pomponio.
51. On December 5, 2012, the Plaintiff returned to Ashland Police Station after conducting background checks for new hires. He was approached by Sgt. Pomponio and asked to enter the Sergeant's office. Sgt. Pomponio then became enraged and began referencing the Plaintiff's complaints. Sgt. Pomponio attempted to threaten and intimidate the Plaintiff during his tirade.
52. The Plaintiff submitted a complaint, using his Chain of Command, to Lt. Briggs and Town Manager Jim Purcell, regarding Sgt. Pomponio's threatening behavior. **Exhibit G.**
53. Shortly after the altercation, Sgt. Pomponio entered the Plaintiff's office and began discussing background investigations. He continued to glare at the Plaintiff and direct

threatening looks toward him which Plaintiff believed was done in an attempt to intimidate him.

54. Sgt. Pomponio then exited the Plaintiff's office and went into Chief Rohmer's office. Soon thereafter, Chief Rohmer and Sgt. Pomponio exited and began to walk by the Plaintiff's office. As they both were looking in, Sgt. Pomponio stated to Chief Rohmer, "So what are you going to charge him with." They then exited out of the rear of the station together.
55. On December 6, 2012, the Plaintiff was advised that earlier that day, Chief Rohmer conducted a verbal counseling session with Sgt. Pomponio with regard to the Plaintiff's allegations of witness intimidation after Sgt. Pomponio's tirade against him the previous day. The verbal counseling session lasted approximately one minute and yielded no disciplinary action.
56. Notwithstanding the lack of disciplinary action taken by Chief Rohmer, Sgt. Pomponio's actions represent a violations of M.G.L. c.268 s. 13B (Witness Intimidation) and Ashland Police Department Policy and Procedure No. 4.01, which states in relevant part, "Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his/her complaint, is prohibited and will be treated most severely."
57. On December 10, 2012, the Plaintiff emailed Town Manager Purcell, notifying him once again that he was in fear of his safety and job, due to the filing of his complaint against Sgt. Pomponio and Chief Rohmer's subsequent failure to properly investigate and discipline. The Town Manager declined to assist or protect the Plaintiff.
58. On December 13, 2012, the Plaintiff went to the copier area in the station to make copies of the Field Training Officer Materials. Sgt. Pomponio was at the copier and the Plaintiff waited in his office until Sgt. Pomponio was done making copies.
59. When the Plaintiff arrived at the copy area, he observed a To/From Complaint authored by Sgt. Pomponio. The complaint was addressed to Lt. Beaudoin, and cc'd to Chief Rohmer on November 28, 2012. It was a complaint against the Plaintiff, requesting an investigation into violations of Department policy and procedures. Also contained in the complaint document were Chief Rohmer's initials, dates 12/5/12, which marks the same date when Sgt. Pomponio verbally threatened the Plaintiff while standing alongside Chief Rohmer. **Exhibit H.**
60. Upon information and belief, the document outlining the complaint against the Plaintiff was deliberately left at the copier by Defendant Pomponio in an attempt to intimidate the Plaintiff. Furthermore, the nature of the sham allegations against the Plaintiff by Sgt. Pomponio (to wit, dissemination of confidential information) was specifically concocted by Pomponio in an effort to silence the Plaintiff.
61. The Plaintiff copied the document and reported it to Town Manager Purcell on

December 14, 2012 via email. Purcell took no action.

62. That same day, the Plaintiff received an email from Chief Rohmer in which the Chief informed the Plaintiff (for the first time) that the investigation was confidential. This was done in a deliberate and desperate attempt to silence the Plaintiff after his forwarding of information to Purcell.
63. On December 15, 2012, the Plaintiff was on-duty conducting an area check of Ashland High School. Chief Rohmer happened to be there observing a basketball game. Chief Rohmer stated to the Plaintiff words to the effect that the Plaintiff "should have [his] wife and kids attend the Christmas party at the American Legion at 1pm." The party was being run by Sgt. Pomponio and Lt. Beaudoin. The Plaintiff advised the Chief that he could not do that to his family due to the previous threats by Sgt. Pomponio. The Chief looked at the Plaintiff, smirked and walked away.
64. At approximately 1330 hours on that same day, Chief Rohmer instructed the dispatch center to call the Plaintiff and order him to report to the American Legion. Upon entering the American Legion, Sgt. Pomponio glared at the Plaintiff angrily. Sgt. Pomponio then came up to the Plaintiff, put his hand on Plaintiff's shoulder, and in an angry tone told him to get something to eat.
65. On December 17, 2012, Chief Rohmer had the locks changed to the Evidence Rooms, Detective's Office, Photo Room, Lieutenant's Office, and his office.
66. On December 20, 2012, the Plaintiff was contacted by Mr. Beagan from the Attorney General's Office. Mr. Beagan informed the Plaintiff that he was referring the case to the Middlesex District Attorney's Office PACT unit for further investigation.
67. The Plaintiff contacted Town Manager Purcell and informed him that the case was moving to the Middlesex D.A.'s Office and provided him with all necessary numbers and contacts.
68. On December 26, 2012, at approximately 1030 hours, Chief Rohmer and Lieutenant Beaudoin had a private meeting, which lasted approximately 35 minutes, in the rear parking lot of the Ashland Police Department. This meeting was conducted in Lieutenant Beaudoin's unmarked cruiser.
69. On December 27, 2012 at approximately 1000 hours, Lieutenant Beaudoin entered Cruiser A13 with Sgt. Pomponio. They rode around together for approximately two (2) hours.
70. On January 1, 2013, the Plaintiff emailed Town Manager Purcell for an update and advised him of meeting with the PACT Unit earlier that week.
71. The Plaintiff also reported to Town Manager Purcell that he had been taking his vacation and personal days to avoid Chief Rohmer, Lieutenant Beaudoin, Sgt. Pomponio, and Sgt.



Magnani.

72. On January 25, 2013, the Plaintiff was entering his shift's roll call while Sgt. Pomponio and Chief Rohmer were standing in the back of the room. The Plaintiff advised Sgt. Pomponio that his shift was present and he was therefore all set and could leave for the day. Sgt. Pomponio looked at his watch, stated that he had three minutes remaining, and said that he would stay until 1500 hours because "he know's [the Plaintiff] is keeping logs on him."
73. Later that day, Chief Rohmer personally dispatched the Plaintiff via cruiser radio to a call of a past larceny at the victim's home. Chief Rohmer's personal dispatch was contrary to typical protocol, which was for all calls to go through the dispatch center.
74. While traveling to the call, Plaintiff called the dispatch center for additional information. Dispatcher Finnerty advised the Plaintiff that the alleged victim had a bracelet stolen when she had her floors finished several months previously.
75. Upon the Plaintiff's arrival at the residence, there was a female party at the front door. She was scantily clad and appeared to be wearing sleep wear, which was unusual that early in the evening, at approximately 5:00 P.M.
76. The female party invited the Plaintiff to come in, stating that she was good friends with "Scott" and "Dave", referring to Chief Rohmer and Lt. Beaudoin.
77. At that time, the Plaintiff became lightheaded, his arms were tingling, and his chest tightened. The Plaintiff believed he was being set up by Defendant Rohmer, who had ordered him to respond to this residence personally.
78. The Plaintiff refused to enter the home and advised the female that he would have Detective Tessier follow up with her.
79. The Plaintiff then cleared the call with Dispatch and drove himself to the Cedar Street Fire Station. Upon arriving, Firefighter Byron assessed the Plaintiff and took his blood pressure, which yielded a result of 180/120. Firefighter Byron stated the Plaintiff needed to go to the emergency room immediately.
80. Upon arriving at the hospital, the Plaintiff advised the emergency room doctor of the ongoing intimidation, threats, and attempted set up. The doctor diagnosed the Plaintiff with hypertension from acute stress disorder. Upon his release from the hospital, the Plaintiff was advised not to return to work, and to follow up with his primary care physician the following Monday.
81. On January 28, 2013, the Plaintiff met with Dr. Anita Nartey, his primary care physician. The Plaintiff informed Dr. Nartey of the ongoing intimidation, threats, and attempted set up. Dr. Nartey diagnosed the Plaintiff with hypertension due to acute stress disorder. The Plaintiff was given an order to wear a blood pressure monitor for 48 hours,

beginning January 30. Dr. Narthey advised the Plaintiff to not return to work due to the hostile environment and the hypertension it was causing.

82. On February 4, 2013, the Plaintiff met with Dr. Narthey to analyze the blood pressure monitor results. The Plaintiff was told by Dr. Narthey that his results were fluctuating from 150 to 220. As a result, Dr. Narthey placed the Plaintiff on high blood pressure medication, medication to calm anxiety, and sleep medication to help him sleep. Dr. Narthey also referred the Plaintiff to a psychologist and a cardiologist.
83. On February 12, 2013, the Plaintiff began treatment with Dr. Sweet, a psychologist with specialized background in dealing with police officers. Dr. Sweet also advised the Plaintiff to not return to work due to the environment and the hypertension it was causing.

#### COUNT ONE - WHISTLEBLOWER (M.G.L. ch. 149, § 185)

84. The Plaintiff repeats, realleges and incorporates by reference as if set forth hereto in their entirety Paragraphs 1 through 83 of this Complaint.
85. Plaintiff, through various means and measures, reported, objected to, filed complaints and reports about ongoing violations of law in the Ashland Police Department including, but not limited to, violations by Defendants Rohmer and Pomponio.
86. The Defendants retaliated against the Plaintiff for disclosing, objecting to and/or refusing to participate in an activity, policy or practice which plaintiffs reasonably believed was in violation of a law and/or a rule or regulation promulgated by law, in violation of the Massachusetts Whistleblower statute, G.L.c.149 §185.
87. Plaintiff has been retaliated against for reporting and objecting to such actions and as a result of raising these issues was subsequently subjected to disparate treatment, a hostile work environment, retaliatory acts, threatened discipline, and the potential for termination from employment.
88. As a consequence of the Defendants' actions, Plaintiff suffered and continue to suffer damages, including, but not limited to: loss of income, loss of employment benefits, other financial losses, loss of professional opportunities, loss of personal and professional reputation, loss of community standing, physical injuries, and emotional and mental distress.

WHEREFORE, Plaintiff demands judgment against the Defendants on Count I, plus interest and costs of this action, and reasonable attorneys' fees as provided under G.L.c.149, Section 185 and G.L. c. 12, Section 11I.

#### COUNT TWO - Civil Rights (M.G.L. ch. 12, §§ 11H, I)

89. The Plaintiff repeats, realleges and incorporates by reference as if set forth hereto in their

entirety Paragraphs 1 through 88 of this Complaint.

90. Defendants Rohmer and Pomponio, in their official and individual capacities, and under color of law, attempted to interfere with, and interfered with plaintiff's exercise and enjoyment of rights secured by the constitution and laws of the United States, and the constitution and laws of the Commonwealth, by threats, intimidation and coercion, including his right to free speech and equal protection of the laws.

WHEREFORE, Plaintiff demands judgment against Defendants Rohmer and Pomponio on Count II, plus interest and costs of this action, punitive damages, and reasonable attorneys' fees.

### COUNT THREE - CONSPIRACY

91. The Plaintiff repeats, realleges and incorporates by reference as if set forth hereto in their entirety Paragraphs 1 through 90 of this Complaint.
92. The Town of Ashland and its employees, including the individual Defendants, have pursued, or joined in the pursuit of, a common course of conduct, and acted in concert with and conspired with one another, in furtherance of a common plan or design to retaliate against the Plaintiff.
93. The unlawful means and purpose of this conspiracy were undertaken in retaliation for Plaintiff's reports, objections, complaints, and citations about violations of law in the Town of Ashland.

WHEREFORE, Plaintiff demands judgment against the Defendants on Count III, plus interest and costs of this action, and reasonable attorneys' fees.

### COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

94. The Plaintiff repeats, realleges and incorporates by reference as if set forth hereto in their entirety Paragraphs 1 through 93 of this Complaint.
95. The conduct of the individual Defendants towards the Plaintiff was extreme in degree and outrageous in character, resulting in the intentional and reckless infliction of emotional distress upon said Plaintiff.
96. Defendants intended to inflict emotional distress on Plaintiff or knew or should have known that emotional distress was a likely result of defendants' conduct.
97. Defendants conduct as alleged above was extreme and outrageous, beyond all possible bounds of decency and was utterly intolerable.

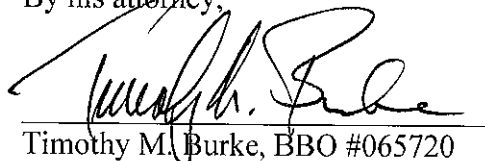
98. The outrageous actions of the Defendants were the cause of Plaintiff's distress and the emotional distress sustained by the Plaintiff is of a nature that no reasonable person could be expected to endure.
99. As a result of the outrageous actions of the Defendants, Plaintiff was caused to suffer emotional injuries and damages.

COUNT FIVE- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

100. The Plaintiff repeats, realleges and incorporates by reference as if set forth hereto in their entirety Paragraphs 1 through 99 of this Complaint.
101. The Defendant Town and the individual Defendants' conduct of discriminating against Plaintiff and retaliating against him was extreme and outrageous.
102. A reasonable and prudent person in the same or similar circumstances as Defendants would know or should have known that Plaintiff's emotional distress was a foreseeable result of this extreme and outrageous conduct.
103. As a result of the above-described actions, Plaintiff was caused to suffer emotional injuries and damages.

THE PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,  
For Plaintiff,  
By his attorney,



Timothy M. Burke, BBO #065720  
160 Gould Street, Suite 100  
Needham, MA 02494-2300  
(781) 455-0707

Dated: May <sup>th</sup>15, 2013

## **Exhibit A**



# **MILFORD POLICE DEPARTMENT**

Thomas J. O'Loughlin  
Chief of Police

250 Main Street \* Milford, MA 01757 \* Tel. (508) 473-1113 \* Fax (508) 473-5087\*  
milfordchief@aol.com

January 2, 2009

Mr. Edward Pomponio  
7 Dynasty Drive  
Milford, MA 01757

## **Re: REVOCATION OF LICENSE TO CARRY FIREARMS**

Dear Mr. Pomponio:

The intent of this correspondence is to inform you that effective immediately the License to Carry Firearms, #12075934A, that was issued to you by the Milford Police Department is hereby revoked, as it is my determination, in my capacity as the licensing authority, that you are no longer a suitable person to be licensed to carry firearms as defined in Massachusetts General Laws chapter 140 s. 131.

This determination is based upon your persistent and protracted harassment, intimidation and threatening conduct towards members of the Milford Police Department.

The following information is a listing of events and occurrences in support of the determination to revoke your License to Carry Firearms:

1. As a result of your personal actions on June 8, 2005, while serving as a police officer for the Town of Milford, an internal affairs complaint was filed against you alleging egregious misconduct while on-duty and attired in the official police uniform. Thereafter, despite an on-going internal affairs investigation and your being directed not to have contact with the complainant or any other involved person, on June 9, 2005, you confronted Officer Russell Poissant, Milford Police Department, knowing he was a close personal friend of the complainant against you, and you then and there threatened the complainant and Officer Poissant when you stated to Officer Poissant: "Yesterday, [the complainant] made certain allegations against me", "A year from now, however long it takes, I'm going to hunt him down."

On June 9, 2005, Officer Poissant brought this incident to the attention of Detective Lieutenant James Falvey, and as you know, Lt. Falvey directed Officer Poissant to contact the Chief of Police and file a report. Lt. Falvey also filed a report.

Thereafter the internal affairs investigation was amended to include the additional allegation of threats and intimidation.

On June 22, 2005, knowing that you were faced with the prospect of a termination hearing, you resigned from your position as a police officer with the Milford Police Department.

2. On September 1, 2005, Officer Russell Poissant reported that while in uniform and performing a traffic detail with Sergeant Allen Bertulli on Purchase Street, he observed you stop your truck and converse with Sergeant Allen Bertulli, who was also in uniform and performing a traffic detail at the opposite end of the construction site from Officer Poissant. Officer Poissant reports that as you drove past him, you called him a "fucking asshole".

3. On September 1, 2005, Officer Russell Poissant was in uniform and performing a traffic detail with Sergeant Allen Bertulli on Purchase Street as there was one lane of passage for traffic due to construction. Officer Poissant indicates that he directed a white utility truck to come to a stop and the vehicle continued at the same rate of speed, without slowing or stopping, and drove past him despite his direction to the contrary. As the vehicle passed Officer Poissant identified you as the operator. Sergeant Allen Bertulli reports that you then came to a stop at the other end of the construction site and stated to him, "I did not know if the fucken asshole wanted me to stop or go, I believe referring to Officer Poissant".

In a letter dated September 1, 2005, you acknowledged that Officer Poissant had directed you to come to a stop, however, you rationalized your conduct in not doing so, because, as you stated, Officer Poissant "looked directly at [you]", "made eye contact with [you]" and then he directed traffic causing you to wait. As a result, you concluded that he was using "his position to primarily cause [you] to be the subject of harassment...[and that he] singled out and targeted...[you], resulting in your feeling that you were "subjected to a form of humiliating public harassment". Interestingly, you also justified your actions stating that you "could not perceive any justifiable rationale or acceptable basis for being stopped and kept still in this position for so long".

4. On July 12, 2006, Officer Russell Poissant reported that while in uniform and performing a private police detail and directing traffic in the roadway at 189 Main Street, he observed you driving towards him in a white utility vehicle. Officer Poissant stated further that as your vehicle proceeded towards him it drifted in his direction. Fearing that he would be struck by the vehicle, which was merely inches from him, Officer Poissant reported that he stepped backwards as your vehicle passed because he was fearful he would be struck in the head by the truck's side mirror.

5. Later in the day on July 12, 2006, Officer Poissant reports that as you passed in traffic in the opposite direction you yelled to him from your vehicle, "Fucking wimp!".

6. On September 19, 2006, while in uniform and performing his official duties at the polling place for the State Primary Election at the Portuguese Club in Milford, Officer Russell Poissant and Officer Jeffrey Varteresian report that you were holding a candidate's sign and engaged Officer Varteresian in a conversation. Thereafter, Officer Varteresian informed Officer Poissant, "I was told by Pomponio to keep you over here. I got the impression he doesn't want you near him because he doesn't know if he'd be able to control himself". It is reported that as you then looked in the

direction of Officer Poissant you appeared to be visibly angry and you spat on the ground several times.

7. On October 9, 2006, Officer Russell Poissant was on-duty and in uniform and had just completed an investigation into a motor vehicle crash on Route 109 (Medway Road) at Route 495, in Milford. As he drove the marked Milford Police vehicle to the red traffic light and came to a stop, he looked to his right and observed you in the next lane operating a small green pick-up truck.

Officer Poissant reported that you were motioning with your left hand towards him and that you were saying something to him. He reported that he elected to ignore your gestures and comments at that moment.

After traffic moved to the next intersection and came to a stop for the red light, Officer Poissant reports that you continued to speak in his direction and that you were now louder so he opened the passenger window on the police vehicle to determine what you were saying to him.


Officer Poissant states that you then "pointed your index finger" towards him and said, "Someday when your not in uniform, our paths are going to cross"; that's when I am going to get you". Officer Poissant states that in response to your threatening comments he then "pointed to [his] Milford Police patch" and responded saying "I'm always wearing my badge and I'm not afraid to use it" and you then responded "I know your not".

On October 10, 2006 a criminal complaint for Threats to Commit a Crime was filed in the Milford District Court and a hearing was scheduled for October 20, 2006. At the hearing, the presiding Magistrate determined that the complaint would be held in abeyance provided there was no further misconduct on your part.

8. On November 16, 2006, Officer Russell Poissant was in uniform and performing a private police detail directing traffic on Route 140 (Prospect Street) near the Milford Regional Medical Center when he observed you operating a white utility truck in a southerly direction. Officer Poissant reported that as you approached, both you and your passenger were looking in his direction and he observed you with the palm of your right hand resting on your chin and your middle finger extended and directed towards him.
9. On May 9, 2007, Officer Russell Poissant was on-duty and in uniform performing a private police detail and directing traffic on Route 140 (Prospect Street), near the Milford Regional Medical Center, along with Officer David Villani. Officer Poissant reported that at approximately 4:10 PM, he observed you operating a white utility vehicle southerly and that as the vehicle approached him the left front quarter of the vehicle was headed towards him causing him to take one step backwards from the roadway onto the sidewalk.
10. On September 4, 2007, Officer Russell Poissant was in uniform and performing a private police detail directing traffic at the intersection of Central Street and Depot Street. Officer Russell Poissant reported that at approximately 1:00 PM he observed you operating a white utility truck south on Central Street and then while turning left



onto Depot Street you slowed your vehicle to a stop and stated to him, "You're a rat!"

11. On September 14, 2007, Officer Russell Poissant, while on-duty and in uniform, responded to a motor vehicle crash at the intersection of Fortune Boulevard and Quarry Drive and was directed by Sergeant James Heron to assist Officer David Falvey with the direction of traffic. Officer Poissant reported that he observed you operating a grey BMW utility vehicle northerly on Fortune Boulevard and that as you turned onto Quarry Drive he observed you slow down and yell to Officer David Falvey, "Hey Dave, Dave"; "Dave, watch your back".
12. On October 22, 2007, Officer Russell Poissant was at the Milford Town Meeting in the upper level of Town Hall. Officer Poissant was on-duty and in uniform and he was speaking with Officer Rick Belanger and Mr. Edward Ross. Officer Poissant reported that you approached them, greeted Officer Belanger and then looked at him and stated, "Hey, you piece of shit". Officer Poissant states that you spoke briefly with Officer Belanger and then as you went to walk away you turned to Officer Poissant and called him a "Fag".
13. On December 2, 2007, Officer Russell Poissant was on-duty and in uniform performing traffic and crowd control on Medway Road near the CVS store for the annual Milford Christmas Parade. Officer Poissant was having a conversation with Milford Firefighter Ted DePaulo when he observed you operating an Emerald Irrigation truck in the parade procession. As you came closer to the location where he was standing, Officer Poissant reported that he noticed that the passengers in your vehicle included a number of young children. As you passed him with your vehicle, Officer Poissant reported that a young, blonde haired boy, approximately seven (7) years of age, looked at Officer Poissant and yelled, "Don't be a rat!". This boy continued to repeat this phrase five to six times as he looked back to you smiling.
14. On November 19, 2008, Lieutenant James Falvey reported that you were at the Milford Police Department as part of your official duties as a police officer with the Town of Ashland when you blurted out to Milford Lieutenant Detective James Falvey, "I got a good fucking from a lot of guys in here". Lt. Falvey stated that he was both "surprised" and "taken aback" by your statement. 
15. On November 19, 2008, while attending the Milford Police Association retirement party at Pinz Entertainment in Milford, you made threatening comments regarding Officer Russell Poissant, me and each of our respective families. More specifically, it was reported that you stated you would wait until your retirement in 2019 and then you would hunt down and get Officer Russell Poissant. It is also alleged that you stated that you would get Officer Poissant, his family, or me and my family; and, if given the opportunity you would utilize your police authority to accomplish this illicit endeavor.
16. On November 19, 2008, Officer Russell Poissant reported that while on-duty and in uniform he stopped by the Milford Police Association retirement party at Pinz Entertainment in Milford, and that as he passed through an area from the dining room to the lounge where a number of officers were congregated, you slid a chair across the floor striking him in the leg.

As a result of this revocation determination and in accordance with Massachusetts General Laws Chapter 140, Section 131, you are hereby directed to immediately surrender to the Milford Police Department the License to Carry Firearms, #12075934A. Also, in accordance with G.L. c. 140 s. 129D, you are hereby directed to surrender any and all firearms owned or possessed by you pursuant to this licensure, and any and all ammunition, as it is unlawful for you to possess or carry firearms or ammunition in the Commonwealth of Massachusetts pursuant to this License to Carry Firearms. Failure to comply with the requirements of General Laws Chapter 140, Section 131 or Chapter 140, Section 129D, will result in the Milford Police Department seeking your compliance via process in the Milford District Court.

You may lawfully accomplish the surrender of the License to Carry Firearms and the surrender of firearms and ammunition by contacting the Milford Police Department by telephone at 911 or (508) 473-1113 extension 655 or extension 656.

In accordance with M.G.L. c. 140 s. 131, you have the right to appeal this determination by filing a petition for judicial review with the Milford District Court within ninety (90) days from the date of your receipt of this notice.

Respectfully,



Thomas J. O'Loughlin  
Chief of Police

cc:

Criminal Histories Systems Board (CHSB)  
Commissioner of Probation  
Officer Michael Pasacane, Milford Police Department  
Chief Scott Rohmer, Ashland Police Department  
Gerald Moody, Town Counsel, Town of Milford

## **Exhibit B**

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT  
MILFORD DIVISION  
DOCKET NO. 0966 CV 038

EDWARD POMPONIO,

Petitioner

v.

THOMAS J. O'LOUGHLIN  
As Chief of Police, Town  
of Milford,

Respondent

MEMORANDUM OF DECISION

On January 2, 2009, the Respondent acting in his capacity as the licensing authority for the Town of Milford, revoked the petitioner's license to carry a firearm. On January 13, 2009, the petitioner filed a complaint in this Court seeking judicial review of the revocation of his license to carry pursuant to G.L. C.140, §131. A hearing was held in this court on May 13, 2009.

After hearing the testimony of the witnesses presented by the parties and after considering the written submissions of the parties, I make the following finds of fact and rulings of law.

FINDINGS OF FACT

Prior to June 22, 2005, the Petitioner was a full time police officer for the Town of

Milford having served in that capacity for eighteen (18) years. On that date, the Petitioner submitted his resignation following an incident in which he acted inappropriately while on duty and facing the prospect of a Civil Service termination proceeding. Subsequent to his resignation, the Petitioner engaged in a pattern of conduct towards Officer Russell Poissant while the latter was in uniform and on duty which included yelling derogatory, insulting and foul invective. The Petitioner has admitted to most of these verbal incidents in describing them as the exercise of his constitutionally protected free speech. The Petitioner has denied any statements allegedly made to Officer Poissant or any conduct directed toward Officer Poissant which would rise to the level of a criminal offense such as Threatening to Commit a Crime or Assault. (For a compendium of allegations raised as to the Petitioner's actions toward Officer Poissant, see letter dated January 2, 2009 Petitioner's Exhibit 1.) The egregious conduct of the Petitioner was continuing and persistent to the extent that an Application for a Criminal Complaint was filed with this Court and was resolved by an agreement of the parties that the Petitioner would refrain from such conduct. Unfortunately, the Petitioner would, on occasions when his path crossed with Officer Poissant, continue with his verbal harangues, although the occurrences were less frequent.

In the November of 2007, the Petitioner decided to resume his law enforcement career and toward that end he applied for position as an officer with the Town of Ashland. During the application process, contact was made with the Respondent to solicit his views of the Petitioner's ability to perform the duties of a police officer. The Respondent gave the Chief of Police Scott Rohmer access to the Petitioner's employment file and was candid with Chief Rohmer about the circumstances surrounding the Petitioner's resignation from the Milford department. Ultimately and despite all that had transpired in the preceding two and one-half years, the Respondent

informed Chief Rohmer that the Petitioner would be a valuable resource as a member of the Ashland department. On March 31, 2008, the Petitioner was sworn in as a member of the Ashland Police Department.

In November, 2008, the Petitioner interacted with several members of the Milford department, once on official business as a member of the Ashland department in a visit to the Milford station and again on a social occasion at the retirement party of a Milford officer at a local restaurant. In conversations with Lieutenant James Falvey and Officer Alan Bacchiocchi, the Petitioner's view of the events that had transpired some three and one-half years earlier leading to his resignation from the Milford department had morphed from his own misconduct to a strong perception that he had been treated unfairly and unjustly by the Respondent and several other members of the department. In conversation with Officer Bacchiocchi, he indicated that he would seek his revenge against the Respondent and Officer Poissant and their families for the perceived unfair and unjust treatment. When the Respondent attempted to resolve the flare-up of the situation with the Petitioner through family members, close friends and Chief Rohmer, his attempts were unsuccessful leading to the Respondent's letter of January 2, 2009 revoking the Petitioner's license to carry firearms.

#### **RULINGS OF LAW**

In order to direct that a license to be reinstated over a chief's revocation, a judge must find that there was no reasonable ground for revoking said license. Godfrey v. Chief of Police of Wellesley, 35 Mass. App. Ct. 42 (1993). To warrant such a finding it must be shown that the revocation was arbitrary, capricious or an abuse of discretion. Chief of Police of Shelburne v. Moyer, 16 Mass. App. Ct. 543 (1983). The burden of making such a showing is on the licensee, Chief of Police of Shelburne, supra. The hearing before the District Court is not a de novo

proceeding matter, it is a re-examination of a proceeding, already concluded, for the purpose of preventing a result which appears not to be based upon the exercise of unbiased and reasonable judgment. This standard precludes a District Court judge from substituting his opinion about whether the license should or should not have been revoked for that of the chief of police or licensing authority. *Godfrey, supra*. However, in *Chief of Polices of Shelburne*, the Court interpreted the statutory requirements of G.L. c140, §131 to include an evidentiary hearing at which a District Court judge must engage in credibility determinations. The aggrieved party has the burden of producing substantial evidence that the revocation was arbitrary, capricious or an abuse of discretion. The weight and credibility accorded such evidence is for the hearing judge in deciding the question of whether a chief had any reasonable ground for revoking the license. The aggrieved party fails to meet his burden simply by demonstrating that the licensing authority weighed conflicting evidence and reached a result that the District Court would not have reached if acting *de novo*. For a thorough discussion of the statutory requirements, see *Gemme, Chief of Police of the City of Worcester v. Paul S. Ricciardi*, 25 Mass L. Rep. 65 (2008).

The Respondent's letter to the Petitioner dated January 2, 2009 enumerated "events and occurrences" which supported his determination to revoke the Petitioner's License to Carry Firearms. The circumstances surrounding these "events and occurrences" were thoroughly aired during the presentation of testimony before this Court. The Petitioner has admitted to numerous encounters with Officer Poissant when the Petitioner verbally accosted Officer Poissant when he was in uniform and on duty. The Petitioner explains this conduct as an exercise of his constitutional right of free speech. Officer Poissant has alleged and the Petitioner has denied that he made overt actions in a manner which could be considered to be threatening or assaultive in nature, such as directing a motor vehicle toward Officer Poissant while he was on traffic detail or

\* that he threatened to "get him" some day. I credit the testimony of Officer Poissant that those events did occur as he described them. \*

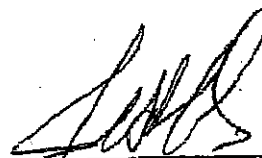
Further, I credit the testimony of Officer Bacchiocchi as to the sum and substance of what was contained in his report dated January 13, 2009 detailing his conversation with the Petitioner in November, 2008 at the retirement part wherein the Petitioner expressed his view of the events surrounding his resignation from the Milford department some three and one-half years prior thereto and his thoughts as to what might lie ahead for those he determined to be the responsible parties.

While this Court does not doubt the Petitioner's vast experience and his commendable performance as a Milford police officer prior to the events of June, 2005 and his performance as an Ashland officer thereafter, I cannot find that the Respondent acted arbitrarily or capriciously or abused his discretion in revoking the Petitioner's license to carry. I view the Petitioner's conduct to an officer on duty and in uniform and his evolving theory as to what he describes as his "measure of adversity" some three and one-half years after the incident leading to his resignation and what he promises to do to those he deems responsible to be reasonable grounds for the Respondent's revocation of his license.

#### ORDER

The Respondent's revocation of the Petitioner's License to Carry Firearms is upheld.

Dated: June 12, 2009

  
Robert B. Calagione, First Justice



## **Exhibit C**

**CONFIDENTIAL**

**ATTORNEY'S EYES ONLY**

To: Town Manager John Petrin  
Date: January 23, 2011

Sir:

We, as employees of the Ashland Police Department have learned of major acts of misconduct by Chief Rohmer and others at the Ashland Police Department. Chief Rohmer has created an environment of fear with in the department. We are certain that Chief Rohmer, Lt. Beaudoin and Sgt. Pomponio will continue this destructive pattern of retaliation until they are able to terminate one or all of us. Therefore we would like to formally report this misconduct to you. We are seeking protection under the Massachusetts Whistle Blower's Protection Act.

Respectfully

Print

Sign

Greg FALKER



Robert MacQuarrie



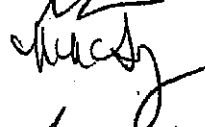
Michael Dionne



Gregg Wildman



Richard Briggs



Kevin Tomaso

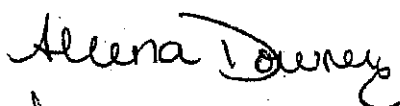


David Muri

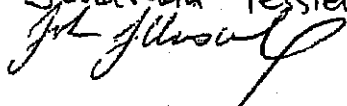
Christopher Albright



Allena Downey



Jonathan Tessier



Over the past year Chief Rohmer has engaged in several acts that violate countless Ashland Police Department Rules and Regulations, MA Ethics Laws as well as violations of MA General Laws. As a result of this reckless conduct the Ashland Police Department has suffered greatly. Morale has declined to an all time low and officers have become much less proactive. Sick time use is also at an all time high, as many employees say that they hate coming to work. Chief Rohmer has created an environment of fear within the department. He has resorted to ruling by intimidation. This misconduct needs to be exposed and can not be allowed to continue.

#### (MA Ethics Law violations)

Chief Rohmer has admitted several times that he has accepted items of great value from a subordinate (Officer Ed Pomponio). It is important to note that the chief accepted these items while now Provisional Sergeant Pomponio was still just a Patrolman. Officer Pomponio gave Chief Rohmer a bedroom set, a Harley Davidson motorcycle helmet, a Harley Davidson leather jacket. Additionally, Pomponio acted as a marriage counselor to Chief Rohmer and his wife. He counseled the Chief's wife about infidelity. Pomponio has received the following favoritism from Chief Rohmer as a result of his significant gifts.

1. The Chief has failed to discipline or even investigate Pomponio for several acts of extreme misconduct. These acts include, but are not limited to Discharging a firearm inside the Police Station, assaulting Patrolman Doug Groat inside the police station, threatening to stab Sgt. Robert Macquarrie's eye out with a pen, harassing Officer Allena Downey to the point, that she was afraid to come to work, Pomponio was also caught lying on several occasions. Every one of these incidents were reported to Chief Rohmer. He did not even consider conducting an investigation for any of these incidents.

2. In addition to this Officer Pomponio had recently been the subject of a court proceeding in Milford. As a result of the Milford Police Chief revoking his license to carry a firearm. During that proceeding a judge agreed with the Milford Police Chief that Pomponio was not fit to carry a firearm. The Judge went on to say that "*Pomponio exhibited a grudge against Chief O'Loughlin and Milford Officer Poissant and intended to seek revenge against them and their families*". This was based on 16 incidents that Chief O'Loughlin provided evidence of. Several members of the command staff advised Chief Rohmer to look in to what these incidents were. Chief Rohmer made excuses for Pomponio by saying "O'Loughlin is just fucking with Eddie" and "It's all old bullshit". When asked how he knew this, Chief Rohmer said that Pomponio told him. Chief Rohmer never even considered investigating. This was shocking to everyone, as the Milford Daily News had reported that Pomponio was seeking revenge against officers and their family. The news paper also reported that Pomponio did not dispute many of the allegations, but only said that many were protected under the first amendment.

3. Last year a command staff meeting was held prior to Pomponio being given the position of Community Outreach/Court Officer/SRO. The entire command staff, minus Pomponio's friends, Chief Rohmer and Lt. Beaudoin expressed concerns about

Pomponio. All of the misconduct stated above was discussed. Chief Rohmer appeared very angry that these things were being brought up. The command staff even expressed concern for Officer Pomponio's mental fitness for duty. Chief Rohmer not only ignored all of this, he made excuses for Pomponio. Lt. Beaudoin said that we should forget about the past and move on.

4. The Chief has afforded Pomponio almost unlimited over time

5. The Chief created a new specialty position for Pomponio. The position removed him from the least desirable shift 11X7 shift and placed him on the 7X3 shift with weekends and holidays off. He did this despite the objection of most of the command staff.

6. The Chief has purchased uniforms and equipment for Pomponio out of the Police Department budget. Many of these items were purchased at Trippie's Uniform in Shrewsbury, Ma.

7. The Chief reissued Pomponio a license to carry firearms. He did so with out even investigating the reason a judge upheld Chief O'Loughlin's decision.

8. The Chief promoted Pomponio to Sergeant; despite objection from every member of the command staff except Pomponio's close friends Chief Rohmer and Lt. Dave Beaudoin. Members of the command staff told Chief Rohmer that Pomponio had integrity issues and was not respected or trusted by most officers in the department. We went on to express our concerns for approximately two hours. Chief Rohmer again did not even consider investigating Pomponio for anything. He took a lunch break, and when he returned he stated *"I hear your concerns, but I'm going to promote him anyway"*. Lt. Beaudoin stated *"Yea, I would probably promote him too."* *"You guys thought he shouldn't be promoted to the specialty position last time, and he did a good job at that."* The entire command staff was completely shocked by Chief Rohmer and Lt. Beaudoin ignoring the entire command staff, because of their personal friendships with Pomponio.

#### **(Violations of the Massachusetts General Laws)**

#### **(MGL. Chapter 140, Section 121-131 Gun Laws)**

Chief Rohmer announced to the command staff last year that the Ashland Police Department had lost a firearm. Chief Rohmer stated that the firearm was a Glock Model 27 that had previously been issued to former Chief Roy Melnick. The firearm should have been re issued to Chief Rohmer. Chief Rohmer said that he has asked former Chief Melnick if he has possession of the firearm and Melnick said he did not. Chief Rohmer knew of the missing firearm for years prior to the meeting. According to the state gun laws, Chief Rohmer has an obligation to report the lost firearm with in 7 days. It is our belief that the firearm has still not been reported lost. Chief Rohmer has a history of

losing department equipment, to include portable radios, cell phones, keys and badges. Several members of the department have found Chief Rohmer's loaded police issued firearms lying around the station unsecured. A lost firearm is a potential extreme risk to members of the public.

#### **(M.G.L. Chapter 265, Section 13A Assault and Battery)**

Chief Rohmer while engaged in conducting surveillance on his wife, using a department vehicle, had a violent altercation with a man he believed was involved in an inappropriate relationship with his wife. Chief Rohmer reportedly assaulted the person during the altercation. The person's name is "Stratos" and he currently works at the Aegean Restaurant in Framingham. Framingham Police Officers responded to the scene of the incident. Chief Rohmer then identified himself as the Ashland Police Chief to avoid being charged criminally. This incident occurred some time in March or April of 2011. Sgt. Fawkes had conversation about the incident in December of 2011. Chief Rohmer and Sgt. Fawkes were discussing a complaint filed against Sgt. Fawkes by Bill Cavanagh. The complaint was filed after Sgt. Fawkes' wife obtained a harassment order against Cavanagh. Sgt. Fawkes then discussed with Chief Rohmer how his incident at the Aegean Restaurant was similar. Chief Rohmer then stated "*my incident was much worse believe me*".

#### **(M.G.L. Chapter 268, Section 13B Crimes Against public Justice)**

Sometime in 2010, Detective Mike Vinciulla was conducting an investigation in to a hate crime. The suspect in the crime had made extremely racist remarks to the victim, who was an African American woman. The suspect also spit on the woman's windshield of her car. The victim obtained the suspect's license plate number and began an investigation. When Detective Vinciulla arrived at the suspect's home to question him, he was met with the following response. The suspect stated that he was a friend of Chief Rohmer's. Detective Vinciulla told the suspect that he still needed to question him. The suspect then said "*I'm not talking to you, I all ready talked to Scotty*" "*Scotty*" refers to Chief Scott Rohmer's nick name. Detective Vinciulla was very upset that Chief Rohmer had impeded this very serious investigation. The victim was very upset that the man had not been charged and pursued the matter aggressively for months, not knowing that the Chief of Police himself had interfered with the investigation. This is only one example of many times Chief Rohmer has interfered with criminal investigations for his friends.

#### **Unethical and retaliatory conduct by Chief Rohmer**

##### **(Ashland Police Rules and regulations Rule 7.7 Truthfulness, Rule 4.02 Conduct unbecoming an officer, Rule 7.2 Disparaging Remarks)**

1. Chief Rohmer conspired with Sergeant Ed Pomponio to persuade Officer Luann Tomaso to file false sexual harassment complaints against Officers in the department. This was done in direct retaliation for Sgt. Fawkes and Sgt. Macquarrie's roles in Sgt. Pomponio having a complaint filed against him for untruthfulness. Sgt. Pomponio

brought information to Chief Rohmer, despite Officer Tomaso's objection. Chief Rohmer and Sgt. Pomponio then put Officer Tomaso under extreme pressure to file complaints against the above listed officers and others. Sgt. Pomponio told Officer Tomaso *"we need to take these guys out"*. Chief Rohmer told her that she had a classic case of sexual harassment and needed to bring a complaint. Chief Rohmer even ordered her to file a complaint, against her wishes. Chief Rohmer then told several members of the department that he intended to proceed with an investigation even if Officer Tomaso or the Town Manager did not want to. Chief Rohmer also told several members of the department that he intended to terminate those involved. It is absolutely shocking that the Chief of Police would try to force a female subordinate to file a complaint that could lead to the town being sued, just to seek personal revenge against his own officers.

2. Chief Rohmer held a mandatory Command Staff meeting on January 12, 2012. The purpose of the meeting was to inform the Command Staff that Officer Tomaso was reporting being bullied, harassed and black mailed. Chief Rohmer was asked directly if Officer Tomaso had come directly to him to complain. Chief Rohmer then lied and stated that she did. Sgt. Pomponio was then asked three times if he had conversation with Officer Tomaso about what she was complaining about. Sgt. Pomponio stated that he had no knowledge of Officer Tomaso's complaints and he had not spoken with her about them. Sgt. Pomponio was lying, as we know that Sgt. Pomponio brought the information to the Chief initially. When Pomponio was questioned further the Chief became angry and stated *"That's enough, we are not going to get into that"*. It was obvious that Chief Rohmer knew that Sgt. Pomponio was lying and did not want him to get caught lying further. During the meeting Chief Rohmer stated twice *"we don't need to fight, but if you guys want to fight, I will fight!"* This was threatening and very intimidating. When Sgt. Macquarrie asked Chief Rohmer what he was talking about, he refused to answer. Sgt. Fawkes then said *"he is talking about me"*. Chief Rohmer said nothing.

3. Union Vice President Mike Dionne had more recent conversation about Officer Tomaso. During the conversation, Chief Rohmer told Officer Dionne that Officer Tomaso had come to him with the information. Officer Dionne told him that he knew this to be untrue, as he had spoken to Tomaso. Chief Rohmer then lied again and said that Tomaso had come to him three times. Officer Tomaso stated that this was a complete lie.

4. Chief Rohmer and his wife also spread awful rumors about Officer Tomaso's character to members of the department and residents of Ashland. Chief Rohmer stated in a conversation with Officer Mike Dionne *"who is Tomaso fucking around here?" "She has to be fucking somebody"* Chief Rohmer also spread a rumor to members of the department as well as outside the department that Officer Tomaso was *"blowing"* several members of the department. This is extremely slanderous to Officer Tomaso and I am sure not true.

5. Chief Rohmer has engaged in a pattern of retaliation and intimidation since the day that Sgt. Ed Pomponio had a complaint filed against him for truthfulness, by Sgt. Macquarrie. Chief Rohmer has since accused Sgt. Fawkes, Sgt. Macquarrie, Lt. Briggs

and others of being untruthful on several occasions. These allegations were blatant attempts by Chief Rohmer to find a reason to discipline the officers involved with the complaint against Sgt. Pomponio. In fact Chief Rohmer was overheard stating in his office to Lt. Beaudoin the day that the complaint was filed against Pomponio, *"If these fucking guys want LA's (meaning internal investigations), they will all get fucking LA's"*.

6. Chief Rohmer then came to the Police Station off duty during Sgt. Fawkes scheduled 3X11 shift. He observed the car that Sgt. Fawkes was driving running in the parking lot. Chief Rohmer then became very angry upon learning that Sgt. Fawkes was assigned to the car and angrily told an officer to tell Sgt. Fawkes to shut the car off. Lt. Briggs sent an email to the Command Staff reminding everyone to not leave vehicles running. Sgt. Fawkes responded with an apology and stated that he was told the Chief was extremely angry that he had left the car running. The following day Chief Rohmer conducted a full blown internal investigation on Sgt. Fawkes. Chief Rohmer claimed that Sgt. Fawkes was being untruthful by stating that he was *"extremely angry"*. The Chief himself inappropriately conducted the investigation. He questioned each member of the shift. He also attempted to intimidate them into changing their unanimous position that the Chief was very angry. The Chief then sent Sgt. Fawkes an email stating that nobody said he was angry. This was a blatant lie by Chief Rohmer. Chief Rohmer has refused requests by Sgt. Fawkes to obtain copies of the statements because they will obviously reveal his lie. The Chief also denied Sgt. Fawkes the right to consult with union counsel before writing his statement.

7. In late December of 2011, Chief Rohmer called Sgt. Fawkes in to his office to ask him a series of questions related to stress. Officer Mike Dionne, Lt. Richard Briggs and Lt. Beaudoin were present for the conversation. When Sgt. Fawkes asked Chief Rohmer why he was asking him such questions, Chief Rohmer became enraged. He got up from behind his desk and approached Sgt. Fawkes and Officer Dionne in a very aggressive and intimidating manor. He then pointed his finger and yelled *"THAT'S IT, GET OUT OF MY OFFICE NOW"* *"GET OUT OF MY FUCKING OFFICE"*. He did this knowing that a civilian contractor was outside the door fitting people for body armor.

8. Chief Rohmer also knows that many members of the department are aware of his misconduct. To prevent this misconduct from being reported, Chief Rohmer has threatened Union President Fawkes and Vice President Dionne. He told them that if they go to the Town Hall to speak with Town Manager John Petrin again they will be disciplined.

9. In direct retaliation for complaint filed against Sgt. Pomponio, Chief Rohmer opened a closed citizen complaint against Sgt. Fawkes. Chief Rohmer then hired an outside investigator to investigate Fawkes. Chief Rohmer and Lt. Beaudoin then attempted to negatively influence the investigator against Sgt. Fawkes. They did so in an attempt to influence the investigator to find Sgt. Fawkes guilty of the allegations. Chief Rohmer and Lt. Beaudoin did this out of retaliation and because the complaint was filed by Lt. Beaudoin's friend, who is a known criminal with an extensive criminal history.

The complaint was following Sgt. Fawkes' wife obtaining a harassment prevention order against the individual, because he was sexually harassing her.

10. On January 1, 2010 Officer Downey reported to Sgt. Fawkes that she was being harassed by Sgt. Pomponio. She told him that he glares at her like he hates her. She also said that he had put sewing needles on the driver's seat of the cruiser they share and had turned the radio, AC, windshield wipers on the car on high, so when she turned the vehicle on she would be unnerved. Sgt. Macquarrie and Sgt. Fawkes spoke with Pomponio and both felt that he was lying to them about the incidents. Officer Downey was very upset and cried while explaining how afraid she was of Pomponio. She said that she feared retaliation by Chief Rohmer and Lt. Beaudoin if she reported the incident. Downey reported the incident. Sgt. Fawkes spoke with Chief Rohmer and Lt. Beaudoin about the complaint. The Chief and Lt. Beaudoin laughed and said that her complaint was a joke. I explained how scared Officer Downey was. The Chief stated "*she can't just say she's in fear, she needs to explain why*". Sgt. Fawkes disagreed and told them both they should take the matter seriously.

11. The Chief and Lt. Beaudoin then began to make excuses for Pomponio. The following day Lt. Beaudoin told Downey he was investigating and wanted to interview her at Town Hall. Lt. Briggs was present and Sgt. Fawkes was present as union representation. Officer Downey stated that she was not comfortable with Beaudoin conducting the investigation because of his friendship with Pomponio. Lt. Beaudoin replied "*too bad*". Lt. Beaudoin then proceeded to interrogate Downey. He turned the blame on her and reduced her to tears. This interview was recorded. Lt. Beaudoin never interviewed Officer Pomponio, Sgt. Fawkes, or Sgt. Macquarrie. He in fact never took one other investigative step. He simply intimidated Downey and effectively killed the investigation.

12. Several months later Lt. Beaudoin claimed that Officer Downey had lied to him. The incident was very trivial and insignificant. Lt. Beaudoin immediately wrote Downey up for lying. Downey was investigated and suspended within days. Chief Rohmer and Lt. Beaudoin were extremely aggressive in punishing Downey. They were even heard laughing about it later. This trumped up discipline was nothing more than retaliation for Downey having filed a complaint against Chief Rohmer and Lt. Beaudoin's friend Ed Pomponio.

**(Ashland Police Department Rule 4.02 Conduct Unbecoming an Officer)**

The Chief has told members of the department that he has had violent physical altercations with his wife at home, possibly with their children present. He has come to work multiple times over the past year with a black eye. The Chief has also had several loud disputes with his wife inside the police station in the presence of officers and civilian personnel.



**(Ashland Police Department Rule 7.5 Dissemination of Official Information)**

The Chief has disclosed information regarding open internal investigations to his wife, friends and members of the public. He has also negligently left IA documents lying around the police station for all to see. Specifically, he left documents related to an internal investigation (Cavanagh complaint) on Sgt. Fawkes on the front counter in dispatch. The documents were in plain view for all to read and could even be viewed by members of the public who come to the front window.

**(Ashland Police Department Rules 4.05 Association with Known Criminals)**

Police Chief Scott Rohmer associates with many known criminals. He has been seen riding motor cycles with them. He has also fixed parking tickets and chapter 90 citations for known criminals. Most recently he directed Sgt. Macquarrie not to submit a chapter 90 citation, as the person ticketed was a friend of his. The individual had over 50 entries on his criminal record. The Chief was observed having coffee with Bill Cavanagh on Concord Street on 12/9/11. This was very disturbing given Cavanagh's recent harassment of Sgt. Fawkes' wife and the fact that the Chief had just hired an independent investigator to investigate a complaint by Cavanagh against Fawkes. Chief Rohmer also told Sgt. Fawkes that Bill Cavanagh has visited his home and has plowed his driveway for free.

**(Ashland Police Department Rule 4.15 Abuse of Position, Rule 8.1 Issuing unlawful orders)**

During the month of April 2011, Chief Rohmer gave then Detective Michael Vinciulla an unlawful order to go to his house and forensically search his wife's computer and cell phone. It was well known within the department at the time that Chief Rohmer was having serious marital problems. He in fact told members of the department that he had caught his wife cheating on him. At some point Sgt. Willman stepped in to inform Lt. Beaudoin that Chief Rohmer's order was unlawful and unethical. Detective Vinciulla also felt that the order was unethical and did not want to carry it out. Chief Rohmer forcefully inserted himself in to the meeting. He then insisted that his orders be followed. After some discussion Chief Rohmer left the office. The following day Lt. Beaudoin met with Detective Vinciulla in the Detective's office. Lt. Beaudoin asked Vinciulla if he had any written documentation on the matter, such as email correspondence. Detective Vinciulla told Lt. Beaudoin that he did not. Lt. Beaudoin then stated "*Good, and just remember, the Chief is the reason you are a Detective*". This was obviously a threat by Lt. Beaudoin, that if he exposed Chief Rohmer's corrupt act, he would be removed from the Detective division. Vinciulla has since been reassigned to patrol and a Patrolman.

### **(Ashland Police Department Rule 12.7 Department Vehicles)**

1. Chief Rohmer inappropriately used department detective vehicles to secretly follow his wife. Chief Rohmer was observed by several officers leaving his assigned Chief of Police cruiser at the Police Station at late night hours (midnight 12:00AM) and then returning the vehicles at 3:00 AM. Several Officers also observed binoculars in the center console of Chief Rohmer's vehicle. Chief Rohmer was also operating an unmarked detective vehicle the night that he confronted the man at the Aegean Restaurant.
2. The Chief's wife has been observed by members of the Police Department driving his police cruiser on several occasions.
3. The Chief has lent department vehicles to friends to use when their vehicle is being repaired. One example is the owner of Marathon Deli was observed driving an unmarked Detective vehicle for approximately one week while his vehicle was being repaired.

### **(Ashland Police Department Rule 4.08 Improper Buying or Receiving)**

Chief Rohmer has used his position as Police Chief to gain free services. Chief Rohmer told Sgt. Fawkes and others that Bill Cavanagh plows his driveway for free. Bill Cavanagh sexually harassed Sgt. Fawkes' wife for over a year. Sgt. Fawkes' wife even had to obtain a harassment prevention order against Cavanagh. Officers in the department have also had to respond to the rear of Trackside Restaurant many times to deal with Bill Cavanagh harassing the prior owner of the establishment. Officers in the department have also arrested Cavanagh's son on many occasions. Chief Rohmer was well aware of this fact. He even told officers to leave Cavanagh's son alone in the past.

### **(Ashland Police Department Rule 4.02 Conduct Unbecoming and Officer)**

On July 16, 2010, at approximately 9:05 PM, Ashland Police Dispatch received a phone call. The caller stated that *"you better come get the Chief up here at TJ's" "Do yourself a favor and come get the Chief" "He's drunk and he needs a ride home"*. The entire shift was shocked and did not know what to do. Lt. Beaudoin was then notified. Lt. Beaudoin quickly left the station to pick the Chief up.

### **(Ashland Police Department Rule 7.2 Disparaging Remarks)**

Chief Rohmer has made countless offensive and slanderous remarks about female employees. He has been heard stating *"Tomaso is hot, but she is a little slut" "I guess Tomaso's husband has a huge cock and she loves it" "I bet Tomaso loves to suck cock" "Allena is a fucking cunt"*.

### **(Misappropriation of Department funds)**

1. Chief Rohmer inappropriately spends department funds constantly. The Chief recently purchased approximately \$20,000 in jackets. The Chief gave approximately half of these jackets to his friends and family. The Chief purchased the jackets because he told several people that the Town Manager took his marathon money. He stated to Sgt. Fawkes and others *"Those mother fuckers Petrin and Purple want to take that money"* *"I'm gonna spend it, and send those mother fuckers the bill"*. The Chief purchases flashlights, t shirts and other items for friends and family members using department funds. Each year when his wife visits Germany, the Chief purchases large amounts of jackets, t shirts, hats and other items bearing the APD logo, to give her to bring to her family members and friends in Germany.
2. The Chief purchases uniforms, equipment and other items of value for his friends Lt. David Beaudoin and Sgt. Ed Pomponio, using department funds. The Chief even purchased thousands of dollars in Class A dress uniforms for them. These items have all ways been the responsibility of each officer to purchase using allotted uniform allowance.
3. Several months ago Chief Rohmer purchased thousands of dollars in ammunition with department funds. The ammunition was for caliber firearms that are not used by the Ashland Police Department. Chief Rohmer then used the ammunition for personal use. He in fact allowed his friends Deryk Frye, as well as his wife and three children to use the ammunition with him at the Ashland Fish and game Club. Sgt. Macquarrie viewed these pictures. He confirmed that the caliber firearms in the pictures were the same caliber as the ammunition Chief Rohmer purchased, using department funds. Pictures of the event were posted on Facebook. These pictures can be provided if needed.
4. Approximately two years ago, Chief Rohmer used department funds to purchase Jordan's Furniture gift certificates for a woman he knows on Raymond Marchetti Street. The Chief was advised by the town accountant told him that this was a misappropriation of funds. The woman later told the DA that she disclosed a rape to Chief Rohmer while they were alone driving in his cruiser. The DA told Officer Grout that she wanted a report on the incident from Chief Rohmer. The Chief refused to document the incident.
5. The Chief constantly fixes parking tickets and alarm bills. Records clerk Neitz is very uncomfortable with this behavior. The Chief has even made Neitz send alarm bill checks back to people he is friends with.

### **(Bill Cavanagh Incident)**

1. Bill Cavanagh harassed Sgt. Fawkes' wife for over a year. Cavanagh even admitted that he hated Fawkes for arresting his son. Cavanagh's son committed over 50 breaking and enterings in to cars in Ashland. Chief Rohmer and Lt. Beaudoin are very well aware of this. Chief Rohmer and Lt. Dave Beaudoin have a personal friendship with Bill Cavanagh. Lt. Beaudoin plays golf with him and Chief Rohmer gets his driveway plowed for free by Cavanagh. Chief Rohmer ordered an investigation on Sgt. Fawkes

following a retaliatory complaint filed by Cavanagh. Lt. Beaudoin recused him self from investigating the complaint, due to his friendship with Cavanagh. Lt. Briggs did not feel the complaint should be investigated due to Cavanagh's lack of credibility. Cavanagh had filed false complaints against him in the past. Lt. Briggs later closed the investigation and deemed it unfounded.

2. Chief Rohmer then ordered the investigation be re opened and hired an independent unbiased investigator. Chief Rohmer did not like the first result and out of retaliation conducted a second one. Sgt. Fawkes spoke with Chief Rohmer and Lt. Beaudoin and asked why the independent investigator was hired. Chief Rohmer stated that the town attorney made that decision. Lt. Beaudoin then denied recusing himself and denied having a friendship with Cavanagh. Lt. Briggs then called Lt. Beaudoin on this lie. He stated *"you said you couldn't conduct the investigation because you golf with him"*. Lt. Beaudoin did not deny this. Sgt. Fawkes then explained that he read some information in the email correspondence Chief Rohmer left lying around in the station. The email was from Cavanagh to Beaudoin. The title of the email was Fawkes complaint/Golf. In the email Cavanagh is discussing good places to golf with Beaudoin.

3. Chief Rohmer was asked again directly who made the decision to reopen the investigation and hire a private investigator. Chief Rohmer then changed his answer and stated that he had made the decision. Chief Rohmer said that the investigator was to be unbiased.

4. We have now learned that Chief Rohmer and Lt. Beaudoin have conducted themselves in a highly unethical manor during this second investigation. We have information that Chief Rohmer and Lt. Beaudoin slandered Sgt. Fawkes to the investigator to taint the investigation. The purpose was to paint Sgt. Fawkes in a negative light and make him appear guilty.

5. Chief Rohmer later scolded Officer Dave Muri harshly and accused him of eavesdropping on him and Lt. Beaudoin's conversation with the investigator. He in fact did this twice. This was an obvious attempt to intimidate Officer Muri and make him fearful of revealing what he had heard. The fact that Lt. Beaudoin was involved in the investigation at all is highly unethical. This incident is an example of gross misconduct by Lt. Beaudoin and Chief Rohmer.

6. Cavanagh has harassed and threatened Sgt. Fawkes and his family on several occasions since the harassment order was issued. Cavanagh then filed a motion to vacate the order. The judge listened to the facts and even extended the order for a year. Cavanagh then threatened Sgt. Fawkes in open court, by stating *"you're a punk" "Don't worry, your gonna get yours!"* Sgt. Fawkes immediately reported the incident to Chief Rohmer and Lt. Beaudoin. They did not order an investigation. In fact they did nothing. Sgt. Fawkes even consulted ADA Micheal Fabbri. Fabbri told Sgt. Fawkes that Cavanagh should be investigated for criminal harassment and intimidation of a witness. Sgt. Fawkes told Chief Rohmer and Lt. Beaudoin this and they did nothing. Sgt. Fawkes

has pleaded with Chief Rohmer and Lt. Beaudoin to investigate the harassment. Chief Rohmer and Lt. Beaudoin refuse to investigate and have done nothing for over seven months. This is due to Chief Rohmer and Lt. Beaudoin's obvious friendships with Cavanagh. Lt. Beaudoin who recused himself from investigating Cavanagh's complaints against Fawkes, but was assigned to investigate the harassment by Cavanagh.

**(The Chief's wife Stephanie Rohmer)**

1. Several town residents have informed officers in the department that the Chief's wife openly talks about Police Department confidential information. She has disclosed information related to open internal affairs investigations, including the names of officers under investigation. She has also spread rumors that Officer Luann Tomaso is "*blowing a bunch of guys in the department*". Additionally Mrs. Rohmer has told residents that Chief Rohmer told her that Sgt. Pomponio approached Officer Tomaso. She stated that Sgt. Pomponio had urged Officer Tomaso to file false sexual harassment complaints against Sgt. Fawkes and Sgt. Macquarrie to "*take them out, for filing a complaint against him that could get him being demoted*". Mrs. Rohmer explained that Officer Tomaso said that she would never do that. Sgt. Pomponio then went on to tell Officer Tomaso that she could make hundreds of thousands of dollars by sewing the Town of Ashland, if she filed a complaint. She also said that Chief Rohmer is pushing Officer Tomaso and trying to force her to file complaints. Stephanie Rohmer herself even approached Officer Tomaso and urged her to file complaints against Fawkes and MacQuarrie.
2. The fact that the Chief of Police's wife is revealing these facts is very disturbing. Also the fact that Chief Rohmer is playing a role and encouraging an Officer to file a law suit against the town is outrageous. This information was told to a member of the department by a person who knows Stephanie Rohmer.
3. Stephanie Rohmer also spread a rumor that she heard "*The young guys in the department were fucking the two new dispatchers*". This comment was directed at Dispatcher Sarah Finnerty and Dispatcher Kasey Richards. Both dispatchers and several officers were highly upset over this.

These are just a few examples of Chief Rohmer's misconduct during his tenure as Police Chief. There have been countless incidents over the past six years. Chief Rohmer and Lt. Beaudoin also stood by and did nothing about former Chief Melnick's blatant misconduct. Much of Melnick's misconduct happened with both of them present in the same room. They later even pretended they did not know about it. Most members of the department feel that Chief Rohmer thinks that he is above the law and untouchable do to his popularity in the town. We are in serious fear of retaliation by Chief Rohmer for exposing this misconduct. Therefore we are all seeking protection under the Massachusetts Whistle Blower Act.

## **Exhibit D**

**To: Ashland Police Union**  
**From: Detective John J. Driscoll #46**

**Subject: Documented Conversation with Sgt. Ed Pomponio on 2/6/12**

On February 6, 2012 at approximately 0615 hours I called into a recorded line at the Ashland Police Station. The reason for my call was to find out if there was any court paperwork to go over to the Framingham District Court that morning. Due to prior commitments my schedule was changed to 1500 hours to 2300 hours that day, and I wanted to make sure there was court coverage if needed. I initially spoke with Dispatcher Mark Byron where I requested the OIC for the shift. Byron stated to me that the OIC was Sgt. Pomponio, that he was not in the station and I would have to contact him via cell phone. At this time I contacted Sgt. Pomponio via cell phone and had asked him about court paperwork and coverage. Sgt. Pomponio began to have a coughing fit during the conversation and requested to call me back within a minute. At this time we disengaged from the call and I awaited a call back.

Approximately 2 to 3 minutes later Sgt. Pomponio contacted me. Sgt. Pomponio stated to me court was all set and there was no paperwork to go over to Framingham. Sgt. Pomponio then asked me if I was comfortable talking with him. I stated to him yes and what's up. Sgt. Pomponio stated to me that the Whistle Blower paperwork I had signed was attached to a false document and was full of lies and I would be held legal liable as well as the others and could possibly be sued by those involved within the content of these documents. Sgt. Pomponio then stated to me that he has already spoken to 5 or 6 Officers and they are now going to change their minds on their votes from him talking to him. Also when the time comes to stand up for the Chief, that I need to reach inside and do a gut check and make the right decision for the Chief. He stated the Chief is a nice guy, this was done totally wrong and that he has a grievance in with Mass. Cop, and he wants a copy of the attendance and minutes from the meeting. Sgt. Pomponio also stated to me that if he was there at the meeting he would have not let this vote happen. He stated to me that the Chief gave him another chance and has been nothing but good to him.

I then stated to Sgt. Pomponio that no one said the Chief was not a nice guy. I think he is a very nice guy and did a lot for me by hiring me as well as helping me with time off when my wife became really sick during the pregnancy of our youngest daughter. I then told Sgt. Pomponio that I am staying out of it at this time and it is in the attorney's and the Town's Administrations hands to handle the outcome. I then ended this call with Sgt. Pomponio when he stated remember to reach inside for that gut check.

Respectfully Submitted,

Detective John Driscoll #46

## **Exhibit E**





# Town of Ashland Police Department



David Beaudoin  
Lieutenant

Scott C. Rohmer  
Chief of Police

Maureen Carmichael  
Executive Secretary

Richard Briggs  
Lieutenant

Sgt. Gregg Wildman ~ Sgt. Brendan Ellis

June 5, 2011

To: Lt. Dave Beaudoin

CC: Sgt. Gregg Wildman, Sgt. Ed Pomponio

From: Detective John J. Driscoll #46

Subject: Property# 12-160-PR, Missing Firearm

Sirs,

On June 1, 2012, Sgt. Pomponio, Sgt. Wildman, and I were conducting inventory of our evidence rooms. On this date we were conducting inventory of the rear evidence room of Evidence Room #1. During the inventory we located a box that had a property number written on it of 12-160-PR. Due to that room having only inventory from 2008 to 2010, we found it suspicious that this was the only piece of property in that room with a property number from 2012. Due to no information on the box, except a written property number and an address label to Detective Joe Magnani on it, we had to open it to properly label the item. When we opened the item we observed a firearm, broken down into parts. Also in the box was a copy of a report, 02-132-AR, a copy of a BOP for David Waters, a suspect attached to the report, and hand written notes of Officer Magnani pertaining to the case. After further investigation we discovered the firearm had been missing from 2002 to 2006. This was due to a past Chief ordering Detective Colbert to place all firearms at Village Vault. Also there is a second firearm attached to this case that is still not accounted for. Village Vault had auctioned these two firearms through Amoskeag Auction Company located in Manchester, NH. In 2006 Officer Magnani tracked down one of the firearms and it was sent back to the Ashland Police Department by Amoskeag Auction Co. In February of 2012, I observed the same box the firearm was located in, on the front counter of the Station. The only difference was the one we retrieved out of the rear Evidence Room had been re-taped with evidence tape from our Department. I thought it was a delivery for Officer Magnani. When I observed that box, Officer Magnani was on vacation. When Officer Magnani returned from vacation, I had advised him of the package at the front counter.

The second firearm was sold to a gun dealer out in Washington State. I am currently working with that dealer to locate the second firearm. I had also contacted Amoskeag Auction Company and asked for the specifics of the auction and how the firearms were sent out and the one that was returned to us. I provided Amoskeag with an official written request for this information. On June 26, 2012, I received a fax back from Amoskeag and they relayed the following; The Intrac HS2000 was shipped to the Ashland Police Dept. February 6, 2006. It was received, at that time, by Detective Joe Magnani. The second firearm was identified as a Smith & Wesson Model 59 Semi-Auto 9mm Pistol Serial#A468009 and was sold in May 2004 by Amoskeag Auction Company. It was sold to S&L Guns located at 6116 S. Martin St., Spokane, Wa. Again I am currently working with the dealer to locate the firearm.

We have a couple of issues at this time that need to be addressed with Officer Magnani. First we need to know where the located firearm was from February 6, 2006 till February of 2012. Officer Magnani was relieved of his duties in the Detective Bureau in October of 2011. We need to know why he breached the evidence room in March of 2012, where he was not authorized access, and also how did he breach the Evidence Room in March of 2012. Did he have keys he did not turn in when he was relieved of his Detective duties? Did he breach the Detective's office and breach the Detective safe without having authorization? Also we are requesting information on why he placed that evidence, especially a firearm, all the way in the back of an evidence room off of Evidence Room #1. I am writing this due to my concern of the security of our evidence. Having these questions answered will allow me to prevent something like this from happening in the future. I know we have changed all locks at this time with the Evidence Rooms and the Detective's office, but such a major security violation needs to be addressed in case we are missing something to prevent this from happening in the future.

Respectfully Submitted,

Detective John J. Driscoll #46

137 Main Street ~ Ashland, MA 01721-1153 ~ Tel: (508) 81-1212 ~ Fax: (508) 881-5243

## **Exhibit F**



# Town of Ashland Police Department



**David Beaudoin**  
Lieutenant

**Scott C. Rohmer**  
Chief of Police

**Maureen Carmichael**  
Executive Secretary

**Richard Briggs**  
Lieutenant

Sgt. Gregg Wildman ~ Sgt. Brendan Ellis

**To: Sergeant Detective Gregg Wildman**  
**From: Detective John J. Driscoll #46**

**Subject: Attempted Unauthorized Access to Detective Safe**

Sir,

On July 10, 2012 at approximately 1200 hours Detective Tessier and I arrived at Worcester Police Station to conduct follow ups with Pawn Shops in that area. Just before we shut down A4 to enter Worcester Police Station we heard Ashland Control over the cruiser radio, trying to locate us. I then contacted Ashland Control via my cell phone, where I reached Dispatcher Joe MacDonald. Dispatcher MacDonald stated to me that they needed the combination to the Detective Safe to get the evidence keys to change the locks on the evidence rooms. I asked Dispatcher MacDonald who was looking for them and he stated that Sgt. Pomponio and Officer Foster needed it. I advised Dispatcher MacDonald that I would not give them the combination, but would give it directly to Lieutenant Beaudoin. At this time Dispatcher MacDonald contacted Lt. Beaudoin over the radio to pass on the information I gave. Lt. Beaudoin stated over the radio to have me hold on and that he was just pulling into the station. Within a few seconds Lt. Beaudoin got on the phone with me. I gave Lt. Beaudoin the proper instructions on how to open the safe. I got off the phone with Lt. Beaudoin at this time and proceeded into Worcester Police Station. Shortly after my phone conversation with Lt. Beaudoin, I had received a call back from him. Lt. Beaudoin asked me for the full combination to the safe. I asked Lt. Beaudoin why he needed it and he stated to me that they screwed it up when trying to get into it. I advised Lt. Beaudoin I did not have the full combination on me and that you were on vacation.

On July 11, 2012 at the start of the business day I asked Lt. Beaudoin who attempted to get into the safe and why. Lt. Beaudoin stated it was either Officer Foster or Sgt. Pomponio, he believed that Sgt. Pomponio stated he knew how to get into it.

These are my concerns:

1. I was in the office till approximately 1115 hours that day, on July 10<sup>th</sup>. I was not informed at anytime that keys were needed for the evidence room, for locks to be changed. Due to the amount of money,

- evidence, and other pertinent items we secure in the safe, I should have been called back to the Station to take out the keys for the locksmith.
2. The office was breached by two unauthorized personnel. Information and cases were left unattended for all to view.
  3. There was an attempted breach of the Detective Safe by two unauthorized personnel.
  4. Where there is a high responsibility on our end for our office, the evidence rooms, and the Detective Safe, it leaves me feeling there is no security at this time. Although at this time all locks have been changed and we are the only key holders, the breach of our office, the evidence rooms, and the attempt on the safe needs to be handled accordingly under our policies and procedures and rules and regulations.
  5. With neither of us being present for the lock changes on the evidence rooms, we can not be accountable for anything missing out of the evidence rooms.
  6. We are solely responsible for the evidence after the inventory we just conducted with Sgt. Pomponio. With the Evidence Rooms being breached without our presence, we are back at square one with the Evidence Rooms.

Respectfully Submitted,

Detective John J. Driscoll #46

# **Exhibit G**



# Town of Ashland Police Department



**David Beaudoin**  
Lieutenant

**Scott C. Rohmer**  
Chief of Police

**Maureen Carmichael**  
Executive Secretary

**Richard Briggs**  
Lieutenant

Sgt. Brendan Ellis

To: Lieutenant Richard Briggs  
From: Sergeant John J. Driscoll

To Whom It May Concern,

On December 5, 2012 at approximately 1230 hours, I returned to Ashland Police Department after attempting to conduct Background Investigations. I went to the Dispatch area to notify the Dispatcher I was back in town. I observed Sgt. Ed Pomponio in a shirt and tie and sitting in the Sergeant's Office. Sgt. Pomponio asked to speak with me and I entered the office. I then asked Sgt. Pomponio how his background checks were going and he then asked me to close the door. I closed it thinking he was going to talk about personal information of the candidates we are conducting checks on. Sgt. Pomponio became angry and stated to me, "Are you bringing charges up on me?" I then stated we shouldn't be talking about this. He then stated, "Did you ask, did you use your chain of command, because if you did, you would have known I told the Lieutenant and the DA.", "Did you go by Hebden's house without using your chain of command." I stated to him again we shouldn't be talking about this. He then stated, "I'll be fine, I know it! I thought we were different! Don't worry I am working on things to!" At this time I brought up some background investigation material and exited the office and went to my office. Sgt. Pomponio then came into my office and began talking about backgrounds for the candidates like nothing happened. At this time, due to my complaint, and the parties that are involved, they have attempted to make the working environment around me hostile. I feel this was also an attempt of intimidation.

Respectfully Submitted,

  
Sgt. John J. Driscoll #46

## **Exhibit H**



**Ashland Police Department  
Policies & Procedures  
Rules & Regulations Violations**

**TO:** LT. DAVID BEAUDOIN

**CC:** CHIEF SCOTT ROHMER

**From:** Sgt. Ed Pomponio

**Date:** November 30, 2012

**RE:** Policy and Procedure / Rule and Regulation Violations

**Subject:** Sgt. John Driscoll

Received  
Dec 5, 2012  
AP

Sgt. Driscoll allegedly failed to comply with department policies and procedures / rules and regulations acting in direct violation of:

- Rule 7.5: - DISSEMINATION OF OFFICIAL INFORMATION
- Rule 7.11 - COMMUNICATION WITH OFFICIALS
- Rule 11.4 - POLICIES AND PROCEDURES COMPLIANCE

Sgt. Driscoll allegedly did act in violation of departmental rules and regulations regarding the chain of command and did disclose confidential information in violation of department policies and procedures / rules and regulations, in which no information shall be released concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police. He allegedly violated department guidelines as listed below by allegedly going to Selectman Robert D. Hebden's residence and allegedly conferring with Mr. Hebden and allegedly forwarding official written records and reports of police materials on police matters and allegedly removing the same from the Ashland Police facility without first notifying the Chief of Police (additional outside agencies may have also been provided confidential records necessitating additional offenses and charges, pending investigation):

- a. Information regarding official business shall be

disseminated only to those for whom it is intended, in accordance with established departmental procedures.

- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.

#### **RULE 7.5 - DISSEMINATION OF OFFICIAL INFORMATION**

Officers shall treat as confidential that information which is confided to them personally in the course of their official duties. They shall disclose such information only as required in the proper performance of their duties.

**Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.**

Officers shall treat as *confidential* all matters relating to investigations, internal affairs, and personnel.

**Officers shall treat the official business of the police department as confidential and shall conform to the following guidelines:**

- a. **Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.**
- b. **Access to departmental files, records and reports shall be**

JEP 1

limited to those officers and employees authorized by the Chief of Police.

- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.
- d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his or her duties, shall not be divulged except with the prior approval of the Chief of Police or by operation of law.
- e. No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police.

**NOTE:** All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any criminal investigation shall conform to the Department's Policy and Procedure entitled *Media Relations*.

- f. Officers shall not communicate or give police information which may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods or contraband.
- g. Officers shall not communicate to the public, news media or to any other agency or person information connected with the department or its personnel except

as authorized by the Chief of Police or by statute. All requests for public appearances or speaking engagements by officers, on the subject of criminal justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

**RULE 7.11 - COMMUNICATION WITH OFFICIALS**

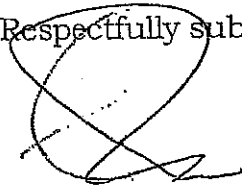
Officers shall not confer with or forward communications to governmental officials on police matters without first notifying the Chief of Police, except as otherwise provided by statute.

**RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE**

Officers shall read, be familiar with and *comply* with the requirements of the department's policies and procedures manual.

I am respectfully requesting the above allegations be investigated to determine probable cause and that any and all other officers or department employees possibly involved, or in compliance, or having working knowledge of, if they exist, be identified and subsequently investigated and held to a reasonable standard of accountability for identified violations. I respectfully forward the three violations recorded above.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ed Pomponio", written over a circular scribble.

Sgt. Ed Pomponio