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Town of Ashland Police Department



Scott C. Rohmer
Chief of Police

David Beaudoin
Lieutenant

Maureen Carmichael
Executive Secretary

Richard Briggs
Lieutenant

Sgt. Steven Zancella ~ Sgt. Roy Testa ~ Sgt. Gregg Wildman ~ Sgt. Brendan Ellis ~ Sgt. Greg Fawkes

To: Chief of Police Scott C. Rohmer
From: Major Edward J. McGinn Jr., Special Investigator for Ashland Police Dept.
Re: Citizen Complaint: Mr. William Cavanagh, June 7, 2011
Subject: Investigatory Report
Date: 08 February 2012

WARNING: CONFIDENTIAL MATERIAL

The following document is an Internal Affairs Report, which has been compiled and prepared by a special police official who is assigned to conduct an independent internal investigation for the Ashland (MA) Police Department. It represents my work in conducting the investigation that resulted in this report, for the purpose of maintaining administrative discipline within the department. As such, the materials contained herein are protected from mandatory public disclosure under the "Privacy" and "Investigatory Records" exemptions to the Massachusetts Public Records Law. (See M.G.L.A. C. 4 Sec.7, cl. 26(c) & (f)). They should, therefore, be carefully protected from unauthorized disclosure to all persons outside of the current administration of this department. This material is not intended to supplant nor to augment any current or future criminal investigation that may arise or have arisen from the incident(s) or circumstances that prompted the Internal Affairs investigation. Any member of this department who is shown this report, or any other document which constitutes a part of this investigation during the course of his/her official duties, is responsible for ensuring that the report and the information contained therein are not improperly disclosed.

A relationship of trust and confidence between the employees of this police department and the citizens of the community is essential to the successful accomplishment of law enforcement objectives. All police employees are expected to conduct themselves, whether on or off duty, in such a manner as to reflect favorably upon themselves and the department. The consistently high quality of this standard of conduct establishes and maintains the reputation of the department and encourages the support of the community for police purposes and goals.

-Ashland Police Department, Policy & Procedure #4.01, Internal Affairs, General Considerations and Guidelines

I. BACKGROUND/INTRODUCTION:

I, Edward J. McGinn, Jr., was appointed as a Special Police Officer in the Town of Ashland, MA on December 7, 2011. I was commissioned to conduct an internal investigation regarding a citizen complaint filed against Sergeant Gregory Fawkes of the Ashland Police Department. For the purposes of this appointment, I was appointed at the rank of Major.

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II. COMPLAINT-ALLEGATION:

On June 07, 2011, Mr. William Cavanagh of [REDACTED], Ashland MA filed a complaint with the Ashland Police Department relative to the June 4, 2011 conduct of Sgt. Gregory Fawkes. Mr. Cavanagh's complaint refers to a matter that occurred at his [REDACTED] address. At the time of this incident, Sgt. Fawkes was off duty. The text of Mr. Cavanagh's complaint is as follows:

June 07, 2011

On Saturday, June 4, 2011, I came home to [REDACTED] to find Sgt. Greg Fawkes looking for me. After I parked my vehicle, he wasted no time confronting me, in my driveway, about a short conversation I had with his [REDACTED]. [REDACTED] walks her dog through the neighborhood several times a week. She and I have had short conversations many times for at least two years. I have also seen Sgt. Greg Fawkes with her on occasion.

On this day, I said "Will you take my cell number and call to let me know when you'll be by my house, so that I can come home. But not when you're with your husband." Apparently, this made [REDACTED] uncomfortable. She communicated this to Sgt. Fawkes and he responded by coming to my home for an angry confrontation.

While off duty, in his personal vehicle, Sgt. Fawkes was a concern to my neighbor at [REDACTED], an available witness throughout, to the angry confrontation by Sgt. Fawkes.

As he aggressively explained why he was there and why my conversation was, "inappropriate" with his [REDACTED] I listened and started to comply with his request to avoid [REDACTED] completely. It was then that Sgt. Fawkes began to insult my integrity. He said, "You're a scumbag and everyone thinks you're a scumbag."

He began to insult my [REDACTED] family, noting a situation with my [REDACTED] and very personal family matters. It being, a situation that he knows nothing about.

Having heard these things, my [REDACTED] came out to call me in. My [REDACTED] and [REDACTED] were in the house within earshot and heard most of the argument and were aware of the threatening behavior and vulgarity of Sgt. Fawkes. I was engaged and demanded that my [REDACTED] go in the house.

Sgt. Fawkes continued and threatened, "I don't care who you know (of the Ashland Police Dept.), if I see you at the station I will personally throw you out".

After the conversation turned to a personal attack I asked, several times, that he leave my property. An attending officer, at the scene, would not comply. I was told that this was an investigation. At that point I was being threatened, by an off duty Police Officer with a witness, and I had no protection.

As the confrontation ended, Sgt. Fawkes continued to threaten me with further legal charges.

Later that day I received a Harassment Order through Framingham District Court.

I understand what created the problem. A statement I made as an ill timed joke. What I don't understand is why Sgt. Fawkes acted so unprofessionally and got so carried away.

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On August 03, 2011 Mr. Cavanagh sent a follow-up letter of complaint directed to Ashland Police Lieutenants Briggs and Beaudoin. The text of that letter is as follows:

August 3, 2011

This is a more specific account of the events that lead up to my confrontation with Greg Fawkes and a Harassment Order 1149-RO-206. It is my hope that disciplinary action is taken, by the Ashland Police Dept., so as not to seek other options.

Preliminary information is that [REDACTED] has been walking by my home, on [REDACTED] for at least two years. Her and I have had many, brief conversations about many different things. Never rude or offensive. The acquaintance had been a friendly one.

On June 2, 2011, Thursday, as I came home from work I saw [REDACTED] and Greg Fawkes walking by my home. I drove by, nothing was said.

On Saturday June 4, 2011, [REDACTED] walked by and I said, "Maybe you can call and let me know when you'll be walking by, so that I can be home, but not when you're with your husband."

There was nothing remotely serious about what I said. No way could it have been taken seriously. For some reason, [REDACTED] felt uncomfortable and told Greg Fawkes what I said.

Sometime later, having been at Ashland Lumber I came home to find Greg Fawkes, off duty in his personal vehicle, parked in my neighbor's driveway waiting for me. He was angry about the statement I made to his [REDACTED] and I understood that. From his truck he made a call for a patrolman to come and witness the confrontation.

When the car arrived it caught the attention of my neighbor [REDACTED] and my [REDACTED]. My [REDACTED] years old, was also within earshot when Mr. Fawkes began his tirade.

First he got out of his truck and in anger, wanted to know what I said to his [REDACTED]. He came into my driveway very aggressively and I thought for sure that things were going to get physical. I listened and was apologetic. It was then that Mr. Fawkes crossed the line.

He was yelling that I was a scumbag (repeatedly). He told me that he didn't come from here, and that he came from the city. He told me that he was "no punk". I said that he was, and that I wasn't the only one who thought so. I told him that certain people in his Dept. thought so as well. He told me that this was not my town, that it was his town. He continued being aggressive and said that he knew I had a police record, that I was a scumbag. (My record is more than [REDACTED]). He threatened that if I went to the Police Station that he would personally throw me out. He mentioned that I forced my [REDACTED] to have sex because my [REDACTED] and I were taking care of her [REDACTED]. My [REDACTED] had lived with us for almost four years. No one forced anyone to do anything. This concerns me most. Mr. Fawkes had no business bringing up these things but only to justify his anger. These are false statements. He told his [REDACTED] these things. His [REDACTED] told another of my neighbors, [REDACTED] on [REDACTED] that there was a restraining order and other personal, family details that [REDACTED] told my [REDACTED]. This action is considered slander, malign. This action, by Mr. Fawkes, is against the law. After hearing these personal family accusations, my [REDACTED] came out, very upset, and tried to bring me in to the [REDACTED] house. At this time I realized that Greg Fawkes was clearly acting beyond his rights as a citizen and most certainly as a police officer. I run a business here in town and have a good reputation. I volunteer for many things, contribute my business services and make contributions when I can. I will not stand for defamation from anyone, particularly from a police officer.

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When the personal attack began, by Fawkes, I asked him to leave my property several times. He refused. The assisting officer said that he was on an investigation. I should have called for a superior then. I did not.

I told Mr. Fawkes to do something legally and to leave my property. Later that day the patrolman who witnessed the confrontation delivered a temporary stay away order. He apologized to me for not being able to do anything because he was ordered to be there by Sgt. Zanella. I spoke briefly to Zanella, he made a derogatory comment and hung up the phone. On the following Monday, Officer Foster delivered a court order to stay away. The order is thru Dec 1, 2011. I went to the courthouse on Tuesday June 7, 2011 to get my own stay away order on Fawkes but I was told that there needed to be three documented harassment instances to obtain one. In the clerk's office, I was informed that Mr. Fawkes cited 25 occasions of harassment. It seems obvious that his position as an officer enabled him to manipulate the court process.

I believe that this whole situation stems from an angry confrontation that I had with Mr. Fawkes several years ago. My [REDACTED] was in Billerica Jail for [REDACTED] in which he took a few cell phones and such. Mr. Fawkes felt it was his duty to visit my [REDACTED] there to get information that could have waited. The fact that my [REDACTED] had a visit by the police quickly got...

On September 30, 2011 Mr. Cavanagh sent a third letter regarding this complaint to Chief Rohmer. In this letter, Mr. Cavanagh laments the lack of investigatory progress that had been made by the Ashland Police into his complaint of June 07, 2011.

September 30, 2011

Dear Chief Rohmer:

As you know, we have spoken several times and also communicated in writing regarding an incident that occurred on June 4, 2011 at my home at [REDACTED], Ashland, Massachusetts ("Home") involving Sergeant Greg Fawkes. I previously requested a full internal investigation as a result of Sergeant Fawkes' defamatory statements, which were heard by third-parties, including my [REDACTED] and next door neighbor, as well as his outrageous and threatening behavior. I know you are very busy, but I must insist, again, upon the initiation of a full and fair investigation of Officer Fawkes' conduct and I wish to be heard as to the violation of my rights as a citizen of the Town of Ashland.

Specifically, on June 4, 2011, at my Home, Sergeant Fawkes' made blatantly defamatory statements in which he called me, among other defamatory things, a "scumbag," said that "everyone knows you are a scumbag" and threatened to throw me out of the police station if I ever came down, among numerous other threatening and defamatory statements about me and my family. These defamatory statements by an off-duty police officer were completely unprofessional and uncalled for, even if he was offended at my joke to his [REDACTED] and for which I repeatedly apologized. Sergeant Fawkes defamed me in a belligerent, offensive and hostile way in the presence of my [REDACTED] my [REDACTED] and my next door neighbor. Despite my repeated requests, and although not on duty, Sergeant Fawkes

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refused to leave my property when I continually requested him to do so and continued to defame me in the presence of my family and next door neighbor.

I hereby reiterate my prior written complaints against Sergeant Fawkes and make a further demand upon you, as Chief of the Ashland Police Department, for a full and fair investigation of Sergeant Fawkes' unacceptable conduct, pursuant to the Internal Affairs Policies and Procedures of the Ashland Police Department. The Internal Affairs Policies and Procedures state that they are designed to promote standards of conduct that encourage the support of the community and that all police employees are to conduct themselves in a manner "as to reflect favorably on themselves and the department? Officer Fawkes' conduct falls far below that standard, and I firmly believe that his conduct should fully investigated. I also request that an impartial investigator participate in investigating this incident to ensure the fairness and integrity of the process.

I continue to be greatly troubled by Sergeant Fawkes' unjustified and unlawful behavior and his utter disrespect for me and my family. I have been equally, if not more, frustrated, however, by the lack of response and compliance with the Police Department's own Policies and Procedures, which have not been followed in connection with my two requests for an internal investigation in response to my complaints about Sergeant Fawkes.

I must, therefore, specifically renew my request that a full and fair investigation be held concerning Sergeant Fawkes' outrageous behavior and defamatory statements. As you can see, I am also sending a copy of this letter to Selectman Michael Campbell in an attempt to ensure that perhaps parties outside the Police Department can bring some common sense into the Police Department and require that, pursuant to the Police Department's own Policies and Procedures, a full and fair investigation is undertaken immediately and a proper hearing is held as I have previously requested.

I look forward to your prompt response.

Departmental Authority to Regulate Off-Duty Conduct:

Because this investigation involves off-duty conduct on the part of the accused officer, it must be first determined that the Department has a proper basis upon which to initiate this investigation. Not all off-duty conduct on the part of police officers may be scrutinized by their employers. However, police officers are subject to a higher standard of conduct, both on and off duty; therefore, off-duty conduct involving situations impacting or reflecting upon the Department or affecting the individual's ability or fitness for fitness for public service may be scrutinized by the police employer.

In this particular case clearly Sgt. Fawkes was not on duty. However, the actions that Sgt. Fawkes allegedly took that date and the manner in which he executed them could cause a reasonable person to believe that he may have "self-activated" and exercised police supervisor authority and power vis-à-vis William Cavanagh, while within the Town of Ashland and notwithstanding his official pay status. Additionally, Mr. Cavanagh's complaint asserts allegations that if proven, would cast substantive doubt on Sgt. Fawkes fitness for duty as a police officer much less a police supervisor. Lastly, Sgt. Fawkes actions, if not properly investigated in the course of an internal investigation, could impact the Department and the Town of

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Ashland as Mr. Cavanagh's allegations would almost certainly be reviewed by the Federal courts pursuant to a 42 U.S.C. Sec. 1983 lawsuit claiming a deprivation of rights.

Accordingly, on these bases, the Ashland Police Department has strong legitimate reason to conduct this internal, administrative investigation. In fact, the Chief of Police and Town Officials would be remiss if they did not.

Complaint Investigatory History:

Since Mr. William Cavanagh originally submitted this complaint on 07 June 2011, there has been a great deal of talk and correspondence between and among Mr. Cavanagh and members of the Ashland Police Department. Notably, there is some evidence that Mr. Cavanagh had actually withdrawn this complaint in the face of some alternative adjudication measure proposed by Chief Rohmer. For whatever reason, this remedy did not occur and Mr. Cavanagh wished his complaint be re-activated, which it was.

At one point, the investigation was referred to Lt. David Briggs of the Ashland Police Department for investigation. After a modicum of investigation by Lt. Briggs, he effectively recused himself from that investigation citing non-cooperation by Mr. Cavanagh, negative personal past experience with Mr. Cavanagh, and a preconceived determination that Mr. Cavanagh lacked credibility. (Conversely, Mr. Cavanagh had no faith in Lt. Briggs' objectivity, described him as biased and would apparently not participate in the investigation conducted by that lieutenant.) Moreover, as was observed during the course of this investigation, it appears that Lt. Briggs has a personal relationship with the accused officer. Accordingly, it would be inappropriate that Lt. Briggs investigate this officer or any others with whom he has such personal ties.

Up until the point that this investigator was appointed to conduct this investigation, there was very little investigation done and none of the involved officers were asked to provide written reports and/or statements explaining their conduct insofar as this matter was concerned. No officers have been subjected to official departmental discipline in this matter.

Preliminary Administrative Infractions:

Pursuant to Ashland Police Department Policy and Procedure as to Internal Affairs Investigations, #4.01, III, (b)(3)(A)(1), *the affected employee shall be provided a written statement of the allegations against him/her (Notification of Charges/Allegations Form) unless the Chief determines that disclosure might jeopardize an investigation. NOTE: If the employee was not notified by order of the Chief, [s]he must receive written notification prior to any interrogation or administrative or criminal hearing.*

Accordingly, based on an incident that occurred between Sgt. Fawkes and William Cavanagh on June 4, 2011, Sgt. Fawkes was notified that he was under investigation for the following alleged violations of administrative Rules and Regulations of the Ashland Police Department.

- | | |
|---------|------------------------------------|
| 1. RULE | 4.02 CONDUCT UNBECOMING AN OFFICER |
| 2. RULE | 4.06 UNDUE INFLUENCE |

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- 3. RULE 4.12 INTERFERING WITH COURSE OF JUSTICE
- 4. RULE 4.15 ABUSE OF POSITION
- 5. RULE 4.20 USE OF OFFICIAL POSITION
- 6. RULE 7.3 COURTESY
- 7. RULE 7.5 DISSEMINATION OF OFFICIAL INFORMATION
- 8. RULE 7.7 TRUTHFULNESS
- 9. RULE 13.2 FALSIFYING RECORDS
- 10. RULE 4.03 VIOLATING CONFLICT OF INTEREST LAW

III. INVESTIGATION:

All departmental materials, police 911 calls, police radio dispatch messages, and written incident reports relative to the June 4, 2011 incident at 163 Concord St. were collected and reviewed. Additionally, ancillary reports that refer to other contacts between the Ashland Police Department and Mr. Cavanagh were collected and reviewed.

In assessing whether Sgt. Gregory Fawkes engaged in any misconduct on the morning of Saturday June 4, 2011 at 163 Concord St., the matter was first reviewed from beginning to end using all the available objective evidence.

This first item is a synopsis of the 911 call that Sgt. Fawkes placed to Ashland dispatch ("control") regarding the matter at 163 Concord.

Date	Time	From	To
June 4, 2011	10:35:21	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
Sgt. Fawkes contacts Ashland 911 dispatch and inquires of the dispatcher as to who is working. (Fawkes seems familiar with this dispatcher and calls her by her first name Jamie.) The dispatcher informs Sgt. Fawkes that the following officers are working: Driscoll, Billy (Foster), and Steve (Zanella). She then added the name Joe.			
Fawkes first selects Driscoll and asks the dispatcher whether he was out at the station or on the road but mid-thought inquires who is available at the moment. The dispatcher informs Fawkes that all the road officers are tied up at the moment.			
The dispatcher then informs Fawkes that "Billy was there" and Fawkes then asks whether Billy is out at the station. The dispatcher informs Fawkes that Billy is up on Harris Lane.			
Fawkes ends the call by stating that he will call Billy via cell phone. (Presumably, the officer Fawkes is to call is Officer William Foster.)			

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This second item represents the synopsis of the second 911 call that Sgt. Fawkes made to Ashland dispatch 2 and one half minutes later.

June 4, 2011	10:37:03	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
<p>Sgt. Fawkes calls the dispatcher once again. As soon as Fawkes said to her, "Jamie", she immediately recognized Fawkes' voice and says to him, "still going right to voice-mail isn't it?" Fawkes replies that it was.</p> <p>Fawkes then asked the dispatcher to have Billy (Foster) call his cell phone ASAP. The dispatcher (Jamie) seems accommodating and says to Fawkes, "I can try, his phone is F'ed up".</p> <p>With that Fawkes asks whether there is anybody who can clear, "I kinda need somebody".</p> <p>The dispatcher replied that he is clear, "I can send somebody". With that the dispatcher said to Fawkes, "I can try to have him call you". With that Fawkes replied, "Well I need him to call me first, that's the thing". The dispatcher then told Fawkes that she would have the officer (presumably Foster) to call him and if need be to come into the station to make the call.</p> <p>With that Fawkes said OK and the call was completed.</p>			

In this third item, Officer John Driscoll calls on the police radio to the dispatcher and notifies her that he is clearing a prior call and is proceeding to the area of [REDACTED] to assist Sgt. Fawkes. Because there were no radio or text messages sent to Officer Driscoll regarding the matter at [REDACTED], it is presumed that either Sgt. Fawkes, dispatch, or both may have contacted Officer Driscoll via cell phone to advise him as to the location and circumstances surrounding this call. This is a common practice within the Ashland Police Department. As these are private, unrecorded cell phones in use here, there is no recording of the messages conveyed as are the dispatched center calls.

June 4, 2011	10:41:34	Radio	Disp. Jamie Patriarca A6 Officer John Driscoll A14 Officer Wm. Foster
<p>A6 (Officer Driscoll) contacts control (dispatch) and notifies the dispatcher that he is now clear from a call on [REDACTED]. The officer indicated that the investigation there is ongoing and that he will prepare a brief report. Officer Driscoll then adds that he is responding to assist Sgt. Fawkes on "an issue".</p>			

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In this item, Officer John Driscoll reports to dispatch as being on-scene at [REDACTED]. The officer reports that Sgt. Fawkes is there as well.

June 4, 2011	10:43:51	Radio	Disp. Jamie Patriarca & A14 Officer Wm. Foster A6 Officer John Driscoll
Control calls A14 and asks if he is available to "7" (stop into) to the station. He responds in the affirmative.			
A6 (Officer Driscoll) then notifies control to show him at that location with Sgt. Fawkes.			

This item reflects Sgt. Fawkes' third call that morning to Ashland 911 dispatch. This message comes in at almost the identical time that Officer Driscoll's arrival advisory is made over the police radio. In this 911 message, Sgt. Fawkes reports to Ashland dispatch that he was driving down [REDACTED], because someone there was reportedly harassing his [REDACTED] and that he was "flagged down" by someone. Coincidentally, the person that reportedly "flagged down" Sgt. Fawkes was William Cavanagh; the man that Sgt. Fawkes alleges harassed his [REDACTED]. Also in this message, the dispatcher notifies Sgt. Fawkes that Officer Driscoll is on the way but by this time, Sgt. Fawkes seems to know that already.

June 4, 2011	10:44:08	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
Sgt. Fawkes calls 911 and informs Dispatcher Patriarca (again, whom he refers to familiarly as Jaime) and informs her that he is on [REDACTED].			
He then adds that he was "just driving down the street because somebody was harassing my [REDACTED] and they flagged me down". "It's Bill Cavanagh, just so you know". The dispatcher then knowingly (and seemingly sarcastically) replies, "Oh, great".			
With that the dispatcher and Fawkes talk over each other. Fawkes tells the dispatcher that John Driscoll was going to assist him. At virtually the same time, the dispatcher says, "you are out with Bill Cavanagh and John Driscoll on his way". Fawkes then stated to her, "Yeah, John Driscoll is going to assist me". (Clearly, Fawkes knew Driscoll was one the way by this point in time; before the dispatcher informed him of that.)			

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In the following item, Officer Driscoll's radio transmission is that he is clearing the [REDACTED] St. scene and will be beginning the process of obtaining a harassment order. Interestingly, Officer Driscoll's statement that they *both* (presumably he and Sgt. Fawkes) will be coming into the station did not ultimately transpire. After having left [REDACTED], he and Sgt. Fawkes went to Officer Fawkes' address so that Officer Driscoll could interview [REDACTED]

Date	Time	Mode	Participants
June 4, 2011	10:50:41	Radio	Disp. Jamie Patriarca & A6 Officer John Driscoll
A6 (Officer Driscoll) calls into dispatch directing the dispatcher to "show us clear from that location", "we'll both be coming in to the station".			

In this item, Officer Driscoll reports to the dispatcher that he will be on [REDACTED] the residence of the [REDACTED] in order to complete this harassment order application.

Date	Time	Mode	Participants
June 4, 2011	11:04:01	Radio	Disp. Jamie Patriarca & A6 Officer John Driscoll
A6 (Officer Driscoll) notifies dispatcher to put him out at that location on a follow-up. (Presumably "that location" referenced by Officer Driscoll was the [REDACTED] residence [REDACTED] where Officer Driscoll was to speak with [REDACTED])			

Less than one hour after first departing Concord St, Officer Driscoll returns there to attempt to serve William Cavanagh with the completed and approved harassment order. Service is unsuccessful as Mr. Cavanagh is not home at that time.

Date	Time	Mode	Participants
June 4, 2011	11:53:39	Radio	Disp. Jamie Patriarca & A6 Officer John Driscoll
A6 (Driscoll) calls dispatcher and informs them that the party is not home and that he will attempt to make service later when they can make service in hand.			

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Less than one hour thereafter, Officers Foster and Driscoll locate Mr. Cavanagh at his address and serve him the Harassment order.

June 4, 2011	12:32:03	Radio	Disp. Jamie Patriarca & A15 Officer William Foster
A15 (Officer Foster) notifies control that he will be out with him (presumably Cavanagh) and that he will "let them know".			

The following two items represent the call records of the two calls to [REDACTED] on the morning of June 4th, 2011.

The first represents the original response to [REDACTED] the location change to [REDACTED], and the subsequent return to [REDACTED] for the unsuccessful attempt to serve the Harassment order to Mr. Cavanagh.

11-6367 1037 Phone - INVESTIGATION REPORT TO FOLLOW 2

Call Taker: JP - Patriarca, Jaime

Location/Address: [REDACTED]

Calling Party: FAWKES, GREG @ 137 MAIN ST - ASHLAND, MA 01721 [REDACTED]

SSN: 000017755 DOB: 00/00/0000 Race: W Sex: M

Involved Party: CAVANAUGH, WILLIAM [REDACTED] - ASHLAND, MA 01721

Unit: A6 Driscoll, John

Disp-10:39:29 Enrt-10:39:32 Arvd-10:39:33 Clrd-11:48:01

Location Change: [AS L0000046] ASHLAND POLICE DEPT - 137 MAIN ST [Modified: 06/04/20111055]

Location Change: [REDACTED] [Modified: 06/04/20111055]

Location Change: [REDACTED] [Modified: 06/04/20111146]

Unit: A14 FOSTER, WILLIAM

Arvd-11:46:38 Clrd-11:48:01

Narrative: Patriarca, Jaime

Officer Driscoll assisted a resident with a harassment issue. Resident was issued a no harassment order. Officer Driscoll and Foster attempted to serve. Unable to locate the party at this time. Clear, Officer Driscoll will file a report.

Refer To Incident: 11-358-OF

This second call record reflects the subsequent service of the harassment order to William Cavanagh at his address.

11-6374 1346 Initiated - FOLLOW-UP INVESTIGATION MESSAGE/SUMMONS DELIVERED 2

Call Taker: JP - Patriarca, Jaime

Location/Address: 163 CONCORD ST

Dispatch Log From: 06/04/2011 Thru: 06/04/2011 0700 - 1500 Printed: 12/08/2011

Initiated By: A14 - FOSTER, WILLIAM

Unit: A14 FOSTER, WILLIAM

Arvd-13:46:00 Clrd-13:56:08

Unit: A6 Driscoll, John

Arvd-13:50:58 Clrd-13:56:08

Narrative: Patriarca, Jaime

Officers Driscoll and Foster served a civil harassment order in reference to 11-357-OF. Clear, order was served in hand.

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Officer Incident Reports:

Officer Driscoll filed the following report on June 4, 2011 as to the matter involving Sgt. Fawkes and Mr. Cavanagh:

On June 4, 2011 at approximately 1037 hours I responded to [REDACTED], to take a report of harassment that had just occurred. Upon my arrival I was met by Sgt. Greg Fawkes who stated to me that William Cavanagh has been harassing his [REDACTED] while she is walking around town for exercise. The harassment has happened multiple times in the past months and today Cavanagh attempted to get [REDACTED] to come to his house.

At this time Sgt. Fawkes and I attempted to speak with Cavanagh at his residence, Cavanagh became irate and began to scream and shout at both of us. He was yelling at Sgt. Fawkes stating, "You're a fucking punk, you deserve it after what you did to my [REDACTED] up in Billerica and forced him to check into Protective Custody. You better go get a restraining order to keep me away, you punk." I attempted to ask Cavanagh what had occurred and again he became irate and belligerent towards Sgt. Fawkes and I. Cavanagh stormed into his house and refused to talk to us anymore. At this time I went to the Fawkes residence to speak with [REDACTED]. [REDACTED] stated to me, "He is always trying to get my cell number and keeps pushing by trying to get to me on Facebook and following me when I am walking. Today he was following me in his truck and said to me come to my house and give me your number when your bozo husband is not around." [REDACTED] stated her [REDACTED] was on her cell phone and heard his harassing comments, and she would be able to verify all the above information. [REDACTED] stated to me she was in fear and needed to take steps to keep Cavanagh away from her. I contacted the on call Judge for an emergency Harassment Prevention Order. Judge Dennis Curran approved a Harassment Prevention Order to be served to Cavanagh with an expiration of June 6, 2011 at 1800 hours. [REDACTED] was advised that she needed to report to Framingham District Court in the morning of June 6, 2011 to apply for a more permanent order to be served.

At approximately 1350 hours I was able to make contact with Cavanagh at his residence. While serving Cavanagh with the order, Cavanagh stated, "You know he fucking set my [REDACTED] up in Billerica flashing his badge in the jail causing my kid to get put in protective custody making his life fucking miserable. But, this has been going on for a while with his [REDACTED] walks by my house with her dog, I do flirt it's just me, I'll stay away from her."

There are no criminal charges to be filed at this time. [REDACTED] was content with just having a Harassment Prevention Order put in place.

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Officer William Foster filed the following report on June 7th, 2011 referring to June 6th service of the extended Harassment order to Mr. Cavanagh. In his report, Officer Foster makes mention of comments that Mr. Cavanagh reportedly made threatening to file a complaint with the Ashland Police Department against Sgt. Fawkes unless the Harassment order is vacated. Officer Foster, in his reports to this investigator, states that Sgt. Fawkes directed him to file a report as to the service of Harassment order as well as the statements of Mr. Cavanagh.

On this date I was assigned to the 3 PM to 11 PM shift. At roll call there was a 258E harassment order to be served. The order was to be served to William Cavanagh of [REDACTED] Ashland.

When I started my patrol shift I went to [REDACTED] to see if Mr. Cavanagh was home. When I arrived I saw that Mr. Cavanagh's truck was parked in the driveway. I then called dispatch to advise them that I would be attempting to serve the order. I went to the front door of the residents and knocked on the door. Mr. Cavanagh came to the door I advised him that I had a Harassment order for him. Mr. Cavanagh opened the door and I gave him the order. Mr. Cavanagh then said "I want him to take this off". I said, I don't think that going to happen. I assumed that Mr. Cavanagh was referring to Sergeant Greg Fawkes, the [REDACTED] of the victim. Mr. Cavanagh then said if he doesn't I will have to file a complaint with the department on him. Mr. Cavanagh then asked me how to file a complaint. I said that he could to the station and ask for an officer complaint form. I said that it would be processed up through the chain of command through Sergeant to the lieutenants. I told Mr. Cavanagh that technically it was [REDACTED] was the person who had the order. Mr. Cavanagh made a face and said "Ya I know". Mr. Cavanagh said I don't like Fawkes or Wildman because of what they did to my [REDACTED] when they went to the jail to see him.

I told Mr. Cavanagh that it was a harassment order not a restraining order. Mr. Cavanagh said that it didn't matter because he was never going to say anything to [REDACTED] again. I told Mr. Cavanagh, then the order wasn't a problem as long as he didn't have any contact her. Mr. Cavanagh told me that [REDACTED] had been walking by his house for a couple years and that many times he had spoken to her. Mr. Cavanagh said that a few times he had seen her with her husband. Mr. Cavanagh said that he knew that [REDACTED] sang and he said "I know some people in the business" and I wanted to get a CD from her. I said yes but this time you drove up beside her as she was walking. And that made [REDACTED] very uncomfortable. Mr. Cavanagh said that he just wanted to give her his cell phone number so she could call him. I told Mr. Cavanagh that he also said something to [REDACTED] about Sgt. Fawkes. Mr. Cavanagh yes I told her to call me when [REDACTED] wasn't around. I told him that he crossed the line when he brought Sgt. Fawkes into it.

During our conversation Mr. Cavanagh then said that he though Sgt. Fawkes was very unprofessional when he came to the house with the other officer.

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Officer Michael Dionne filed the following report on November 01, 2011 regarding an October 27 2011 incident at the Mindess School in Ashland. (I note that the information management management system in place at the Ashland Police Dept. indicates that this report was "modified" on November 15, 2011). In that incident, Sgt. Fawkes contacted the officer directly via cell phone to inform him that William Cavanaugh has breached the no contact provision of the Harassment Order that [REDACTED] held at that time (and to this date) against Mr. Cavanaugh. Both [REDACTED] and Greg Fawkes were present at the time of this occurrence. Sgt. Fawkes has strongly asserted that Mr. Cavanaugh is keenly aware of the type of car that the Fawkes' own so, unquestionably, this was a knowing and willful violation of the contact provision of the harassment order.

On Wednesday October 27, 2011, while on regular patrol in marked cruiser A-10 I received a call from Sgt. Fawkes. He stated that his [REDACTED] was at the Mindess School and Cavanaugh, William violated the 209a order that his [REDACTED] has out on him. Sgt. Fawkes said his [REDACTED] was in line waiting to pick her [REDACTED] up and Mr. Cavanaugh park his car next to his [REDACTED] (Approx. 2 feet away) Sgt. Fawkes said the front of Mr. Cavanaugh truck was pointing (sic) towards the rear, passenger door of [REDACTED] vehicle, almost as if he was going to block [REDACTED] Mr. Cavanaugh then got out of the vehicle and went to talk to the person parked behind [REDACTED] Mr. Cavanaugh then got back into his vehicle and drove away. Sgt. Fawkes advised me that Mr. Cavanaugh knows what type of vehicle his [REDACTED] drives, even admitting this fact in court, and wanted Mr. Cavanaugh advised of this violation. I then told Sgt. Fawkes that I would see if I could locate Mr. Cavanaugh and advise him of this fact.

Upon my arrival on Concord St., I located Mr. Cavanaugh parked on the side of the road. I parked my cruiser behind his pickup truck and went to talk to Mr. Cavanaugh. I went to Mr. Cavanaugh's pick up and said, "Bill I'm not getting in the middle of your dispute with Sgt. Fawkes and [REDACTED] I'm just here to advise you that you need to stay away from [REDACTED] or you will be in violation of the court order. Mr. Cavanaugh then yelled I don't know what you are talking about I'm just picking up my [REDACTED] I then said, "Bill it's my job to enforce the court order I am not going to argue with, you stay away from [REDACTED] or you're going to be arrested. Do you understand me?" Mr. Cavanaugh then yelled he did not know [REDACTED] was at the school and did not understand why I was there. I again strongly advised Mr. Cavanaugh to stay away from [REDACTED] and asked him if he understood me. Mr. Cavanaugh just stared at me and did not give me an answer. I repeated my question, this time a little louder. Mr. Cavanaugh then yelled, "I know what the order says!" I then walked back to my vehicle and had dispatch log my encounter.

The fact that Officer Dionne did not arrest William Cavanaugh is troubling. Pursuant to Massachusetts General Law Chapter 258E§8 states as follows (*in pertinent part*):

Law officers shall make every reasonable effort to do the following as part of the emergency response:

(8) **arrest any person that a law officer witnessed or has probable cause to believe violated a temporary or permanent vacate, restraining, stay-away or no-contact order** No law officer shall be held liable in a civil action for personal injury or property damage brought by a party to an incident of abuse or for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter. Whenever a law officer investigates an incident of harassment, the officer **shall immediately** file a written incident report in accordance with the standards of the law officer's law enforcement agency...

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The fact that Officer Dionne failed to execute the arrest of William Cavanagh clearly placed him in violation of this provision regardless of the preference of the complainant/victim as to their desire to arrest or simply warn the subject of the harassment order. This neglect of duty may needlessly expose the Ashland Police Department and the Town to unnecessary liability.

Officer Report Requests & Responses:

Ashland Officers Driscoll, Foster, Dionne and Sgt. Zanella were all requested to provide written reports as to their observations, statements and actions with respect to Mr. William Cavanagh in the matter of June 4, 2011 and other events since then. Each was asked to provide a narrative of the activity as they knew and each was then asked to respond to specific questions. The following is a synthesis of the question posed to them and their responses.

Officer John Driscoll:

1. Who was your supervisor on this shift that date?

On June 4, 2011, I was assigned on an overtime shift, 0700 hours to 1500 hours. My supervisor that day was Sgt. Steve Zanella.

2. Identify who notified and/or directed you to respond to the location of [REDACTED] on June 4, 2011.

I received a call from Ashland Control, via radio or Mobile Data Terminal (Unsure which one), to respond to [REDACTED] to assist Sgt. Fawkes with a report of harassment.

3. Describe how you were notified to respond to the location of [REDACTED] on June 4, 2011.

I received a call from Ashland Control, via radio or Mobile Data Terminal (Unsure which one), to respond to [REDACTED] to assist Sgt. Fawkes with a report of harassment.

4. What were you told in this notification?

I received a call from Ashland Control, via radio or Mobile Data Terminal (Unsure which one), to respond to [REDACTED] to assist Sgt. Fawkes with a report of harassment.

5. Did you have any cellular telephone conversations with any person before, during or after your response to this call on June 4, 2011 regarding this incident? If yes, identify with whom these calls were made, who initiated them and what the content of the conversation was.

I do not remember any cellular conversation with anyone prior to arriving at [REDACTED]

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6. Upon your arrival to the area of [REDACTED] on June 4, 2011, describe your observations as to all persons present, their identities, their relative locations, and locations of vehicles? Please include your own exact location throughout this incident as well.

When I arrived at [REDACTED] I observed Mr. Cavanagh and Sgt. Fawkes in the driveway of that residence.

7. Describe the vehicle and clothing attire of Sgt. Fawkes at this location June 4, 2011.

I do not remember what Sgt. Fawkes was wearing exactly, but it was civilian clothing, or what vehicle he was operating.

I do not remember what Mr. Cavanagh was wearing or what vehicle he was operating.

8. Was Sgt. Fawkes working as an Ashland police official at the time of your response to the area of [REDACTED] on June 4, 2011?

To my knowledge Sgt. Fawkes was not assigned on duty that day.

9. Was Sgt. Fawkes engaged in any official or police activity during your response to this location on June 4, 2011?

To my knowledge Sgt. Fawkes was there supporting his [REDACTED] who was the [REDACTED] and I was there for the investigation.

10. Was Sgt. Fawkes engaged in an "investigation" during this incident at [REDACTED] on June 4, 2011? If so, what was that investigation?

No direct response.

11. What comments, if any, did William Cavanagh make toward you or Sgt. Fawkes during this incident?

No direct response.

12. What comments, if any, did Sgt. Fawkes make toward you or William Cavanagh during this incident?

I did not hear anything come from Sgt. Fawkes during the time I was present.

13. Describe the demeanor of Sgt. Fawkes at the time of this incident.

Sgt. Fawkes appeared upset, but he maintained his bearing, professionalism, and did not say anything in front of me that would be incriminating.

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14. Describe the demeanor of William Cavanagh at the time of this incident.

As my report states Mr. Cavanagh was irate, he wouldn't speak directly to me, but was belligerent towards Sgt. Fawkes.

15. Did Sgt. Fawkes state, comment to or allude to Mr. Cavanagh's criminal record and/or Ashland police record during the course of this incident? If so, detail that comment.

Sgt. Fawkes did not speak about Mr. Cavanagh's criminal record in front of me, he did not speak about Mr. Cavanagh's [REDACTED] in front of me, and he was not discourteous at any time in front of me.

16. Did Sgt. Fawkes state, comment to or allude to a past matter involving his (Cavanagh's) [REDACTED] during the course of this incident? If so, detail that comment.

Sgt. Fawkes did not speak about Mr. Cavanagh's criminal record in front of me, he did not speak about Mr. Cavanagh's [REDACTED] in front of me, and he was not discourteous at any time in front of me.

17. Did Sgt. Fawkes make any comment to Mr. Cavanagh that a reasonable person would characterize as discourteous?

No direct response.

18. Was the term "scumbag" or functional equivalent thereof uttered? If yes, what were those comments and who uttered them?

I do not recall the term "scumbag" being used by either party.

19. Was the term "punk" or functional equivalent thereof uttered? If yes, what were those comments and who uttered them?

The term "punk" was used by Mr. Cavanagh towards Sgt. Fawkes as stated in my report.

20. Describe the actions and/or comments of [REDACTED]

[REDACTED] had exited her home just prior to Mr. Cavanagh entering it. She had asked what was going on and Mr. Cavanagh had grabbed her and told her to get back into the house.

She entered the home at this time and Mr. Cavanagh followed behind her.

21. Did Sgt. Fawkes make any comment toward [REDACTED] and what were those comments?

Sgt. Fawkes did not make any comment that I can recall towards [REDACTED]

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22. Did you observe what neighbors observed and/or overheard this discourse? If so, what were their locations?

I did not observe any neighbors in the area at the time of this incident.

I actually would have interviewed any other witness to this incident due to Mr. Cavanagh not speaking with me.

23. Did Mr. Cavanagh demand Sgt. Fawkes leave the Cavanagh property? If yes, what was Sgt. Fawkes' response?

Before Mr. Cavanagh went into his home, he told Sgt. Fawkes and me to get off his property. I advised Mr. Cavanagh I was investigating this and I needed to speak with him. He just ignored me and went into his home.

24. Did you have any conversation with Mr. Cavanagh during this incident? If yes, detail that conversation.

There was no formal interview with Mr. Cavanagh.

25. Did William Cavanagh ask you "to do something" (or the functional equivalent thereof) during this incident relative to Sgt. Fawkes? If yes, what was that request and what was your response?

Mr. Cavanagh never requested anything from me, I informed him on his way into his home that I needed to speak with him, because I was investigating this, I never stated Sgt. Fawkes was investigating this incident.

26. Did you inform William Cavanagh that Sgt. Fawkes was on an "investigation" or some other comment to that effect?

No direct response.

27. During your service of a harassment order to William Cavanagh, detail your conversation with him.

During the service of the Harassment Order, Mr. Cavanagh had calmed down, and still was upset with Sgt. Fawkes. He stated how Sgt. Fawkes set up his kid. He admitted to approaching [REDACTED], stated it was in his nature to flirt, and that he would stay away from her.

28. During this service, did you offer an apology or similar statement to William Cavanagh? If yes, detail that discourse.

I never apologized to Mr. Cavanagh due to the fact I didn't do anything wrong.

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29. Did you file a written report as to this incident?

Yes I filed a report that day under incident II-358-OF, and also spoke with Judge Dennis Curran who approved the Harassment Prevention Order.

30. Did you have any discussions with your supervisor before, during or after your response to this incident? If yes, detail the content of those discussions.

My supervisor was notified step by step on this incident, and was also notified of the Harassment Prevention Order.

There are no specific details to our conversation that I can remember. Just the normal conversation that I was clearing [REDACTED], heading to speak with [REDACTED], submitting a Harassment Prevention order and it was approved, and completion of service to the order.

When completing my report and folder, I did observe Mr. Cavanagh's lengthy BOP, and did ask other Officers about him to gain knowledge of what kind of person I was dealing with.

31. Since the incident of June 4, 2011, have you had any discussion with Sgt. Fawkes regarding that incident? If yes, detail those discussions, when they occurred and identify who initiated those discussions.

I did have conversations with Sgt. Fawkes since the incident, but in concern for [REDACTED], and [REDACTED] well being, there was nothing discussed as far as what had occurred on June 4th.

I was also concerned for my family as well at this time, where I live in town also. I also did not know of Mr. Cavanagh and his background till this incident occurred.

Sgt. Stephen Zanella:

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1. What was your official assignment that date (June 4, 2011)?

My assignment that date was overtime supervisor 7A.M. to 3 P.M.

2. On June 4, 2011, were you made aware of an incident at [REDACTED] that date? If so, detail what knowledge you had of that call.

Later that date I was advised through conversation that an incident occurred at [REDACTED] Officer John Driscoll and Sgt. Greg Fawkes were at the station. (Later that day, not sure when) they were having conversation about Sgt. Fawkes going to Cavanagh's home in response to [REDACTED] coming home upset about what Mr. Cavanagh had to say to [REDACTED] while she was walking her dog in the Town of Ashland.

3. How did you become aware of the incident at [REDACTED] that date?

Having conversation with Greg Fawkes and John Driscoll.

4. Was an Ashland police officer directed to respond to that location? If yes, identify that officer and indicate who directed that officer's response and the means of this notification.

I was not aware of an officer being directed or sent to this incident. I do know that Officer John Driscoll went to that address at the same time Greg Fawkes was there.

5. Did you respond to [REDACTED] during the course of that incident?

I did not respond to that address during the incident.

6. At any time, were you aware that an off-duty Ashland police sergeant was involved in this matter? If yes, when were you so notified and by whom?

Yes, later on that same day Officer Driscoll and Fawkes were discussing the matter in the station I was made aware of Greg going to that address, Officer Driscoll responding and the reasons why Greg went there. (Insults towards Mrs. Fawkes)

7. What was Sgt. Fawkes duty status this date?

Sgt. Fawkes was not on duty.

8. To your knowledge, was Sgt. Fawkes engaged in any official and/or police duty at [REDACTED] this date?

No not to my knowledge.

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9. Have you had any discussion with Sgt. Fawkes as to this matter? If so, when and what discussion was had.

Yes. Later on June 4th I had conversation with Sgt. Fawkes. Greg stated to me, Bill Cavanagh, stopped his [REDACTED] when she was walking her dog on a public way in Ashland. Sgt. Fawkes reported this has happen several times with his [REDACTED] and Bill Cavanagh. (The contents of what Bill said to [REDACTED] is better heard from Greg due to the fact I have heard many accounts of what was said and do not know what is rumor or fact.)

10. Did you have any discussion with Officer Driscoll regarding this matter during his shift on June 4th, 2011? If yes, detail that conversation.

Yes, I had conversation with Officer Driscoll. He reported he responded to Concord St. when he heard Greg was going to that address. He stated it was just a verbal confrontation between Bill and Gregg. Bills [REDACTED] came out and wanted to know what was going on, John reported Bill pushed his [REDACTED] into the home.

11. Since the incident of June 4, 2011, have you had any discussion with Officer Driscoll regarding that matter? If yes, specify when and detail the content of the conversation.

No I have not.

12. Did you take any official action with respect to this matter? If so, what actions did you take?

No I did not.

13. Is there any special policy, procedure, practice or custom in place with the Ashland Police Department to police responses involving police personnel? If yes, identify same.

Policy and procedures address officer response to calls for services. I do not know of any customs or practices with regards to this type of incident.

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Officer William Foster:

1. Since this incident, have you had any discussion with Sgt. Fawkes regarding that incident? If yes, detail those discussions, when they occurred and identify who initiated those discussions.

On 06/06/2011 after serving the 258E harassment order to William Cavanagh, I returned to the station. Sgt. Greg Fawkes was in the day room speaking with some of the officers. Sgt. Fawkes asked me how it went, meaning the service of the 258E order I served to Mr. Cavanagh. I told him that I didn't have any problems. I then told Sgt. Fawkes what Mr. Cavanagh had said to me while we were speaking. The fact that he (Mr. Cavanagh) was asking me how to file a complaint with the department against Sgt. Fawkes, because he thought he was unprofessional, and that the (Mr. Cavanagh) said "I want him to take this off."

Sgt Fawkes then asked me to write a report on the service of the 258E order and to the statements that Mr. Cavanagh made to me. I told Sgt. Fawkes that I would write the report.

From that date, I do not recall speaking to Sgt. Fawkes on the incident concerning William Cavanagh.

(Officer Foster also submitted a copy of his incident report June 7, 2011 detailing his service of a harassment order to Mr. Cavanagh. The text thereof is reported earlier in this investigatory report.)

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Officer Michael Dionne:

1. On October 26, 2011, how did you receive the call notifying you that William Cavanagh was in violation of the harassment order?

I received a phone call from Sgt. Fawkes about the violation of the harassment order.

2. Why was this call not made to the conventional 911 emergency phone line or police business line at the Ashland Police Dept.?

The violation had already occurred and Sgt. Fawkes simply wanted Mr. Cavanagh advised of the violation. It was also my understanding that Sgt. Fawkes called the business line and advised dispatch of the situation.

3. Was [REDACTED] present at the David Mindess School that date?

Yes.

4. Did you have occasion to speak with either Greg or [REDACTED] Fawkes at the Mindess School that date? If yes, who did you speak to and what information did they impart to you?

No.

5. Did you charge Mr. Cavanagh with a violation of the harassment order? If no, why not.

No, [REDACTED] is in fear of Mr. Cavanagh and did not want to go to court again. She simply wanted Mr. Cavanagh advised of the situation and that is what I did.

6. Was dispatch made aware of this call prior to your arrival at the David Mindess School? If yes, at what point was this notification made?

Sgt. Fawkes called dispatch prior to calling me. I radioed dispatch when I located Mr. Cavanagh on [REDACTED].

7. Who was your supervisor that date?

Officer Magnani was O.I.C.; Lt. Beaudoin was also on duty.

8. Was your supervisor made aware of your response to the David Mindess School that date? If yes, when was this notification made?

I do not recall.

9. Who directed you to prepare the incident report 11-759-OF?

Lt. Beaudoin

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10. Did you have any discussions with your supervisor before, during or after your response to this incident? If yes, detail the content of those discussions.

Yes, Lt. Beaudoin and I discussed the situation after I cleared. Lt. Beaudoin just stressed that it was important to do a report of the situation just to cover myself. I explained to Lt. Beaudoin that Mr. Cavanagh was yelling and I yelled back so they would probably be receiving a complaint against me. Mr. Cavanagh came in after to discuss the incident soon after but did not put in a complaint.

11. Since this incident of October 26, 2011, have you had any discussion with Sgt. Fawkes regarding that incident? If yes, detail those discussions, when they occurred and identify who initiated those discussions.

Yes, to make sure [REDACTED] did not want me to summon Mr. Cavanagh to court. He again said his [REDACTED] did not want to take this option.

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IV. INTERVIEWS:

After gathering and reviewing the aforementioned documents, this reporting officer proceeded to contact the complainant and potential witnesses to arrange for interviews with them. Unless noted otherwise, each interview was conducted in-person and was audio-recorded.

To date, the persons interviewed are as follows:

- 1) Mr. William Cavanagh
- 2) [REDACTED] (via telephone, not recorded)
- 4) [REDACTED] (via telephone, not recorded)
- 5) Officer John Driscoll
- 6) Sergeant Gregory Fawkes

Mr. William Cavanagh:

On 14 December 2011, Major Edward J. McGinn, Jr. interviewed Mr. William Cavanagh at Ashland Town Hall. Also present for this interview was Lt. David Beaudoin.

Interview Summary-

On Wednesday, 14 December 2011 at 0900 hours, Mr. William Cavanagh appeared at Ashland Town Hall to be voluntarily interviewed by this reporting officer. In attendance at this interview was Ashland Police Department Lt. David Beaudoin. Mr. Cavanagh brought notes with him to the interview and referred to them throughout. This interview was audio recorded with the permission of Mr. Cavanagh.

The following is an account of the interview in summary form. It is not a transcript.

At the outset of the interview, Mr. Cavanagh volunteered some background information which is as follows: Ashland resident for 20 years, "church-goer", youth sports, and active in public education as having been a member of the Special Education parent Advisory Council in the past. Mr. Cavanagh indicated that he is a business owner in the masonry construction field working in the metro-west area to include Ashland. He is married and is the father of [REDACTED] years of age. Only the [REDACTED] resides at home.

When I called Mr. Cavanagh's attention to the day of June 4th, 2011, he responded by saying that [REDACTED] frequently walks by his house at [REDACTED] in Ashland, perhaps a couple times a week and that [REDACTED] has does this for about the past two years. Mr. Cavanagh reports that he often engages [REDACTED] in small talk as [REDACTED] passes by his home if he happened to be out or on the way out of his home. Mr. Cavanagh reports that he always knew who [REDACTED] was and knew that she was the [REDACTED] Sgt. Gregory Fawkes of the Ashland Police Dept. Moreover, Mr. Cavanagh knew [REDACTED] to be a personal fitness trainer and that [REDACTED] was in the music industry as he had a friend who did the same in local venues.

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Mr. Cavanagh directed my attention toward June 2nd of 2011 which was the Thursday before the June 4th altercation at [REDACTED]. On this day, Mr. Cavanagh claims that while he was driving on his street, he observed both Greg and [REDACTED] walking by his home. On that occasion, he said nothing and merely went home.

On Saturday June 4th, 2011, Mr. Cavanagh was reportedly doing some work on his home and as a result was making trips back and forth to the lumber yard. As he left his home on one of these trips, he spotted [REDACTED] walking nearby his home and he stopped by [REDACTED] to engage [REDACTED] in conversation. On this occasion Cavanagh said to [REDACTED] "why don't you take my cell number so that you can call me when you are coming by my house again but not when you are with your husband".

When asked what was the purpose of this comment, Mr. Cavanagh replied that it was a "stupid, silly flirtatious comment that I have made a many of". He then quickly added that the comment was not vulgar or lewd. Mr. Cavanagh then stated that at the time this comment was made, [REDACTED] was on her cell phone to someone unknown to him.

When further questioned about this comments, Mr. Cavanagh seemed remorseful and stated that it was not made maliciously. He did agree with me that it was at the very least, "edgy". He ended by saying, "it was not over the top".

After making this comment, Mr. Cavanagh then reportedly headed off to the lumber yard.

Upon Mr. Cavanagh's return home later that morning, he observed Greg Fawkes in his personal pickup truck parked in his neighbor's sidewalk. Mr. Cavanagh claimed that immediately upon making this sighting, "I knew" what was up and he concluded that it may have been Greg Fawkes on the other end of the cell phone and that he overheard the comment that he had made to [REDACTED] and that Greg was there to confront him about the comment.

As Mr. Cavanagh arrived in front of his home, Fawkes parked his truck in the neighbor's driveway across the street (that of [REDACTED] at [REDACTED]). From inside the truck, Fawkes shouted to Cavanagh, "What did you say to my [REDACTED]?" Mr. Cavanagh stated that at that point in time, he was absolutely clear on what the issue was and that it was his initial intent to apologize and tell Fawkes that he will never speak with his [REDACTED] again.

At that juncture and while still seated in his truck, Greg Fawkes reportedly embarked on a series of derogatory insults directed toward Cavanagh. Mr. Cavanagh recalls these comments to consist of "dirtbag", "scumbag", *et al.* With that, Cavanagh yelled to Fawkes, "Get outta here", and he then proceeded to walk toward his house.

At the time of this exchange, Fawkes was in his private vehicle, he was not in uniform and he appeared not to be armed.

Throughout this initial exchange, Mr. Cavanagh's neighbor [REDACTED] was out in his yard observing what was transpiring.

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Cavanagh described that day as a warm and sunny one. Accordingly, the windows to his home were open and his [REDACTED] who were in the home at [REDACTED] were able to overhear the exchange between him and Sgt. Fawkes.

Mr. Cavanagh then observed Greg Fawkes on his cell phone making a call. Cavanagh surmised (correctly) that Fawkes was calling the Ashland police to have a cruiser sent to that location. With that, Cavanagh backed his truck into his driveway.

Very shortly thereafter, a marked Ashland cruiser pulled up to that location. (Mr. Cavanagh did not know the identity of the officer.) Upon that arrival, Greg Fawkes reportedly parked his car in front of the Cavanagh home, got out and then came into the Cavanagh yard on foot whereupon he again asked, "What did you say to [REDACTED]" Mr. Cavanagh then began to apologize but this was reportedly met with an immediate tirade of verbal insults from Greg Fawkes. Cavanagh recalls Fawkes as saying, "you're a scumbag", "everyone thinks you're a scumbag" and then Fawkes reportedly made verbal reference about Cavanagh's police record.

Mr. Cavanagh commented to me at this time that he did in fact have a police record, that he "had a past" but that it was 25 years ago. Mr. Cavanagh then added that he was curious why Greg Fawkes would pull a "BOP" report (*Bureau of Probation*) on him and what were the rules relating to those inquiries.

{Returning to the incident...} Cavanagh then stated that he told Fawkes to leave his property. When Fawkes failed to so depart, Cavanagh reportedly turned to the other officer (*Officer Driscoll*) and demanded that he get this guy off of his property. In response the officer reportedly replied, "He's on an investigation". Cavanagh then reportedly replied to the officer, "Bullshit, he isn't on any investigation, get him outta here!" Mr. Cavanagh stated that this officer merely stood there and did not do anything.

During the course of Fawkes reported verbal tirade toward Cavanagh, he (Fawkes) made mention of a [REDACTED] that Bill Cavanagh had reportedly perpetrated unto his own [REDACTED]. Moreover, Fawkes claimed that Cavanagh had forced this [REDACTED] into having sex with him because Cavanagh and his [REDACTED] were caring for the [REDACTED].

At this juncture Mr. Cavanagh further explained the matter with his [REDACTED]. He stated that 15 years ago, there was a personal situation between he and the [REDACTED] that had "gone by the boards". When asked whether there was a criminal investigation associated with this situation, he replied an emphatic "no". He added that there was no investigation at all. In continued explaining, Mr. Cavanagh stated that [REDACTED] and he had a brief "situation" that caused a problem for he and his [REDACTED] but nobody else. It seemed apparent that this was in reference to some type of intimate affair that Mr. Cavanagh had with his [REDACTED].

Mr. Cavanagh commented that it had occurred to him that the Greg Fawkes likely told his [REDACTED] and perhaps others, about this situation. He added that this was slander and that it "pissed him off".

At this juncture in the interview, Mr. Cavanagh completely shifted gears and stated that he and Greg Fawkes "have a history". With that he went into a long diatribe as to how Sgt. Fawkes wronged his son Anthony.

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Mr. Cavanagh reported to me that his [REDACTED] was arrested by Ashland police for breaking into a number of cars. He indicated that it was Sgt. Fawkes and an Officer Wildman that were the investigating and arresting officers. After arraignment, [REDACTED] was held on bail and was subsequently sent to the Billerica House of Correction to await trial. While so incarcerated, Sgt. Fawkes went to that facility in a marked Ashland cruiser, in full uniform and arranged an in-person interview at the facility. Mr. Cavanagh claims that it was this meeting with a uniformed police officer that caused [REDACTED] to be labeled a "snitch" which placed him in a "dangerous situation" while incarcerated. As a result of this perception, [REDACTED] was forced to request to be placed into segregation at the Billerica House of Correction. Mr. Cavanagh knows Sgt. Fawkes to be a former Correctional Officer in the Commonwealth and accordingly, would know that such a visit from a uniformed police officer would result in the prisoner being labeled a "snitch". Mr. Cavanagh feels that this was done purely out of malice that Sgt. Fawkes has for his [REDACTED]. When asked if he knew the reason for this visit at the House of Correction, Mr. Cavanagh replied that the officer wanted to ask [REDACTED] about some cell phones that were taken in the car breaks that had occurred in Ashland¹.

Mr. Cavanagh reports that he was incensed by this behavior on the part of Sgt. Fawkes and that he went personally to Chief Rohmer to complain. Mr. Cavanagh feels that it was because of this complaint that he (Sgt. Fawkes) now holds a grudge against him (Cavanagh).

Mr. Cavanagh further stated that sometime after his [REDACTED] was released from the House of Correction, he was again arrested for a breaking and entering that had occurred in Ashland. Cavanagh reports that it was he that turned his son in to authorities.

Mr. Cavanagh strongly denies that he engaged in any harassment of [REDACTED] in order to "get back at" Greg Fawkes.

Going back to the incident of June 4th at [REDACTED] Mr. Cavanagh stated that during the course of Greg Fawkes verbal rant, he stated, "If I ever see you again at the [Ashland Police] Station, I will personally throw you out".

In response to this, I asked whether he (Mr. Cavanagh) went to the station often. He replied that he is friendly with the Chief; he used to work out with him, that he plays golf with Lt. Beaudoin and that he does occasionally stop by the Ashland Police Station. Upon my direct question, he denied that he goes there to "break balls".

When discussion returned to the incident of June 4th, Mr. Cavanagh stated that when Greg Fawkes got out of his truck, he was menacing, yelling, and vulgar. Cavanagh added that his neighbor (presumably [REDACTED]) thought that there was going to be an assault; that a physical fight would occur. Cavanagh thought the same. In fact, he stated, he would have just as soon preferred that a physical altercation would have occurred, that he would have been happy to have it, if for nothing else than to get the whole matter over and done with.

¹ If this were accurate, that Sgt. Fawkes sought to interview [REDACTED] about the charges that he was arrested for, charged with, and arraigned on, this would be highly problematic insofar as criminal procedure. At arraignment, the 6th Amendment Right to counsel attaches and there can be no interview unless the accused's attorney is present. There is no indication that that is the case here.

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Mr. Cavanagh stated to me that it was because of Greg Fawkes' failure to get off of his property that cause him to craft and send Greg Fawkes the "no trespass" order the next day.

When I asked to further discuss the issue of the sexual assault that Greg Fawkes had mentioned, Mr. Cavanagh stated that it was at that moment in their discourse (between him and Fawkes on June 4th) that [REDACTED] stepped out of the house. As she stepped out, Mr. Cavanagh claims that he immediately told her to go back inside the house. As Cavanagh guided his [REDACTED] back inside the front door, Fawkes commented to him, leave [REDACTED] alone". Cavanagh found this comment to be unnecessary and inflammatory, as did his [REDACTED]. As she reentered the home, [REDACTED] reportedly commented to Greg Fawkes, to just leave.

Cavanagh commented that at this point in time, it was clear to him that he was not going to be arrested and that it was more a "[REDACTED] thing" than anything else. He added that Greg Fawkes had needlessly created an unnecessary situation. Mr. Cavanagh commented that as a police officer, his [Fawkes] behavior got way out of hand. "He would not leave, his conduct was unbecoming a police officer, police should be better self controlled."

Mr. Cavanagh interpreted Greg Fawkes's comment to "throw him out of the police station" as tantamount to a physical threat.

When asked his opinion as to whether Greg Fawkes was acting on official business or as a "pissed off [REDACTED]", Cavanagh replied that Fawkes was there as a "pissed off [REDACTED]". He added that was the only reason that he called the on-duty Officer Driscoll to the scene. When asked once again what Officer Driscoll's role was there, Cavanagh replied, "he did nothing" and said only that he [Fawkes] was on an investigation."

Mr. Cavanagh sharply commented that "this was no investigation, I knew there was none". He added that Officer Driscoll, was just called there as a witness.

Later that day, Saturday June 4th 2011, Officer Driscoll returned to Mr. Cavanagh's residence and served him with an emergency harassment order. Cavanagh commented that at the time, he didn't think anything of the order, "I didn't care".

In retrospect, Cavanagh claims that he did not realize that the order was an emergency issue; one that was only good until the next open day of court. Rather, he thought it to be good for a couple of weeks when a hearing could be held with all parties present. Consequently, he was served with an extended order on June 6th that would remain in effect for another six months. Mr. Cavanagh reports that as a result of this, he filed the instant complaint with the Ashland Police Dept. on June 7th 2011.

In conversation as to the processing and flow of his complaint, Mr. Cavanagh reported that he was interested in setting up a meeting where he, Chief Rohmer and Greg Fawkes could sit down and discuss this matter. He claimed that at this point in time, he asked that the complaint be withdrawn as the expected meeting would obviate the need for an investigation.

Mr. Cavanagh claims that this meeting never materialized and after a few weeks with no word from the Ashland Police Dept., Cavanagh contacted the Chief via email and demanded that the complaint be reinstated and investigated.

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Mr. Cavanagh then learned that Lt. Briggs had been directed to open the investigation into Mr. Cavanagh's complaint. For reasons unknown to him, Mr. Cavanagh stated that Lt. Briggs never conducted the investigation. As for Lt. Briggs, Mr. Cavanagh states that he has had a past conflict with Lt. Briggs and that he knows that Lt. Briggs "is tight with" Sgt. Fawkes.

Insofar as the harassment order was concerned, Mr. Cavanagh decided that he would appeal the order and then went to Framingham District Court to attempt that as well as to obtain a harassment order of his own against Greg Fawkes. Cavanagh was denied a harassment order as he was told that he needed to establish three documented instances where he had been harassed by Greg Fawkes.

At court, Cavanagh had occasion to review [REDACTED] affidavit to support the harassment order that [REDACTED] had obtained against him. Mr. Cavanagh provided a copy of that affidavit and its likeness is a follows:

AFFIDAVIT		Desc. In detail the most recent incidents of harassment. If the harassment consisted only of conduct that was willful and malicious but was not a violation of the stated criminal statutes, you must describe at least 3 separate incidents of such harassment. The judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also, describe any history of harassment, with as much of the above detail as possible.	
On or about 20 [REDACTED] the Defendant			
<p>Over the past year and a half, Bill Cavanagh has approached me about 25 times trying to engage me in conversation, telling me how good I look and inappropriately staring at me. He has told me he knows who my husband is. I know that my husband has arrested Mr. Cavanagh's son. On June 4, 2011 while I was walking by his house, he got in his truck and drove slowly beside me as I continued to walk and said, "You don't look like a mother, I want you to come to my house when your bozo husband isn't around to give you my cell phone number." I feel like I can't walk by his house without being harassed by him. I fear he is doing this in retaliation for my husband arresting his son. I have to drive by his house to drive my children to school and I fear he will continue this pattern of harassment.</p>			
If more space is needed, attach additional pages and check this box: <input type="checkbox"/>			
I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.			
DATE SIGNED 6/6/11	PLAINTIFF'S NAME [REDACTED]	[REDACTED]	
WITNESSED BY [REDACTED]	PRINTED NAME OF WITNESS David [REDACTED]		TITLE/RANK OF WITNESS [REDACTED]

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Mr. Cavanagh takes umbrage at the content of the affidavit which describes what he said to her on June 4th. Cavanagh stated that he denies these comments as reported by [REDACTED] and that they sound "sleazy".

Mr. Cavanagh alleges that Greg Fawkes used his influence as a police officer to obtain this harassment order and that the content of the affidavit is not accurate. Lastly, Mr. Cavanagh claimed that his interactions with [REDACTED] did not number 25 times, rather, it was more like 125 times and that she never complained in the past.

Mr. Cavanagh reports that at court, [REDACTED] testified and was "almost crying" that [REDACTED] was afraid of him (Cavanagh). He thought this to be a mockery.

When directly asked whether [REDACTED] may have thought that he was "hitting on" her, Mr. Cavanagh responded, "She may have thought that the first time".

When asked about any other negative or pejorative incidents involving him and the Ashland Police Dept., Mr. Cavanagh mentioned an incident that occurred at the Mindess School where his [REDACTED] attends the [REDACTED] grade. He reported that had gone to the school to pick up his [REDACTED] when he came into contact with both Greg and [REDACTED] Fawkes who were also there to pick up [REDACTED]. Cavanagh maintains that the harassment order was in place at this point in time, but that this meeting was inadvertent. After pulling away from the school yard to await his [REDACTED] along the street, he was approached by Officer Dionne of the Ashland PD who then "read him the riot act" about potentially violating the harassment order's no contract provision. Mr. Cavanagh claims that it was Greg Fawkes who had called the uniformed on-duty officer to the scene at that time. While he was not arrested or charged, Cavanagh claims that the officer yelled at him causing him embarrassment.

Mr. Cavanagh seems to be concerned that because that the investigation of this matter is taking so long, his issues will not be investigated. This is a source of frustration for him. He pointed out that according to the APD Internal Affairs Investigation guidelines, he should have been notified as to the status of this investigation at thirty day intervals while it was ongoing. Thus far, he had received nothing.

Mr. Cavanagh seems to have a generalized sense of disdain for a substantive portion of the sworn staff of the Ashland Police Dept. He stated that there are a number of officers on the job within that department that choose to police through intimidation. While he clearly dislikes Greg Fawkes, Mr. Cavanagh claims that these were the only issues that he has had with him.

When asked what he would like to see take place as a result of this investigation, Mr. Cavanagh stated that he would like to see Sgt. Fawkes attend an anger management program. He described Fawkes as arrogant, full of himself and that he acted outside his limits on June 4th, 2011. He further added that when Fawkes called in the other officer, "That was when the scales tipped". Lastly, Mr. Cavanagh alleged that Greg Fawkes threatened him and harassed him.

The interview was then concluded.

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Interview Comments & Impression:

Mr. Cavanagh's comments were consistent with his three prior letters of complaint that he submitted to the Ashland Police Dept. While detailed in his recollection of this event and other matters surrounding it, Mr. Cavanagh does not establish (or even allege) that his civil rights have been violated by the Ashland Police Department. Rather, his complaints focus solely on the actions of Sgt. Greg Fawkes in connection with the incident that occurred on June 4th, 2011. To say that Mr. Cavanagh is angry about this matter is an understatement. In my conversations with him this date as well as on others, Mr. Cavanagh asserts that he will not let this matter go until it is fully investigated.

Mr. Cavanagh clearly does not like Sgt. Fawkes largely because of the interaction that the sergeant had with [REDACTED]; Bill's [REDACTED] some years ago. Still, Mr. Cavanagh does not paint the Ashland Police Dept. with a broad stroke. He is complimentary toward some officers, neutral on others, and he harbors strong disfavor toward others; notably Sgt. Fawkes.

Bill Cavanagh is no wallflower. A stone mason contractor by trade, one can properly surmise that he is "rough around the edges", not thin-skinned, and that he is not hesitant in making his thoughts known to everyone. He does seem to have a memory of past personal injustices but he is not unreasonable about them to the point of irrationality.

As for his conduct with [REDACTED] and indeed other women, Bill Cavanagh will be the first to admit that he is a flirt and that he had made "silly flirtatious comments many times to many women in the past"; to include [REDACTED]. Mr. Cavanagh claims that he does not feel that the comment that he made toward [REDACTED] on June 4th or on any other day were "over the top". Perhaps he genuinely doesn't, but the reality is that [REDACTED] and at least one other woman that this investigator is aware of, do take objection to some of Mr. Cavanagh's comments and find them unappealing, suggestive and unwelcome.

In his complaint, Mr. Cavanagh alleges that Sgt. Fawkes made a comment toward him berating his past with women. To support that assertion, Mr. Cavanagh asserts that Sgt. Fawkes made mention of a past matter where a witness told the sergeant that Bill Cavanagh forcibly had sex with his [REDACTED] (This allegation was never supported by the supposed victim nor did any type of meaningful investigation into these allegations take place.) Sgt. Fawkes has close knowledge of this allegation as it was he who received that information from a witness in another sexual assault investigation. In fact, it would appear that that knowledge would be exclusive to Sgt. Fawkes. William Cavanagh and his [REDACTED] do not deny the existence of some type of marital discord regarding some level of a consenting relationship between Bill Cavanagh and his [REDACTED] (Bill Cavanagh vehemently denies forcible sex.) Both of their responses regarding this matter brought about embarrassment, reluctance, humiliation and perhaps even guilt. This matter was clearly a low point in their [REDACTED] and it seems to represent a painful time in their lives. Considering the negative impact that that incident has on both William and [REDACTED] and the painful memories that it evokes, it seems high unlikely that Bill Cavanagh would fabricate the allegation that Sgt. Fawkes commented on this alleged past relationship. Rather, the sensible thing would be to let "sleeping dogs lay".

The level of personal guilt, shame and family discord that is associated with this allegation is such that Bill Cavanagh would not bring this up voluntarily simply to add to his allegations toward Sgt. Fawkes.

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The fact that his [REDACTED] heard it and that Bill Cavanagh would have to relive that marital discord all over again bolsters the likelihood that Sgt. Fawkes brought this matter up and used it as a hard-hitting dart to throw at Cavanagh and to bring about marital discord as Cavanagh's comments may have done to the Fawkes.

[REDACTED]
On 16 December 2011, Major Edward J. McGinn, Jr. interviewed [REDACTED] at her [REDACTED] residence.

Interview Summary-

On Friday 16 December 2011 at 2:00 PM, this reporting officer had occasion to interview [REDACTED] at her [REDACTED] address. [REDACTED] is the [REDACTED] of complainant William Cavanagh and was reportedly present on June 4th, 2011 during the incident involving Mr. Cavanagh and Sgt. Greg Fawkes of the Ashland Police Dept.

When her attention was directed to June 4th, 2011, [REDACTED] recalled that was the day when "Officer Fawkes came to [REDACTED] house, argued with [REDACTED] in the driveway and then another police officer came".

[REDACTED] reported that at that time, [REDACTED] her [REDACTED] (whom she refers to as "Bill"), her [REDACTED] and one of [REDACTED] were home. At some point while she was in the home, she heard yelling and then went out to see that that was all about. Upon her getting outside, she heard her husband telling the man, Greg Fawkes who is known to her, to "get out of here".

When asked if she could recall exactly what was said between Fawkes and [REDACTED] replied that "it was a long time ago", but [REDACTED] does recall the officer saying something about her Billy's past and [REDACTED]

At some point during the verbal exchange between the officer and Bill, [REDACTED] told [REDACTED] to go inside. When [REDACTED] initially hesitated in doing so, Mr. Cavanagh grabbed her by the arm and directed her into the house. Upon seeing this, Mr. Fawkes reportedly yelled, "Hey, don't touch her". [REDACTED] thought this comment to be odd as [REDACTED] was not harming [REDACTED] in any way and that it was uttered merely to create more disruption. Once inside the home, [REDACTED] located [REDACTED] inside the house and reportedly took them upstairs out of earshot from the argument outside.

When asked if she specifically heard the officer make any threats to Bill Cavanagh, she replied that she did not remember.

At that point in the interview, [REDACTED] volunteered the fact that [REDACTED] and her husband have been [REDACTED] for 15 years and that the officer's conduct was "unprofessional". [REDACTED] added that [REDACTED] was upset by the fact that the officer brought up the issue of people's past transgressions. With that [REDACTED]

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[redacted] volunteered the [redacted] too had a past, and as a young kid, [redacted] added that this was nobody's business and expressed disgust that this officer would dredge up these facts in his comments toward [redacted] husband.

When asked whether Greg Fawkes said anything to her directly, [redacted] replied in the negative. [redacted] added that he was in his personal vehicle, that he was not in uniform and that he appeared not to be armed.

When asked what, if anything, the other officer did, [redacted] told me that the other officer appeared to be trying to calm Fawkes down. [redacted] does not know the identity of this officer.

In further exploration of the comment that Mr. Fawkes reportedly made to Bill Cavanagh regarding [redacted] [redacted] replied that this was a very personal matter. [redacted] then went on to explain that [redacted], not unlike [redacted], had gotten into "trouble" in Ashland. (*I presumed this to mean criminal trouble.*) [redacted] then went on to say that this was nobody's business but that [redacted] husband and [redacted] had "something going on". (*I presumed this to mean some level of intimate, romantic involvement.*) This, clearly, was a difficult topic for [redacted] to discuss however [redacted] pressed on in a disjointed and disorganized explanation of the matter.

[redacted] explained that [redacted] had a [redacted] who lived with Bill and [redacted] for a number of years. When asked about the interaction between Bill and [redacted] [redacted] replied that [redacted] was "not a well person" and that [redacted] "didn't press any charges against Bill" [Cavanagh].

[redacted] feels that when [redacted] was [redacted] by police for some other offense, [redacted] may have alleged that Bill Cavanagh has forced her to engage in sex with him as a *quid pro quo* for housing [redacted]. Her recollection of the events of that time was vague and [redacted] was reluctant to speak freely about it.

[redacted] stated that [redacted] had a drug problem and that [redacted] continues to reside in Ashland.

When asked where Greg Fawkes may have obtained that information regarding [redacted] and Bill's "involvement" [redacted] replied that [redacted] did not know. [redacted] claimed that the matter was never looked into by Law Enforcement.

When asked who [redacted] was, [redacted] replied, she was [redacted] who lived [redacted]. When asked whether they got along well, [redacted] replied, "Yes".

At that time I asked [redacted] whether [redacted] had ever conveyed to her [redacted] any personal or confidential information that [redacted] may have obtained from either [redacted] or Greg Fawkes. [redacted] replied in the negative.

[redacted] stated that sometime after the June 4th incident, she was talking to [redacted] and [redacted] said to her that [redacted] "does not hold anything against her". With that [redacted] explained the extent of her relationship with [redacted] as merely one where [redacted] would wave to [redacted] as she walked by [redacted] home ([redacted] had supposedly walked this route for years) and that their [redacted] go to the same school. She claims that they were never formally introduced.

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[REDACTED] found it very upsetting that Sgt. Fawkes made mention of the past intimate involvement between [REDACTED] and [REDACTED]. [REDACTED] denies that this was a sexual assault; rather [REDACTED] described it as a private matter.

Interestingly, [REDACTED] took strong offense to Sgt. Fawkes' mention of [REDACTED] husband's criminal past. So much so, apparently, that [REDACTED] went into [REDACTED] own past which included just a couple very minor [REDACTED]. Despite my comments to [REDACTED] that I didn't need to know this, [REDACTED] continued to identify her past offenses and then offer explanations for them. The fact that [REDACTED] so eagerly wanted to dispel any negative impression that was held about [REDACTED] offers some degree of foundation to the allegation that Sgt. Fawkes brought this up. Again, wouldn't it be less painful to "let sleeping dogs lay".

I found [REDACTED] comment that [REDACTED] took [REDACTED] to a distant part of the home during this incident interesting in that it would appear that there was discussion going on that a [REDACTED] simply son should not hear. Could this have been comments as to one's [REDACTED] past? Probably.

As to Sgt. Fawkes assertion that Bill Cavanagh forcibly shoved [REDACTED] into the home during the incident of June 4th left [REDACTED] incredulous. [REDACTED] replied to me that he (Bill Cavanagh) did no such thing.

[REDACTED]
On 15 December 2011, Major Edward J. McGinn, Jr. interviewed [REDACTED] via telephone. Several visits to the [REDACTED] address were unsuccessful in reaching him in person.

Interview Summary-

On December 15, 2011 this investigator had the opportunity to speak with [REDACTED] via telephone. [REDACTED] resides at [REDACTED] Ashland which is [REDACTED] the street from the residence of the complainant (Mr. Cavanagh). Mr. Cavanagh has indicated that on 04 June 2011, [REDACTED] did observe and overhear the conflict that occurred between Sgt. Greg Fawkes (Ashland PD) and Mr. Cavanagh.

[REDACTED] knows Bill Cavanagh as a neighbor and they are friendly. [REDACTED] seems to like Cavanagh and describes him as a "nice guy" although he stated that Cavanagh can be "rough around the edges". [REDACTED] claimed that Cavanagh seems to be liked by most of the neighbors and that "everyone knows him and that he knows everybody".

After directing [REDACTED] attention to June 4th, 2011, he indicated that he was in his back yard with his [REDACTED]. While outside, [REDACTED] was practicing his chip shots on the grassy lawn. As [REDACTED] Ashland, is a street that does not incur a great deal of vehicular traffic, one tends to notice and look at the cars that come up and down that roadway. [REDACTED] reports that he noticed a pickup truck drive up his street and back for a total of three or four passes. He indicated that the truck was traveling in such a deliberate way that it seemed he operator was looking for someone.

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) When asked whether any of [REDACTED] other neighbors may have observed the incident at [REDACTED] home on June 4th, she replied that [REDACTED] neighbor [REDACTED] had come out and looked over to see what was going on at that time.

When asked about Greg Fawkes's demeanor at the time of the June 4th incident, [REDACTED] characterized it as angry, loud, mean, and that he was yelling at Billy. [REDACTED] added that [REDACTED] found it to be threatening as he was out of control, unprofessional and that [REDACTED] found it frightening.

[REDACTED] speculated that Greg Fawkes got mad at Bill because of the comment that he made to Fawkes' [REDACTED] which was probably misinterpreted.

When asked whether there had been any other issues with the Ashland Police Dept., [REDACTED] mentioned that approx 6 weeks ago, [REDACTED] was at the Mindess School picking up [REDACTED] when he came into contact with Greg and [REDACTED]. [REDACTED] added that [REDACTED] received a call from a friend who asked her, "Why are the cops yelling at Billy?" She later learned that the police were called by the Fawkes when Bill Cavanagh came close to them and that the responding officer yelled at [REDACTED] husband. [REDACTED] found this to be particularly embarrassing as the responding officer was yelling quite loudly at [REDACTED] husband and that there were other parents and children (potentially her own) at that location observing all this.

) [REDACTED] recalled one other matter where she ran into the Fawkes at the Mindess School's Open House during a teacher conference. Though she felt uncomfortable, there was no interaction between [REDACTED] and the Fawkes.

Lastly, I inquired with [REDACTED] what she wanted to see happen as a result of this investigation. [REDACTED] replied that this was a personal matter between [REDACTED] and Greg Fawkes and that it should have been handled differently. [REDACTED] feels that Greg Fawkes could be "written up" for unprofessional behavior" and that is simply "was not right".

When asked whether Greg Fawkes committed any crimes that day, [REDACTED] replied that maybe he threatened her husband and that he defamed her husband's character.

The interview was then conducted.

Interview Comments & Impression:

[REDACTED] presents as a quiet and reserved person. As the [REDACTED] of the complainant, one could expect [REDACTED] to serve solely as corroborator of [REDACTED] allegations regarding Sgt. Fawkes. This relationship notwithstanding, I found [REDACTED] to be objective. While [REDACTED] does join her husband in the allegations that Sgt. Fawkes was "out of control, unprofessional and that [REDACTED] found it frightening" when [REDACTED] didn't know the answer to some of my questions [REDACTED] said so rather than trying to manufacture a response that would be damaging to the sergeant.

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) At some point, Bill Cavanagh, [REDACTED] from across the street, pulled up to his [Cavanagh's own] home at [REDACTED]. Within just a few seconds, the pickup truck that had driven past several times returned and stopped in the middle of the road. [REDACTED] reports that the driver then got out and began having "words" with Bill Cavanagh. [REDACTED] states that he heard Cavanagh tell the pickup driver to "get out of here".

At that point, the pickup driver, presumably Sgt. Greg Fawkes, pulled his truck over to the side of the road across the street from Cavanagh's house and parked in the driveway of [REDACTED]. The operator then exited the pickup and walked toward the roadway where he and Bill Cavanagh exchanged words across the street. At first, [REDACTED] thought that this was an employee of Mr. Cavanagh's who was angry with him for some reason. [REDACTED] estimates that this back and forth verbal discourse lasted some 10 minutes.

[REDACTED] states that at the time of this discourse, he did not know that the operator of the pickup was a police officer, that he was not in uniform and that he did not observe him to be armed. [REDACTED] recalls that the pickup truck driver was wearing jeans and a shirt that could have concealed a firearm provided it was a small one. Again, he had no reason to believe that this operator was armed.

) [REDACTED] freely concedes that he did not hear the entirety of the conversation between the two men but he does recall hearing the pickup driver make comments along the line of, "this is my town", and another comment that caused Bill Cavanagh to reply to the man, "that was ten years ago". [REDACTED] recalls that he did hear Mr. Cavanagh comment to the pickup truck operator, "You put [REDACTED] in harm's way!" [REDACTED] further recalls the operator of the pickup truck as saying, "I run this town", "I'm no punk", and that "I come from the city" (or the functional equivalent thereof.)

When asked whether he heard the pickup truck operator directly threaten Mr. Cavanagh, [REDACTED] replied, "I can't say that I did, but he [the pickup truck operator] was acting in a threatening manner".

In retrospect, [REDACTED] asserts that based upon the pickup truck driver's repeated cruising up and down [REDACTED], it was clear that he had been "looking for Bill".

[REDACTED] reports that, at the time of this incident, he was annoyed that when the driver of the pickup driver returned to his truck (that was parked in [REDACTED] driveway), the driver (presumably Greg Fawkes) glared at him in a menacing manner. [REDACTED] claimed that the truck operator gave him a look as though to say, "Mind your own business". [REDACTED] commented that because he was in his own yard with [REDACTED] he was put in apprehension that he may have had to defend himself and/or [REDACTED] with the golf club that he had in hand. He indicates that he was particularly struck by the level of anger and aggression demonstrated by the pickup truck driver. [REDACTED] stated to me, "Who does this guy think he is?"

) At some point during this discourse, a marked Ashland cruiser arrived to the scene. When the uniformed police officer exited his cruiser and entered the driveway of Mr. Cavanagh, the pickup truck driver entered the property as well. [REDACTED] reports that at this point in time, his view across the street was obstructed although he could still hear some aspects of the conversation. It was then that he overheard Mr. Cavanagh instruct the pickup truck driver to get off of his property. While the man did not immediately remove himself from the property, the matter seemed concluded shortly thereafter and the driver of the pickup truck returned to his vehicle and departed the area.

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The day after the incident, [REDACTED] reports that he spoke with Bill Cavanagh and asked him what the incident the day before was all about. [REDACTED] reports that Bill Cavanagh responded to him explaining the background of the incident to include telling [REDACTED] that the man was a police officer and that he was angry with him stemming from a comment that Bill reportedly made to the officer's [REDACTED]. [REDACTED] was also made aware of the background that this officer has involving Mr. Cavanagh's [REDACTED].

Interview Comments & Impression:

[REDACTED] though a [REDACTED] and self-admitted friend of Mr. Cavanagh described Cavanagh as "rough around the edges" type guy. Though this interview was conducted over the telephone, my sense was that [REDACTED] was objective and the fact that he knew the intruder as being a police officer did not cause him to curb his recitation of his observations as is so often the case for fear of police retaliation. Conversely, he did not seem to be a law enforcement antagonist.

[REDACTED] comments as to the officer's and Cavanagh's comments; specifically, "that was 10 years ago" seem to lend credence to Bill Cavanagh's assertion that Sgt. Fawkes brought up old but official information in the course of their argument. Additionally, [REDACTED] comments that the Sgt. Fawkes was acting in an aggressive manner is telling. Lastly, [REDACTED] was struck by the menacing look that Fawkes gave [REDACTED] as he returned to his truck and left the area. The totality of [REDACTED] recollection of this incident tends to bolster the allegations of Mr. Cavanagh.

[REDACTED]

On 16 December 2011, Major Edward J. McGinn, Jr. interviewed [REDACTED] via telephone. This interview was conducted in this fashion pursuant to [REDACTED] preference.

Interview Summary-

On Friday 16 December 2011 at approximately 3:15 PM, I had occasion to interview [REDACTED] via telephone. [REDACTED] lives [REDACTED] the street to the Cavanagh family.

The purpose of my contacting [REDACTED] was threefold. First, as [REDACTED] home is approximately [REDACTED] yards from the Cavanagh's residence, with virtually and unfettered view, I was interested whether [REDACTED] or any member of [REDACTED] observed the incident of June 4th, 2011 between William Cavanagh and Sgt. Greg Fawkes of the Ashland PD. Secondly, in William Cavanagh's August 3, 2011 letter to Chief Scott Rohmer, Mr. Cavanagh makes mention of [REDACTED]. Specifically William Cavanagh writes the following,

"He [Sgt. Fawkes] told me that this was not my town, that it was his town. He continued being aggressive and said that he knew I had a police record, that I was a scumbag. (My record is more than 20 years old). He threatened that if I went to the Police Station that he would personally throw me out. He mentioned that I forced [REDACTED] to have sex because my

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[redacted] and I were taking care of [redacted]. My [redacted] had lived with us for almost four years. No one forced anyone to do anything. This concerns me most. Mr. Fawkes had no business bringing up these things but only to justify his anger. These are false statements. He told his [redacted] these things. His [redacted] told another of my [redacted] on [redacted], that there was a restraining order and other personal, family details that Ms. Gigliotti told my wife. This action is considered Slander, Malign. This action, by Mr. Fawkes, is against the law.

The third issue this investigator needed to resolve with [redacted] was a handwritten note dated September 8, 2011 that was delivered to me in the case file. This note appears to be a message written to [redacted] and is signed by [redacted]. The text of the note is as follows;

9/8/11

Dear [redacted]

Tonight, I became aware of a letter that was sent to Ashland P.D. by [redacted] Bill Cavanagh. I did not see this letter but was informed that my name was mentioned. I feel the need to let you know that whatever was implied involving you, and me was a lie on Bill Cavanagh's behalf.

What you told me in the Wal-Mart lot was kept in confidence; I never spoke to [redacted] about the situation. I have not spoken with Bill in over 2 years until approx 1 1/2 weeks ago when he approached me in my driveway. He asked me if I knew about the [redacted] and I told him that I didn't want to get involved. I knew about it and I told him that [redacted] told me you wouldn't be walking [redacted] anymore. I told him I didn't know details and again that I didn't want to be involved. He then went on to try to smooth over [redacted] relationship after not talking in over 2 years.

I just wanted to tell you that if letter "goes anywhere" I plan to "tell it like it is" and include the countless times that Bill made unwanted sexual comments to me. (And there were many.)

Please know that I did not betray your trust, and in no way support whatever Bill is up to. I hope that you feel comfortable to talk to me about all this once it's over and done with. But, for the time being I understand it if we cannot speak.

Take care [redacted]

[redacted]
Cell [redacted]

In my phone conversation with [redacted] indicates that [redacted] is friendly with [redacted] the [redacted] of Sgt. Fawkes. [redacted] considers their relationship to be "friendly" but not one where they are in each other's frequent company; in fact [redacted] does not know where the Fawkes reside.

As for the Cavanagh family, [redacted] is friendly and fairly close to with [redacted] Bill Cavanagh. [redacted] attend the same school and they are neighbors residing across the

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██████████ from one another. As for William Cavanagh, ██████████ has far less complimentary comments for him which included, "asshole" and "dirty old man". Notwithstanding ██████████'s disdainful opinion of Bill Cavanagh, ██████████ chooses to keep those sentiments to ██████████ in the interest of neighborhood peace.

As for my first inquiry, whether ██████████ or any other member of ██████████ family observed the incident of June 4th at ██████████, ██████████ replied in the negative; that ██████████ was not home at the time. It appears that ██████████ family was not at all aware of this incident until they were informed of it after the fact.

My second inquiry, whether ██████████ was informed by ██████████ as to sensitive information about the William Cavanagh or members of his family, ██████████ replied in the negative. ██████████ stated that ██████████ had run into ██████████ at a local Wal-Mart whereupon ██████████ commented to ██████████, "I can't come walking by your house anymore". When ██████████ inquired why that was so, ██████████ informed ██████████ that ██████████ has obtained a Harassment order against William Cavanagh as a result of some comments that he had made to ██████████ in the past as ██████████ walk past his home. In response to that, ██████████ stated that ██████████ sympathized with ██████████ as ██████████ too had been the recipient of rude and sexually charged comments, calls and electronic messages from Mr. Cavanagh in the past.

In response to my inquiry as to specifically what Bill Cavanagh has said to ██████████, ██████████ replied, that Bill Cavanagh would call her when ██████████ husband was not at home and ask ██████████ what ██████████ was wearing, whether he could come over, make disparaging comments about ██████████ husband, and other comments along these lines. ██████████ added that he would make similar comments to ██████████ on Facebook as well. Notwithstanding the eerie feeling these caused ██████████ and ██████████ husband elected to brush these comments off in the interest of keeping a tranquil neighborhood, not hurting ██████████ (██████████ was still friendly with) and not harming the ██████████ who play and went to school with the ██████████.

██████████ denies being informed of any law-enforcement-privileged information about the Cavanagh's by ██████████ and further denies conveying any of the same to ██████████. ██████████ in the context of this question, indicated to me that ██████████ feels bad for ██████████ and that ██████████ would never convey hurtful information to ██████████ for fear of hurting ██████████ feelings. Unexpectedly, ██████████ commented to me that ██████████ believes that ██████████ is in a bad marriage with Bill Cavanagh and that ██████████ has encouraged ██████████ to leave Bill Cavanagh.

With respect to my third inquiry which centers on the note ██████████ presumably sent to ██████████, ██████████ acknowledges having written it and then proceeded to provide a foundation as to the reason for it having been written and sent. ██████████ reports that sometime after the June 4th incident at ██████████, Bill Cavanagh approached ██████████ while ██████████ was outside ██████████ while in her driveway. ██████████ approaching her immediately struck ██████████ as being odd as he ██████████ not spoken to her in about 2 years. (About 2 years prior, Lisa Gigliotti made a very preliminary inquiry with Bill Cavanagh about some mason work that needed to be done on her home. By trade, Bill Cavanagh is a mason and owns a contracting business engaged in that work. After only a brief conversation about the necessary work, the discussion ceased. A short period thereafter, Bill Cavanagh contacted ██████████ and informed ██████████ that he and his crew would start the job the following day at 7:00 AM. The ██████████ had received no estimate or other contact from Cavanagh and were displeased with his level of presumptiveness. When they informed him that that he was not to start the job Cavanagh

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because angry and, made an untoward comment and stormed off. That was approximately two years ago. It was not until this date when Cavanagh approached [REDACTED] in her driveway.)

When approached by Cavanagh in [REDACTED] driveway in late August (of this year) [REDACTED] suspicions were piqued. The conversation that day centered on whether [REDACTED] was aware of the [REDACTED]. Apparently, Cavanagh was aware that [REDACTED] were somewhat friendly. While [REDACTED] had been informed by [REDACTED] about the harassment order [REDACTED] had obtained and that [REDACTED] would not be walking in that area anymore, [REDACTED] did not let on of this knowledge to Cavanagh. Rather, she indicated to Cavanagh that [REDACTED] did not want to get involved in that matter. [REDACTED] reported that Cavanagh then went on to try to smooth over their chilled relationship. [REDACTED] immediately suspected that this was a form of manipulation on the part of Cavanagh and that he was clearly "up to something". In sum, [REDACTED] indicated that Bill Cavanagh is not a nice person, that he is manipulative and that I shouldn't trust anything he says.

With that, I thanked [REDACTED] for [REDACTED] time and [REDACTED] candor and concluded the interview.

Interview Comments & Impression:

[REDACTED] can offer no information as to the incident of June 4th, 2011 at [REDACTED]. [REDACTED] does offer [REDACTED] unvarnished negative impression of Bill Cavanagh; one that was likely caused by [REDACTED] receipt of the same flirtations and suggestive comments that were levied unto [REDACTED].

[REDACTED] acknowledges writing the handwritten note that was forwarded to [REDACTED] stating, "What you told me in the Wal-Mart lot was kept in confidence; I never spoke to [REDACTED] about the situation". This statement strongly suggests that there was an exchange of information about Bill Cavanagh that [REDACTED] conveyed to [REDACTED]. [REDACTED] denies having been the recipient of any confidential facts about Mr. Cavanagh and further denies having conveyed that information to [REDACTED]. [REDACTED] statement corroborated this. Bill Cavanagh's complaint however, says otherwise. He asserts that his [REDACTED] informed him that [REDACTED] did give [REDACTED] some sensitive information about him (Mr. Cavanagh). This investigator is of the belief that there was some informational exchange and that perhaps the information was protected as being police-related however, it seems that we will never know as the information givers and receivers are making these denials. In his interview which is detailed later in this report, Sgt. Fawkes admits to having informed [REDACTED] that Bill Cavanagh was "trouble" and that he had arrested Cavanagh's [REDACTED] in the past. Based upon these investigative roadblocks, I am unable to definitively determine whether William Cavanagh's allegation tht Sgt. Fawkes conveyed sensitive and protected police information to [REDACTED]

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Officer John Driscoll:

On 17 January 2012, Major Edward J. McGinn, Jr. interviewed Officer John Driscoll at Ashland Town Hall.

Interview Summary:

On Tuesday, 17 January 2012 at 0930 hours, Ashland Police Officer John Driscoll appeared at Ashland Town Hall to be interviewed by this reporting officer. In attendance at this interview was Ashland Police Department Lt. David Beaudoin. Officer Driscoll was accompanied by Ashland Police Officer David Muri who functioned in the capacity of union representative. This interview was audio recorded with the permission of Officer Driscoll.

Prior to this in-person interview, Officer Driscoll and several other Ashland officers were directed to prepare and submit written reports. Each complied. The purpose of this interview was clear up a number of questions that had arisen after Officer Driscoll's report was evaluated vis-à-vis other evidence and statements.

At the outset of the interview, Officer Driscoll was advised of the purpose of this interview. He was further advised that there were no allegations of wrongdoing against him; rather, he was merely a witness to the incident of June 4, 2011 at [REDACTED]

The following is an account of the interview in summary form. It is not a transcript.

Officer Driscoll's attention was called to June 4th, 2011. Officer Driscoll reported that he was working that day in the capacity of patrol. While he did not have any particular memory as to what calls he went on that day, when reminded he did recall investigating an arson incident in the area of [REDACTED]

Officer Driscoll was then read the following police call record. This was a summary of an Ashland PD radio transmission as to Officer Driscoll's response to [REDACTED]; the residence of William Cavanagh.

Date	Time	Mode	Officer(s)
June 4, 2011	10:41:34	Radio	Disp. Jamie Patriarca A6 Officer John Driscoll A14 Officer Wm. Foster
A6 (Officer Driscoll) contacts control (dispatch) and notifies the dispatcher that he is now clear from a call on [REDACTED]. The officer indicated that the investigation there is ongoing and that he will prepare a brief report. Officer Driscoll then adds that he is responding to assist Sgt. Fawkes on "an issue".			

Officer Driscoll did recall that call but not with perfect clarity. Officer Driscoll acknowledges being in unit "A6" that date and recalls clearing the arson investigation call and then heading to [REDACTED]

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When asked what "the issue" was, Officer Driscoll replied that it was the harassment matter involving Sgt. Greg Fawkes and his [REDACTED]

When asked directly how he came to be dispatched to this call, in his written report, Officer Driscoll stated that he was unsure whether he received the call over his MDT (Mobile Data Terminal) or the call was issued to him via radio transmission. Moreover, according to Officer Driscoll's written report to this investigator, he indicated that he did not recall any cellular conversation with anybody prior to arriving at [REDACTED]. *(Note, a review of the radio dispatches and the MDT messages for June 4, 2011, there was no dispatch for Officer Driscoll to respond to [REDACTED]. Officer Driscoll was permitted to examine the MDT call reports as did Officer Muri.)*

Officer Driscoll was then asked how he came to know to respond to that location. When asked whether it was possible that he received a cellular call informing him of the incident there, Officer Driscoll replied in the affirmative. When asked whether that call was presumably from Sgt. Fawkes, Officer Driscoll also replied in the affirmative.

Officer Driscoll seems to be at a genuine loss as to how he was notified of this call and in the face of the fact that there was no audible or digital dispatch, he seemed to acquiesce to the notion that he must have received a phone call, presumably from Sgt. Fawkes, to respond to that location. *(The fact that Officer Driscoll knew that this incident involved Sgt. Fawkes and that he referred to the matter as "an issue"; perhaps an effort to preserve some level of on-air discretion, suggests that Officer Driscoll had been called by Sgt. Fawkes via cell phone and briefed as to the situation.)*

When asked whether Sgt. Fawkes would have his cell phone number, Officer Driscoll replied that all the Ashland officers have each other's number and that such conversations are commonplace. When asked whether it would have been Sgt. Fawkes calling him or vice-versa, he replied that the sergeant would have called him.

When asked once again why he referred to the matter as "the issue" he replied that it was the harassment allegation against Mr. Cavanagh. While Officer Driscoll did not know the exact address on [REDACTED], he did know the location of this residence to be the address of the William Cavanagh's residence.

Officer Driscoll denies having met William Cavanagh before this incident. Moreover, he denied having heard of him as well.

Officer Driscoll states that upon his arrival to this address in his marked cruiser, he observed both Sgt. Fawkes and a person that was later identified to him as William Cavanagh having "interaction" in the driveway of the Cavanagh residence. Officer Driscoll stated that as he arrived, both Fawkes and Cavanagh were engaged in conversation and that both were agitated. When asked whether it seemed to him that both men were "pissed off at each other" and "jawing" at each other, Officer Driscoll agreed. When asked where Fawkes' personal vehicle was at this point, Driscoll responded that he was sure it was nearby but that he could not recall its exact location at this point.

After parking his cruiser, Driscoll reports that he alighted and approached the two men who were still in the driveway on foot. As he neared, Sgt. Fawkes reportedly approached the officer and relayed the information that William Cavanagh was harassing [REDACTED] and had done so in the

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past multiple times. While Sgt. Fawkes was conveying this information to Officer Driscoll, clearly in the presence of Mr. Cavanagh, Mr. Cavanagh was becoming increasingly "irate"

Officer Driscoll recalled that in the course of his tirade toward Greg Fawkes, Cavanagh called the Sgt. "a punk". That he [Cavanagh] was going to obtain a restraining order against Fawkes and he then made mention of the past issue where Sgt. Fawkes created problems for Cavanagh's [REDACTED] while that son was incarcerated in the Billerica House of Correction.

Officer Driscoll reports that at about this point in time, a [REDACTED] the officer assumed was [REDACTED] came out of the house via the door nearby the driveway. When William Cavanagh observed her there he reportedly said to [REDACTED], "Get the fuck back in the house" and with that he grabbed [REDACTED] by the arm and guided her into the house. William Cavanagh also entered the house at this point in time. Prior to his complete departure inside, Mr. Cavanagh told both officers to get off of his property. As Mr. Cavanagh entered the home, Officer Driscoll said to Cavanagh that he [Officer Driscoll] "was conducting an investigation and that he needed to speak with him". Mr. Cavanagh continued into his home ignoring the comments of Officer Driscoll.

When I asked what the nature of the investigation was, Officer Driscoll replied that it was for the harassment of [REDACTED] and that he needed to get William Cavanagh's side of the story. With that Driscoll quipped, "Even bad guys can be victims too".

When directly question whether Sgt. Fawkes directed to conduct an investigation into this matter, Officer Driscoll replied, "yes".

When asked whether Sgt. Fawkes was on or off duty, Officer Driscoll expressed some level of uncertainty. While he presumed Fawkes to be off duty, he did comment that in the past, Sgt. Fawkes has worked in the capacity of a detective in plain clothes. This notwithstanding, when questioned once again, Officer Driscoll reiterated that it was Sgt. Fawkes who directed him to conduct this harassment investigation.

As Cavanagh was in the house presumably to stay at this point, Officer Driscoll and Sgt. Fawkes left that scene and responded to the nearby [REDACTED] Greg Fawkes where he interviewed [REDACTED] as to [REDACTED] earlier discourse with William Cavanagh. There, Officer Driscoll was informed that earlier that day, William Cavanagh had reportedly made a comment to [REDACTED] that [REDACTED] found to be flirtatious, insulting and tantamount to an unwanted sexual advance². [REDACTED] claimed that these comments have always made [REDACTED] uncomfortable, but the fact that the intensity and boldness thereof had seemed to increase caused [REDACTED] to make this complaint.

Officer Driscoll then went about documenting the incident and began the process of obtaining an emergency harassment order on behalf of [REDACTED]

In returning the discussion to the incident at the Cavanagh residence between Greg Fawkes and William Cavanagh, I asked what comments he heard and Officer Driscoll responded that his attentions

² The comment in sum was a request that by Cavanagh to [REDACTED] that [REDACTED] call him when [REDACTED] was on [REDACTED] regular walk in the area but only when [REDACTED] was not with [REDACTED]. There is little dispute that this comments was summarily out of line and unduly provocative. Moreover, there is evidence to conclude that Mr. Cavanagh; a self described "flirt", has made comments to [REDACTED] over the course of an extended period of time.

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was primarily upon Mr. Cavanagh as a result of his heated, irate and incensed demeanor. In fact, Officer Driscoll commented that he was of the opinion that Cavanagh may become violent.

When asked what Fawke's response was when Cavanagh called him a "punk", Driscoll replied that the sergeant was agitated but that he was in control of himself. Driscoll recalls that Fawkes did tell Cavanagh to stay away from [REDACTED] and that he [Cavanagh] "thinks you own this town".

When asked specifically whether he heard Sgt. Fawkes make any type of audible reference to Cavanagh's police record or criminal history, Driscoll replied in the negative.

When asked specifically whether he heard Sgt. Fawkes make any type of audible reference to Cavanagh's [REDACTED], Driscoll replied in the negative. Officer Driscoll denies having any personal knowledge of the investigation involving Mr. Cavanagh's [REDACTED]

When asked specifically whether he heard Sgt. Fawkes make any type of audible comment to the effect that he [Sgt. Fawkes] would throw Cavanagh out of the police station if he ever saw him there, Driscoll replied in the negative.

When asked whether there may have been such comments made between Fawkes and Cavanagh before his [Driscoll's] arrival to that scene, Officer Driscoll stated that there could have been.

When asked whether Greg Fawkes asked that the officer obtain an emergency harassment order, Driscoll replied, "no". Driscoll indicated that he offered [REDACTED] the order and that this was SOP in the Ashland Police Dept.

When asked why he didn't arrest Cavanagh for the misdemeanor involving harassment, Officer Driscoll was at first unclear whether such an arrest could be executed but then commented that he never had the opportunity to speak with William Cavanagh. Officer Driscoll claims that at no time did Greg Fawkes ask that Cavanagh be arrested.

In the course of this harassment investigation, Officer Driscoll stated that [REDACTED] had made no other reports to police of prior comments by Cavanagh to [REDACTED]

When asked how it was that Greg Fawkes was at Cavanagh's [REDACTED] address, Officer Driscoll at first replied that he did not know. He then added that he could have gone there to confront Cavanagh or it could have been to inform him [Officer Driscoll] as to the details of his [REDACTED] complaint and have him [Driscoll] investigate. Officer Driscoll was not certain however.

When asked why Sgt. Fawkes called police to this location, Officer Driscoll replied that he did not know.

Officer Driscoll stated that after obtaining the emergency order from the on-call judge, he returned to the Cavanagh residence but by then, Cavanagh was not home. At a later point, Sgt. Zanella informed him that Cavanagh had returned home. At that point, he [Driscoll] and Officer Foster served Cavanagh the order at his residence. Driscoll reports that by this point, Cavanagh had calmed down, admitted that he was a flirt and claimed that he would leave [REDACTED] alone.

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Officer Driscoll claims that he was not aware of any witness present and denies seeing anybody in the area that could have witnessed this incident.

In his written report, Officer Driscoll wrote that Sgt. Fawkes was at that location supporting [REDACTED]. When asked if [REDACTED] was present at that location, Driscoll stated that [REDACTED] was not.

Officer Driscoll stated that this was the very first Harassment order that he had obtained on behalf of a citizen. He added that since then, he has done a handful more.

When asked to comment as to the discrepancy in the times of his radio response to [REDACTED] and the times on the official Ashland PD call record, Officer Driscoll claimed that he did not know. At this time, Officer Muri interjected and stated that the clocks at the Ashland PD are not all synchronized and that this discrepancy could be caused by that. He added that often times the dispatchers may "backfill" a call after officers are already on scene and mark the dispatched, on route, and arrival times as all the same. This seems to be the case here.

As for the existence of the call in the first place, Officer Driscoll stated that he did not direct the dispatcher to do so. In the absence of that, it would appear that this call was generated on the basis of Greg Fawkes' phone calls to dispatch. (20:50)

As the interview came to a conclusion, Officer Driscoll was asked whether he had any comments that he wished to make a part of the record, he replied that he had no further comment and that he had nothing to hide or cover-up.

The interview was then concluded.

Interview Comments & Impression:

Officer John Driscoll is fairly new to the Ashland Police Department having been appointed in August 2010. Prior to coming to Ashland, Officer Driscoll was a Milton Police Officer. Officer Driscoll is currently being considered for the position of detective in the Ashland Police Department.

On June 4th, 2011, Officer Driscoll was clearly thrust into a precarious and no-win position by police supervisor, Sgt. Greg Fawkes. Moreover, Sgt. Fawkes also happens to be the president of the police union local; a position with considerable informal sway over the operations of the Ashland Police Dept. Officer Driscoll was called to [REDACTED] that morning at the behest of Greg Fawkes who himself had gone to that location to confront Bill Cavanagh for having made an inappropriate comment to [REDACTED]. At the time of this response, Officer Driscoll was on duty and Greg Fawkes was off duty. Officer Driscoll's response to this location was set in motion by three calls that Sgt. Fawkes has made to Ashland dispatch requesting police assistance in this matter.

Sgt. Fawkes, according to his interview, asserts that Officer Driscoll was called there "as a witness" because he "knows how Bill Cavanagh can be". Pursuant to his report and interview statement, Officer Driscoll reported that he was sent to this location so that he could investigate a case of harassment against [REDACTED]. In his statement to this reporting investigator, Officer Driscoll conceded that it was Sgt. Fawkes that directed him to conduct this harassment investigation. In his own interview,

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Sgt. Fawkes clearly states that "He didn't direct anybody to do anything". These are compelling disparities. Had this been just an investigation, there was no need for Sgt. Fawkes to have gone to [REDACTED] as the percipient witness was [REDACTED] not Greg Fawkes and [REDACTED] was not there. Clearly, there was nothing to be gained by Sgt. Fawkes' going to confront Bill Cavanagh, especially with a uniformed and apparently uninformed police officer.

What is clear is that at the end of this investigation, William Cavanagh was not arrested nor was he criminally charged with criminal harassment. Pursuant to MGL Chapter 265 § 43A, (a) *Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000, or by both such fine and imprisonment.* Why wasn't Cavanagh arrested or at least charged? Sgt. Fawkes strongly asserts that William Cavanagh has been engaged in an ongoing campaign of harassment against [REDACTED] over the course of many months and that [REDACTED] has suffered emotional distress over this, yet no criminal charges have been forthcoming. The only form of official action that has been undertaken has been the acquisition of a Harassment order obtained with the assistance of Officer Driscoll. (Interestingly, even when that order was violated, the Ashland Police Department failed to execute the mandated arrest for that offense apparently with the blessing of Sgt. Fawkes.)

By the time Officer Driscoll had arrived to [REDACTED] that morning, Sgt. Fawkes was already engaged in heated conversation with Bill Cavanagh. Officer Driscoll's recollection of events attributable to Bill Cavanagh is recalled with far more clarity than those attributable to Sgt. Fawkes. Officer Driscoll's explanation that he was concentrating more on Bill Cavanagh, "because he looked like he was ready to engage in violence" lacks credibility. Both men were at arms length and Officer Driscoll could have easily perceived the comments and actions of both men. Still, it could well be that Sgt. Fawkes may have made some unseemly comments to Cavanagh (the statements referring to the criminal record, the [REDACTED] and the alleged threat to throw Cavanagh out of the police station) before Officer Driscoll arrived.

Clearly, both Sgt. Fawkes and Bill Cavanagh were irate and justifiably so. Fawkes was avenging his [REDACTED] sentiments and Bill Cavanagh's personal property and space were violated by Greg Fawkes and his on-duty, uniformed, and armed comrade-in-arms. I can't think of any person that would not react negatively to that experience especially when [REDACTED] and [REDACTED] are just inside the home hearing this.

I believe that what information that Officer Driscoll gave me was truthful; however, he wasn't offering up any information voluntarily. I fully understand his predicament and empathize with the predicaments he was unwittingly thrust into at [REDACTED] on the morning of June 4th, 2011.

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Sergeant Gregory Fawkes:

On 23 January 2012, Major Edward J. McGinn, Jr. interviewed Sgt. Gregory Fawkes at the law offices of Mirick, O'Connell at 100 Front St. in Worcester. This interview was audio-recorded.

Interview Summary:

On Monday, 23 January 2012 at 1130 hours, Ashland Police Sgt. Gregory Fawkes appeared at the law offices of Mirick, O'Connell, 100 Front St., Worcester, to be interviewed pursuant to the complaint of William Cavanagh. This interview was conducted by this reporting officer. In attendance at this interview was Ashland Police Department Lt. David Beaudoin. Sgt. Fawkes was accompanied by his union attorney John Becker. Attorney Demitrios Moschos, Ashland Labor Counsel, was also in attendance. This interview was audio recorded.

At the outset of the interview, Sgt. Fawkes was advised of the purpose of this interview was in part of an investigation of the 07 June 2011 complaint of Mr. William Cavanagh of Ashland MA. This interview was originally scheduled for 10:00 AM January 23, 2012, however Sgt. Fawkes did not arrive until approximately 11:20 AM. The sergeant explained that he had the time of this interview confused thinking it was to occur at 1:00 PM. Sgt. Fawkes' attorney arrived at 10:00 AM.

The following is an account of the interview in summary form. It is not a transcript.

Sgt. Fawkes was first asked whether he was aware that Officer John Driscoll was interviewed in connection with this investigation on Tuesday 17 January 2012. He replied that he was aware of this. I then asked Sgt. Fawkes if after this interview whether he had a meeting at his home with other members of the Ashland Police Department. He responded that he had no such meeting.

Sgt. Fawkes was then asked whether any on-duty Ashland police officers were at his home on the morning of January 17, 2012, he replied that Officer Michael Dionne had been there. He added that Dionne had gone there to discuss union business. Sgt. Fawkes then added that Lt. Briggs had been to his home recently but that he *thought* that he had come by the day before. When asked what the purpose of that visit was, Sgt. Fawkes replied, "I think he was picking up a plumbing part". When asked whether these two officers were there at the same time, Fawkes replied a definitive "no" and that he was "positive" that they were not there at the same time.

Sgt. Fawkes was then asked if it would surprise him to know that Lt. Briggs unmarked cruiser (a white Ford 500) was parked out in front of his home on the morning of January 17, 2012³. With that Sgt. Fawkes stated that it was entirely probable that Lt. Briggs had been at his residence that morning.

³ After the interview of Officer John Driscoll in Ashland on January 17, 2012, this reporting officer drove the walking course of [REDACTED] from [REDACTED] address to the Cavanagh residence at [REDACTED]. As I drove past that residence, I observed a uniformed Ashland police officer walking up the front steps. This officer was wearing a leather police cruiser jacket and at first I thought the individual to be Officer David Muri whom had just left town hall where the interview occurred. Officer Muri attended the interview with Officer Driscoll as his union representative. I was able only to view a brief glimpse of the officer entering that residence. I later learned that the cruiser parked in front of that residence was that of Lt. Briggs. After reviewing a photo of Lt. Briggs from the Ashland Police Department's Facebook pages, I determined that the person entering the residence on [REDACTED] was Lt. Briggs.

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Sgt. Fawkes claims that Officer Muri did not come to his address that morning and there is no evidence to conclude that he did.

Sgt. Fawkes' attention was then called to June 4, 2011. He was asked whether he directed Officer John Driscoll to respond to [REDACTED], the residence of William Cavanagh. Sgt. Fawkes replied, "no".

He then stated that he called Ashland dispatch (also referred to as "control") to see if they could send an officer over to that location. Sgt. Fawkes indicated that he inquired who was working so that the "best guy" could be sent there.

Sgt. Fawkes was informed that all the officers on duty at the time were tied up on other calls. When asked about Sgt. Zanella, Sgt. Fawkes replied that he thought him to be a nice guy but he was of the opinion that Sgt. Zanella was "tight with" William Cavanagh and he (Sgt. Fawkes) did not want him there. As for the other officers that were on duty, Sgt. Fawkes characterized Officer William Foster as "neutral" and that Officer Driscoll would be a good witness because he was new.

When asked if he had contacted Officer Driscoll via cell phone, Sgt. Fawkes stated that he did and that he did so as to brief the responding officer as to the situation at hand. As it turned out, he was unable to give this briefing to Officer Driscoll as by the time he had called Driscoll, William Cavanagh was already present, in close proximity and was reportedly "standing right there". Sgt. Fawkes only managed to say to Officer Driscoll, "Are you coming?"

When asked why he called an on-duty officer to the scene, Sgt. Fawkes responded that because William Cavanagh had filed false complaints about him in the past, and because he knew what kind of "shady" character he was, he feared that William Cavanagh would file a false accusation against him saying that Fawkes hit him or threatened him.

When asked why he went over there in the first place himself, Sgt. Fawkes stated that he was going to tell William Cavanagh to stay away from [REDACTED], that this had been going on for a long time and that he thought these comments to be all too frequent and flirtatious.

Sgt. Fawkes then stated that he had told [REDACTED] that William Cavanagh was "trouble" and that he had arrested [REDACTED] in the past. Sgt. Fawkes also told [REDACTED] to avoid William Cavanagh and not to "amp him up". He added that William Cavanagh was aware that she was [REDACTED] and that he had been repeatedly trying to "friend" her on Facebook.

Sgt. Fawkes added that once William Cavanagh had learned that [REDACTED] was [REDACTED] he became bolder and that his comments to [REDACTED] became increasingly inappropriate. Even when [REDACTED] would take another walk route, William Cavanagh would reportedly locate [REDACTED] and pull his vehicle over to engage [REDACTED] in talk.

As for the June 4th incident, Sgt. Fawkes stated that on this date, William Cavanagh pulled up alongside [REDACTED] while [REDACTED] was on [REDACTED] walk whereupon he reportedly said to [REDACTED], "I can't believe that you've had [REDACTED]". He then reportedly said, "Why don't you come my house, give me your cell phone number and call me when you come by; but not when your Bozo husband is around".

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Sgt. Fawkes found this comments to be the breaking point and he then reportedly told [REDACTED] "that's it, you're not walking by there anymore".

Sgt. Fawkes reported that every time William Cavanagh supposedly made a flirtatious or untoward comment to [REDACTED], [REDACTED] informed him. Sgt. Fawkes however, reports that these incidents had not been documented or formally reported although he did mention them to some of his colleagues in the APD. In sum, Sgt. Fawkes reports that he was not overly concerned that William Cavanagh would do anything to his [REDACTED]

On June 4th however, Sgt. Fawkes decided that he was going to go over to William Cavanagh's residence tell him not to speak with [REDACTED] and that he called for a police officer to assist him merely as a witness.

In discussion of the how the June 4th incident occurred, Sgt. Fawkes stated that he pulled up the street (on Concord St.) away from Cavanagh's house and waited as Officer Driscoll was not yet there. He added that at this time William Cavanagh was not yet home, and his car was not there. Sgt. Fawkes stated that this was "good" (that William Cavanagh was not home) and that he could wait for Officer Driscoll to arrive "and maybe" Officer Driscoll would talk to William Cavanagh later if was he (William Cavanagh) was not there. (Sgt. Fawkes conceded here that he was waiting for William Cavanagh) But, before Officer Driscoll arrived, William Cavanagh drove up and stopped his vehicle beside Sgt. Fawkes's truck and stopped and looked at Sgt. Fawkes and gave what Sgt. Fawkes called a "chin nod". At that point Sgt. Fawkes states he called the station and asked whether they were sending him someone or not because, "the guy is like flagging me over, saying come here". When asked if it was an accurate assessment of the facts that William Cavanagh called him over, flagged him down, Sgt. Fawkes replied that Cavanagh stopped his vehicle and said like, "what's up?" At this point Sgt. Fawkes was parked across the street from the Cavanagh home. Sgt. Fawkes states that the then got out of his truck and said to William Cavanagh, "Bill, what are you saying to [REDACTED]" Cavanagh they reportedly replied, "I don't know what you are talking about". With that Sgt. Fawkes said to him, "Bill, come on, I know this has been going on for a long time, I've documented these incidents for a long time" (although he didn't, Fawkes was bluffing). Cavanagh then said to Fawkes, "Go fuck yourself" and then he proceeded to park in his driveway.

When asked if he had contacted Sgt. Zanella, the Officer in Charge of that shift, by this point in time, Sgt. Fawkes said that he did not. Once again Sgt. Fawkes stated that Zanella had a friendly relationship with William Cavanagh.

At this juncture, I played an audio recording of Sgt. Fawkes' first 911 call to Ashland dispatch this date. The text of that call is as follows:

Date	Time	Event	Officer/Dispatch
June 4, 2011	10:35:21	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
Sgt. Fawkes contacts Ashland 911 dispatch and inquires of the dispatcher as to who is working. (Fawkes seems familiar with this dispatcher and calls her by her first name Jamie.) The dispatcher informs Sgt. Fawkes that the following officers are working: Driscoll, Billy (Foster), and Steve (Zanella). She then added the name Joe.			

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Fawkes first selects Driscoll and asks the dispatcher whether he was out at the station or on the road but mid-thought inquires who is available at the moment. The dispatcher informs Fawkes that all the road officers are tied up at the moment. The dispatcher then informs Fawkes that "Billy was there" and Fawkes then asks whether Billy is out at the station. The dispatcher informs Fawkes that Billy is up on [REDACTED]. Fawkes ends the call by stating that he will call Billy via cell phone. (Presumably, the officer Fawkes is to call is Officer William Foster.)

(33:09) After hearing this tape, Sgt. Fawkes was asked whether he selected Officer John Driscoll to be dispatched to assist him. (Sgt. Fawkes was read the list of all the officers that were in duty that morning.) Sgt. Fawkes replied that he did select Officer Driscoll. When asked why, Sgt. Fawkes replied that, "he was new, he didn't know anything". He added that he likes Officer Driscoll. (Sgt. Fawkes, at this point, upon direct questioning, denied asking Officer Driscoll about his January 17th interview.) Sgt. Fawkes did, however, speak with Officer Muri about some matter of ease dropping that may have occurred a short time prior to that interview at town hall. As for Officer Foster who was also on that morning, Sgt. Fawkes states that he is a good guy and that he has known him for about 10 years.

At this juncture, I played a second audio recording of Sgt. Fawkes' second 911 call to Ashland dispatch this date. The text of that call is as follows:

Date	Time	911	Dispatched to
June 4, 2011	10:37:03	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
<p>Sgt. Fawkes calls the dispatcher once again. As soon as Fawkes said to her, "Jamie", she immediately recognized Fawkes' voice and says to him, "still going right to voice-mail isn't it?" Fawkes replies that it was. Fawkes then asked the dispatcher to have Billy (Foster) call his cell phone ASAP. The dispatcher (Jamie) seems accommodating and says to Fawkes, "I can try, his phone is F'ed up". With that Fawkes asks whether there is anybody who can clear, "I kinda need somebody". The dispatcher replied that he is clear, I can send somebody". With that the dispatcher said to Fawkes, "I can try to have him call you". With that Fawkes replied, "Well I need him to call me first, that's the thing". The dispatcher then told Fawkes that she would have the officer (presumably Foster) to call him and if need be to come into the station to make the call. With that Fawkes said OK and the call was completed.</p>			

31:35 Sgt. Fawkes was then asked why it was so important that the responding officer call him *before* responding to that location. He replies that he did not want to have the responding officer to be blindsided upon his arrival and not know what was going on. He added, I knew that William Cavanagh was going to scream and yell, "I know how he is", "I know his history" and "I wanted to tell him to stop". He then commented that William Cavanagh is the type of guy that would bully a cop.

With that, Sgt. Fawkes was asked about his knowledge of William Cavanagh's history. He then related a story of a neighbor dispute involving William Cavanagh. He stated that Cavanagh and his neighbor

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at the Catch 22 restaurant hated one another and that on one occasion, William Cavanagh drive his vehicle through the parking lot in such a way so as to project gravel at the restaurant's customers. He continued, "I have a background with William Cavanagh". I have knowledge of his son". In further discussion of that son, Sgt. Fawkes stated that several years ago, he arrested William Cavanagh's [REDACTED] for having broken into a number of cars in town. Notwithstanding this, Sgt. Fawkes stated that he liked [REDACTED], that he was a likeable and polite kid but misguided. Sgt. Fawkes then stated that William Cavanagh seems to harbor animosity against him (Fawkes) stemming from an occurrence where Sgt. Fawkes and a Sgt. Wildman went to the Billerica House of Correction in order to interview [REDACTED] while he was awaiting trial there. Per William Cavanagh's opinion, he thought this was just a gesture of spite toward the son as incarcerated prisoners are of the impression that anytime an inmate speaks with police, they are engaged as an informant. This ultimately led to the [REDACTED] having difficulty in jail resulting him requesting to be put in segregation for his own safety. In response to this, Sgt. Fawkes stated that he was a fair person and that it was not his intent to make life difficult for [REDACTED] while he was in jail awaiting his trial.

At this juncture, I played an audio recording of Officer Driscoll's police radio transmission to dispatch announcing his clearing an investigation on [REDACTED] and then announcing his response to [REDACTED] to assist Sgt. Fawkes. The text of the transmission is as follows:

June 4, 2011	10:41:34	Radio	Disp. Jamie Patriarca A6 Officer John Driscoll A14 Officer Wm. Foster
A6 (Officer Driscoll) contacts control (dispatch) and notifies the dispatcher that he is now clear from a call on [REDACTED]. The officer indicated that the investigation there is ongoing and that he will prepare a brief report. Officer Driscoll then adds that he is responding to assist Sgt. Fawkes on "an issue".			

(25:50) Sgt. Fawkes was asked how Officer Driscoll came to know to respond to [REDACTED] in order "to assist Sgt Fawkes with an issue". Sgt. Fawkes responded that he did not know and posited that control may have contacted him to advise him of the call there. Sgt. Fawkes does surmise that he did call Officer Driscoll via cell phone but by the time that this call was made, he only had the opportunity to ask him whether he was coming there or not.

The fact that Officer Driscoll stated on the radio that he was responding to [REDACTED] to assist Sgt. Fawkes was then addressed. Upon directed questioning, Sgt. Fawkes stated that he was off-duty, he did not self activate, did not have a badge, was unarmed and arrived there in his own personal vehicle. When asked why then did he call dispatch requesting that Officer Driscoll be sent there, Sgt. Fawkes responded, "to be a witness". By this point in time, Sgt. Fawkes states that he did not contact Sgt. Zanella and he does not know whether anybody else had either.

I then played an audio recording of Sgt. Fawkes' call to dispatch. This call was approximately 3 minutes after Officer Driscoll reported on the radio that he was leaving [REDACTED] and that he was en

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route to [REDACTED] to assist Sgt. Fawkes. Clearly, by the time this cellular call was made to dispatch by Sgt. Fawkes, Officer Driscoll had not yet arrived. The text of the transmission is as follows:

June 4, 2011	10:44:08	911	Disp. Jamie Patriarca & Sgt. Greg Fawkes
<p>Sgt. Fawkes calls 911 and informs Dispatcher Patriarca (again, whom he refers to familiarly as Jaime) and informs her that he is on [REDACTED]. He then adds that he was "just driving down the street because somebody was harassing [REDACTED] and they flagged me down". "It's Bill Cavanagh, just so you know". The dispatcher then knowingly (and seemingly sarcastically) replies, "Oh, great".</p> <p>With that the dispatcher and Fawkes talk over each other. Fawkes tells the dispatcher that John Driscoll was going to assist him. At virtually the same time, the dispatcher says, "you are out with Bill Cavanagh and John Driscoll on his way". Fawkes then stated to her, "Yeah, John Driscoll is going to assist me". (Clearly, Fawkes knew Driscoll was one the way by this point in time; before the dispatcher informed him of that.)</p>			

(24:10) In his cellular call to the Ashland PD dispatch, Sgt. Fawkes stated that he "was just driving down the street because his somebody was harassing [REDACTED]". He added that they (presumably the person that had harassed [REDACTED]) had flagged him down. Sgt. Fawkes then added in his comments to the dispatcher that it was "Bill Cavanagh, just so you know". As it turned out, this occurred directly in front of [REDACTED], the residence of William Cavanagh.

After listening to the audio recording, Sgt. Fawkes was asked whether he knew by this point in time that Officer Driscoll was on the way. He replied that he had hoped that he was.

When asked about the discrepancy in his statements to the dispatcher that he was flagged down on Concord St. versus his comment to me that he had stopped there and was waiting for Officer Driscoll before confronting William Cavanagh, he stated, "well, I had just pulled up". He then stated, however, if I wanted to play semantics, he had just pulled up. When told that this was not a matter of semantics, rather, I called to his attention the conflict in his statement to the dispatcher and his statement to this investigator. Sgt. Fawkes then stated, "I pulled up to wait for him, that's correct".

(23:10) Sgt. Fawkes then seemed to become agitated and stated, "if you are implying that I am being untruthful, I know where you are going here, I am not being untruthful". He then again reiterated, I pulled up to wait for him, he pulled up (Cavanagh) gave me a chin nod and I got out to speak with him". When I asked Sgt. Fawkes whether it was OK with him that I investigated this matter, he replied, that he knew the "big picture, I see what is going on, the Chief had accused me of a lot of things in the past month". (I informed Sgt. Fawkes that I was not made aware of any of these alleged allegations Sgt. Fawkes replied, "I know".)

Sgt. Fawkes then stated, "I am not an untruthful person, I pulled up, I was waiting for a police officer to get there as a witness, Bill Cavanagh pulled up next to me, gave me a chin nod and that's that".

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Sgt. Fawkes was then asked at what point he got out of his truck. He replied that he did so when William Cavanagh gave him the chin nod. Sgt. Fawkes then stated that we walked over to the side of Cavanagh's truck while it was still in the roadway. This encounter occurred diagonally across the street from the Cavanagh residence as short distance toward the Mindess school, William Cavanagh had driven in from that direction.

Sgt. Fawkes reports that he then asked, "What did you say to [REDACTED] Bill?" Cavanagh then reportedly replied to the sergeant, "I don't know what you are talking about". Sgt. Fawkes then said he told Cavanagh that he was out of line, stay away from [REDACTED] Cavanagh then reportedly said to Sgt. Fawkes, "Go fuck yourself". Cavanagh then reportedly drove off and into his driveway.

When asked whether he was "pissed", Sgt. Fawkes replied, "Of course I was pissed". When asked if he raised his voice to Cavanagh, he replied, "No, not at all at that time". Sgt. Fawkes denies having threatened Mr. Cavanagh and denied having given him any reason to feel threatened or frightened of him.

Sgt. Fawkes then stated that he was aware of what he could and could not say what he could do and what he could not do to a person like Bill Cavanagh.

When asked if he followed William Cavanagh into his driveway on foot, Sgt. Fawkes stated that he thinks he waited for Officer Driscoll to arrive. He reportedly waited by his own truck. Sgt. Fawkes stated that it was only seconds later that Officer Driscoll had arrived.

After the officer's arrival, Sgt. Fawkes walked over to Cavanagh who was in his driveway at this time. Upon his arrival there, William Cavanagh reportedly then started "hooting and hollering", and called him (Fawkes) "a punk and stuff like that". In response, Sgt. Fawkes stated that he said to Cavanagh, "Look, this has been going on for a long time, stay away from [REDACTED] Bill, I haven't done anything about it thus far, I can't handle you man to man because of my job but I will handle you with the legal system if you continue with this behavior". At this point, I stopped Sgt. Fawkes and asked him what he meant by that comment. Sgt. Fawkes replied, "I said [to Cavanagh] that I will go and get a harassment order or whatever against you". Cavanagh then reportedly said to Sgt. Fawkes, "you want me to stop bothering [REDACTED] your tell [REDACTED] to stop walking by my house". To which Sgt. Fawkes reportedly stated, "[REDACTED] can walk anyplace [REDACTED] wants". Cavanagh then said, "You want me to stop bothering [REDACTED], your better get a fucking restraining order". Sgt. Fawkes then said that, "Well that's what I'll do Bill, [REDACTED] get a restraining or a harassment order". Cavanagh then reportedly made some comment to the effect that he (Fawkes) deserved it because he endangered his [REDACTED] when [REDACTED] was in jail. Fawkes then reports that Cavanagh then said I know everyone in this town, to include the Chief, Lt. Beaudoin and Steve Zanella. He went on to tell Fawkes that he (Fawkes) was a "fucking punk". Sgt. Fawkes then clarified this by saying, "No, he said half the guys in town think you're a punk" to which Fawkes reportedly replied, and "everyone knows you're a punk Bill".

Sgt. Fawkes then made a comment, "Bill, I know your history with women". Sgt. Fawkes then volunteered information that several years ago, he investigated a rape case which involved Bill Cavanagh's [REDACTED] as a witness. Sgt. Fawkes continued, "[REDACTED] friend [REDACTED] told me (Fawkes) that Bill Cavanagh had sexually assaulted [REDACTED] several times over the years". When asked who told him this, Sgt. Fawkes stated, [REDACTED]. In response

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to this allegation, Sgt. Fawkes reports that he had had contact with Bill Cavanagh because he was looking for [REDACTED] in connection with the first rape investigation. (Apparently, [REDACTED] was at first a cooperating witness and [REDACTED] identified [REDACTED] boyfriend as the man who had raped the victim in the case that Sgt. Fawkes was investigating. Since that time however, [REDACTED] had ceased to cooperate in that case, recanted her identifying statement and then acted in a way that caused [REDACTED] to be criminally culpable as an accessory after the fact. That was the reason Sgt. Fawkes was looking for [REDACTED])

In the course of that investigation, Sgt. Fawkes reported, that he had interacted with Bill Cavanagh in effort to locate and arrest [REDACTED]. It was during the course of those interactions that Sgt. Fawkes reportedly said to Bill Cavanagh that he (Fawkes) had received information (in the course of the first rape investigation) that he (Cavanagh) had allegedly sexually assaulted [REDACTED]. Sgt. Fawkes stated that in response to this accusation "Fuck you, talk to my lawyer".

(17:00) In continued discussion as to the occurrences at [REDACTED] on June 4th, Sgt. Fawkes stated to William Cavanagh, "Bill, you know you know your history with women, you know I know your history with you [REDACTED] I take this stuff seriously". (Sgt. Fawkes, earlier had added that [REDACTED] had informed him at the time of that investigation that Mr. Cavanagh had been totally inappropriate with [REDACTED] in the past, and that he had sexually assaulted [REDACTED] over the years when he [REDACTED])

In direct response to the comment as to Cavanagh's history with women and [REDACTED], he reportedly responded by saying "Oh fuck you, bringing that stuff up, you're an idiot, you're stupider than I thought."

Sgt. Fawkes stated that at that point in their discourse (still in the Cavanagh's driveway) Bill Cavanagh's [REDACTED] exited the home and asked what was going on. Sgt. Fawkes states that he then informed [REDACTED] that [REDACTED] husband has been harassing [REDACTED]. With that, William Cavanagh then reportedly shoved [REDACTED] telling [REDACTED] to go back inside the house. In response to this observation, Sgt. Fawkes stated that he advised Cavanagh, "Don't put your hands on you [REDACTED] Bill, it's not appropriate". Bill Cavanagh then reportedly said "fuck you get off my property." Sgt. Fawkes then said to [REDACTED] "Are you alright?" [REDACTED], "Yes, just leave".

I then asked if any neighbors were around and Sgt. Fawkes replied in the negative. With that Sgt. Fawkes said that William Cavanagh stated in his complaint that there was a neighbor who had witnessed the incident but that was not true. He then added that the complaint also stated that [REDACTED] was home at the time. He said, "I remember clearly that this was a school day and [REDACTED] was not there, when I read that, [REDACTED] was not around". When informed that June 4th was a Saturday, Sgt. Fawkes continued to claim that the [REDACTED] was not around. When asked whether the [REDACTED] could have been in the house, Sgt. Fawkes replied that this was possible.

When asked whether he had made reference to William Cavanagh's criminal record, Sgt. Fawkes replied no. He added that he said to Cavanagh, "You're a bad guy, you're a bad guy" or something to that effect.

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When asked whether he had attempted to investigate the allegation that Bill Cavanagh had sexually assaulted [REDACTED], Sgt. Fawkes replied that he attempted to but [REDACTED] would not speak with him and that Bill Cavanagh told him to talk to his lawyer.

When asked whether [REDACTED] was around still, Sgt. Fawkes replied that [REDACTED] was, that [REDACTED] did live in the [REDACTED] area, that [REDACTED] may have gone to live in [REDACTED] that [REDACTED] had a crack cocaine problem and that [REDACTED] was a prostitute.

When asked whether he had ever run a BOP (Bureau of Probation Criminal Record) check on William Cavanagh, Sgt. Fawkes that he did run such a check years ago during the course of that past rape investigation, but also that he had run one more recently in connection with one of the more recent events and put it in the case folder. He mentioned that it may have been Officer Driscoll's investigatory folder into the harassment order investigation on June 4, 2011.

When asked if he could clarify the date, Sgt. Fawkes replied that it was during the course of the investigation into one of the many instances of problems with William Cavanagh and that he had written a "bunch of reports" as to William Cavanagh, and that typically as part of the investigation, a BOP report is placed into the case file.

When asked if he know the content of William Cavanagh's BOP report, Sgt. Fawkes recalled that it had a number of theft entries. When asked whether there were any crimes of violence contained therein, Sgt. Fawkes replied that he did not know.

When asked whether during the course of this incident with William Cavanagh he was "pissed", Sgt. Fawkes responded, "Yes, of course I was". He added that he was calm and reserved until such time that William Cavanagh started screaming.

When asked whether he had confronted William Cavanagh in the past about these things, Sgt. Fawkes replied that he did not. When asked why not, he replied that he knew that Cavanagh would be extremely confrontational and that it was just not worth it.

When asked what "pushed him over the edge" this time, he replied that [REDACTED] came home and that [REDACTED] seem very shaken by it and upset and I felt that Cavanagh was trying to get to him through [REDACTED] and that he could not do that.

When asked whether he use profanity or insults, Sgt. Fawkes replied that he likely used the word "fuck" as in the context of "stay the fuck away from [REDACTED]".

Sgt. Fawkes was then asked whether William Cavanagh came into the Ashland Police Station frequently. He replied that it wasn't frequent but that he did know some people there. Sgt. Fawkes added that Cavanagh is quite friendly with Sgt. Zanella, Lt. Beaudoin and the Chief. When asked as to his knowledge of these people, Sgt. Fawkes stated that he knows Cavanagh and Sgt. Zanella to drink at the same bar. When asked how this connected them as friendly, he added that both worked in construction and that he has heard Sgt. Zanella characterize Cavanagh as a "big mouth but that he was not that bad". Sgt. Fawkes stated that Lt. Beaudoin has told him (Fawkes) that he were close friends and that he was in the same golf league with Lt. Beaudoin.

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When asked what Officer Driscoll said or did on scene (at [REDACTED], June 4th) Sgt. Fawkes replied that he didn't do much. He added that after they left the driveway, Officer Driscoll reportedly asked him (Sgt. Fawkes), "does [REDACTED] want to get a harassment order because he had heard him (William Cavanagh) about getting the restraining order or something to that effect". Officer Driscoll then informed Fawkes that he would have to go over to the [REDACTED] to speak with [REDACTED] with the forms.

I then played an audio recording of Officer Driscoll's call to dispatch. The text of the transmission is as follows:

June 4, 2011	10:50:41	Radio	Disp. Jamie Patriarca & A6 Officer John Driscoll
A6 (Officer Driscoll) calls into dispatch directing the dispatcher to "show us clear from that location", "we'll both be coming in to the station".			

When asked to comment as to Officer Driscoll's statement, "We'll both be coming into the station". Sgt. Fawkes has no answer to that as he maintained that after having left [REDACTED], he and Officer Driscoll went to the [REDACTED] where he interviewed [REDACTED].

When asked whether he had directed Officer Driscoll to do anything in the course of this incident, Sgt. Fawkes replied in the negative. Sgt. Fawkes later stated, "I didn't direct anybody to do anything". Sgt. Fawkes stated that during the course of Officer Driscoll's interview of [REDACTED], he was present.

When asked whether he made any reports as to this incident, Sgt. Fawkes stated that he made a bunch of reports as to William Cavanagh. When asked specifically whether he made a report regarding June 4th 2011, Sgt. Fawkes replied, "I don't think so".

When asked whether he has ever asked any other officer to file report at to William Cavanagh, Sgt. Fawkes responded that he was sure that he did.

In discussion of the incident of October 26, 2011 at the Mindess School, Sgt. Fawkes stated that he and [REDACTED] were in their car waiting for school dismissal so as to pick up [REDACTED]. While they waited, they observed William Cavanagh pull up directly behind them and then exit his vehicle to speak with a motorist behind his car. Sgt. Fawkes reports that Cavanagh clearly knew that the vehicle in front of his was that of [REDACTED] and that [REDACTED] was therein. He added that he did not know whether Cavanagh knew he was in the car too. Sgt. Fawkes reports that he then called Ashland PD dispatch, asked who was working whereupon he was informed "Mike Dionne". Fawkes then asked that Officer Mike Dionne be dispatched to that location. (He claims not to recall whether he informed dispatch that Cavanagh had violated the harassment order.) Sgt. Fawkes then called "Mike" and informed him that William Cavanagh had just violated the harassment order and could he come over there. He added that he asked that Cavanagh not be arrested as that would be unsettling to [REDACTED].

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In summary, Sgt. Fawkes was asked whether Officer Dionne was made aware of the fact that William Cavanagh was in violation of the harassment order and that he (Dionne) did not arrest him. Sgt. Fawkes responded, "correct". When asked whether this action (or lack thereof) was contrary to statute which makes arrest mandatory in such instances, Sgt. Fawkes stated that was correct. He then added, "in all fairness, I asked him not to arrest Cavanagh". When asked whether he directed Officer Dionne not to arrest Cavanagh, Sgt. Fawkes replied, "I didn't direct him to do anything". Sgt. Fawkes added that he was not working and that he did not enter any official documentation as to this incident.

At this point in the interview, Sgt. Fawkes was asked whether he had any comments. Sgt. Fawkes responded that that William Cavanagh has criminally harassed him in the past.

Sgt. Fawkes was then asked whether (from the outside looking in) that it would be reasonable for someone to believe that when a you go over there to confront him and that you're a sergeant in the Ashland PD and that you bring another police officer, do you think that a reasonable person would think that the odds were stacked against the guy? Sgt. Fawkes replied, that he may have taken it that way, but that he took Officer Driscoll there as protection. He knew that John Driscoll was there as a witness and that he stood there, had no involvement and just watched. He added that William Cavanagh would have lied in his complaint that he had hit him and he thought that this was a prudent and responsible thing to do.

In conclusion Sgt. Fawkes stated that he would do the same thing over again.

The interview was then suspended.

Upon resumption of the interview, Sgt. Fawkes was asked whether he had had access to the audio 911 or radio calls tapes. He claims that he has not.

The interview was then concluded.

Interview Comments & Impression:

Sgt. Fawkes was well-versed in this case and he had clearly reviewed the case materials in preparation of this interview. In fact, Sgt. Fawkes even cited the complaint of William Cavanagh and disputed some of the assertions contained therein; that his [REDACTED] was home and overheard the discourse of June 4th, 2011. It is unknown how Sgt. Fawkes obtained those materials for his review.

Sgt. Fawkes, at no time notified Sgt. Stephen Zanella who was the Official in Charge of the Ashland PD field officer on June 4th, 2011. Sgt. Fawkes suggests that the reason that he did not notify Sgt. Zanella that he was "using" the personnel that Zanella was responsible for was because was he thought Zanella to be closely aligned with Bill Cavanagh. When given the chance to substantiate or qualify his characterization of their close relationship, Sgt. Fawkes offered an inane and poorly grounded anecdotal basis for this assumption. "They drink at the same bar", "they are both in construction", "he once stated that Cavanagh was not that bad...", were the basis offered up by Sgt. Fawkes.

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Sgt. Fawkes asserts throughout this investigation that he knows how William Cavanagh thinks and acts and that he can predict how Cavanagh will behave in the face of a confrontation (with Sgt. Fawkes) over an untoward comment that he made to [REDACTED]. In fact, Sgt. Fawkes was so concerned by this expected strong and potentially violent reaction that he brought along with him, a young and inexperienced new officer to act as witness. This makes no sense whatsoever. Sgt. Fawkes' judgment is called into question by going to [REDACTED] in the first place and it is even more questionable that he brought another on-duty officer along. What was a purely a man-to-man exchange among civilians became the official business of the Ashland Police Department when Sgt. Fawkes brought along an on-duty officer "to witness" this event. This is unjustified, and grossly improper.

While any man's first urge would be to confront and try to reason with a person who made inappropriate comments to [REDACTED], Sgt. Fawkes knew Cavanagh, knew that he did not like him, did not like Cavanagh in return, and fully expected a profound negative reaction. Yet, he went anyway. Clearly, a prudent police supervisor would not have placed himself, his subordinate, or his department in that predicament. Going to [REDACTED] accomplished nothing, rather it worsened matters.

Sgt. Fawkes could have very easily called the Ashland Police and asked that an officer be dispatched to his address to investigate this report of Harassment. It would have been that officer's obligation to then speak with Mr. Cavanagh, but at least the playing field would have been leveled. Moreover, the Officer in Charge of the police at that time could have exercised his judgment and oversight over the matter because he would have been privy to the matter unlike was the case here. As it was, an off-duty police sergeant with an armed, on-duty police officer, marching onto a citizen's property and making allegations is not the proper way to redress these issues.

In his third call to Ashland dispatch, Sgt. Fawkes informs the dispatcher that he was "just driving down the street because somebody was harassing [REDACTED] and they flagged me down". "It's Bill Cavanagh, just so you know". This is patently false statement that Sgt. Fawkes made to the dispatcher while on a recorded line. Sgt. Fawkes admits that he was looking for Bill Cavanagh and that he stopped and parked across the street from Cavanagh's home waiting for him to return home. In fact, Cavanagh neighbor [REDACTED] stated that Sgt. Fawkes was observed driving up and down [REDACTED] in search of Cavanagh before he stopped and waited. Additionally, the fact that William Cavanagh stopped in the roadway and gave a "chin nod" to Sgt. Fawkes, a man he strongly dislikes, and that this alleged chin nod (even if it did happen) is tantamount to being "flagged down" is also patently false.

Logic would have it that the last person that would "flag down" Sgt. Fawkes would be Bill Cavanagh.

In his interview, Sgt. Fawkes would have us believe that he was calm, collected and controlled throughout his discourse with Bill Cavanagh even though Cavanagh was said to be irate, hooting and hollering. Admittedly "pissed" Sgt. Fawkes tells us that he calmly asked, "What did you say to [REDACTED] Bill?" All the while Bill Cavanagh is barraging him with insults such as "punk", "arrogant", etc. "You're a bad guy Bill" is the comment that Sgt. Fawkes stated he made in return. That simply does not hold a great deal of credibility especially under the emotionally charged conditions where his [REDACTED] was insulted.

Sgt. Fawkes admits to making mention of a past rape allegation against Bill Cavanagh. This matter supposedly involved Cavanagh's [REDACTED]. Even though this allegation was not supported by acknowledgement of the victim, it remains a rape allegation nonetheless and subject to the

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provisions of Massachusetts General Law Chapter 265 § 24C⁴ and Chapter 41 § 97D⁵ which proscribe the public disclosure of the identities alleged rape victims. (The fact that [REDACTED], Officer John Driscoll and potentially [REDACTED] heard this discourse creates the public disclosure.) At the very minimum, these disclosures represent a violation of confidentiality of protected law-enforcement information.

Sgt. Fawkes denies having made mention of Bill Cavanagh's criminal record, however, his willingness to accost him with an unsupported rape allegation seems to take the validity out of Sgt. Fawkes denial. It appears highly probable that in the heat of the argument, one where two witnesses claims that Sgt. Fawkes was highly agitated and irate, likely made mention of Cavanagh's criminal past one that would bring about a verbal response, "that was ten years ago". The totality of the situation suggests to me that Sgt. Fawkes did improperly make mention of Bill Cavanagh's criminal past.

Bill Cavanagh in his interview stated that "the tables turned" when Greg Fawkes showed up at his home with an on-duty officer". That was the point when he knew that he was going to lose in this conflict. When asked whether a reasonable person could conclude that the odds were stacked against him under such circumstances, Sgt. Fawkes agreed.

Accordingly, I submit that Sgt. Fawkes engaged in an abuse of his position, secured for himself an unwarranted privilege not afforded to others, and that his conduct created the reasonable perception that would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

Sgt. Fawkes further claimed that on October 26, 2011 he called Ashland police to complain that Bill Cavanagh had violated the conditions of the existing Harassment held by [REDACTED]s. After conducting an investigation and speaking with Cavanagh, he was not arrested, contrary to statute, which requires arrests for such offenses. By prohibiting a subordinate officer from making this arrest, Sgt. Fawkes interfered with the officer's duties and needlessly exposed his employer to liability.

⁴ MGL Chapter 265§ Section 24C. That portion of the records of a court or any police department of the commonwealth or any of its political subdivisions, which contains the name of the victim in an arrest, investigation or complaint for rape [et al] shall be withheld from public inspection, except with the consent of a justice of such court where the complaint or indictment is or would be prosecuted.

Said portion of such court record or police record shall not be deemed to be a public record under the provisions of section seven of chapter four.

Except as otherwise provided in this section, it shall be unlawful to publish, disseminate or otherwise disclose the name of any individual identified as an alleged victim of any of the offenses described in the first paragraph. A violation of this section shall be punishable by a fine of not less than two thousand five hundred dollars nor more than ten thousand dollars.

⁵ MGL Chapter 41§97D. All reports of rape and sexual assault or attempts to commit such offenses and all conversations between police officers and victims of said offenses shall not be public reports and shall be maintained by the police departments in a manner which will assure their confidentiality. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both.

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IV. ANALYSIS:

Did Sgt. Fawkes conduct himself in a manner unbecoming an officer as proscribed in the Rules and Regulations of the Ashland Police Department?

Without question, the comments that Bill Cavanagh made to [REDACTED] were out of line, inappropriate and over-the-top. Some reasonable response thereto was demanded.

However, while an ordinary citizen may have been able to interact with Bill Cavanagh "mano-a-mano", Sgt. Fawkes because of his position within the Ashland Police Department and being mindful of his history with Bill Cavanagh, is not afforded that luxury. As a police official in Ashland, with his self-admitted articulated insight into Bill Cavanagh's personality, his expected reaction to confrontation and his knowledge of the personal animosity that Cavanagh has for him, it was simply not reasonable for the sergeant to address this matter personally. This represents a lapse in Sgt. Fawkes' decision making. Clearly, it would have been far better for Sgt. Fawkes to contact the Ashland Police Dept. by ordinary means, have an officer interview [REDACTED] and allow the investigation to be carried out without his direct and conflicted intervention. Additionally, this would have permitted Sgt. Zanella to oversee the investigation and provide a level of buffering to protect the department, its officers and Sgt. Fawkes alike.

The fact that Sgt. Fawkes brought along a fairly new, inexperienced police officer with him to act as his personal witness without the knowledge of the officer in charge (Sgt. Zanella) represents a major mistake on the part of Sgt. Fawkes. Accordingly, this on-duty officer and by extension, the Ashland Police Department, have needlessly become a party to this conflict. Neither should have been.

What could have been only a personal civil discussion became the official business of the Ashland Police Department when Sgt. Fawkes brought an official police presence into this conflict. By causing Officer Driscoll to be present at this scene, Sgt. Fawkes' superior officer-subordinate relationship caused that officer to be under his (Fawkes') direct control. Fawkes' statement, "I didn't direct anybody to do anything", carries little credibility. He called dispatch three times. He called at least one officer on his cell phone directly, he effectively controlled the scene relegating Officer Driscoll to an observer and then directed that officer to undertake an investigation. Sgt. Fawkes' indeed "did" something. Sgt. Fawkes' duty status at this juncture is wholly irrelevant since Sgt. Fawkes' use of police resources, control over Officer Driscoll and his comments to Bill Cavanagh that he was going to use the legal system to remedy this situation carried an air of officialdom. Since this matter was a personal one for Sgt. Fawkes, there was no place for his use of official authority in this personal squabble. This represents an inherent and impermissible conflict of interest.

Moreover, it clearly signals to others, notably Bill Cavanagh and [REDACTED], that Sgt. Fawkes has at his personal disposal Town police resources that are not ordinarily afforded to ordinary citizens.

The Rules and Regulations of the Ashland Police Department demand that police officers and officials conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Sgt. Fawkes conduct on June 4, 2011 did not meet that standard. His apparent anger at the comments Cavanagh levied toward his wife caused him to go to Cavanagh's home, wait him out, and then angrily confront him using comments that should not have been uttered. His admitted use of language consisting of the "F-bomb" were improper and not reflective of a

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controlled Ashland police sergeant. His public comments referring to a past and likely unfounded rape allegation were improper and perhaps violative of confidentiality rules, regulations and statutes. Sgt. Fawkes' public comments referring to his knowledge of Cavanagh's criminal past had no place in this discussion and were perhaps violative of confidentiality and CORI provisions. Lastly, his actions at [REDACTED] that date were threatening as characterized by Bill Cavanagh, [REDACTED] as well as [REDACTED].

Consequently, based upon the aforementioned factors, the allegation that Sgt. Fawkes acted in a manner unbecoming a police officer in the Town of Ashland on June 4th, 2011 is sustained.

In addition, Sgt. Fawkes totally disregarded the chain of command in the Police Department by not obtaining the permission of Sgt. Zanella, the Official in Charge on June 4th, 2011, to direct an officer to serve as a "witness" to his discussion with Cavanagh. By Sgt. Fawkes contacting officers by cell phone, rather than through dispatch, Sgt. Zanella had no idea that Sgt. Fawkes was utilizing Department personnel for a personal matter.

Sgt. Fawkes was off-duty and should not have been directing any on-duty personnel, dispatcher or officer, to do anything without the permission of Sgt. Zanella. What if Sgt. Zanella had needed to assign Officer Driscoll to an actual police matter at the time he was being directed by Fawkes to appear at Concord St. as witness? Not being on-duty, Fawkes was not aware of the incidents being responded to at the time and it was not his call to have an officer respond immediately at his request to the Cavanagh [REDACTED]. It is the responsibility of the Official in Charge to vet the calls and assign officers to respond, which at times includes prioritizing the responses.

For these reasons as well, Sgt. Fawkes engaged in conduct unbecoming a police officer.

Did Sgt. Fawkes seek or obtain the influence or intervention of any person, outside or from within the department for the purposes of preferred treatment or advantage with respect to William Cavanagh on June 4th, 2011?

On June 4th, 2011 a personal dispute erupted between Sgt. Fawkes and William Cavanagh. In order to address this dispute, Sgt. Fawkes went to the residence of Bill Cavanagh to confront him. Neither the Town of Ashland nor its police department had any standing in this dispute. That changed, however, when Sgt. Fawkes, using his police sergeant authority, directed that an officer be dispatched to Concord St. to assist him and continued when Sgt. Fawkes brought Officer John Driscoll to act as a "witness" to his discourse with William Cavanagh. Insofar as the investigation into any harassment that [REDACTED] may have sustained from William Cavanagh, this investigation would in no way require the presence of a police witness for a confrontation between Sgt. Fawkes and Bill Cavanagh. Rather, such an investigation would require the officer to interview the victim, [REDACTED], and then interview the suspect, Bill Cavanagh separately. Police involvement in such a confrontation was contraindicated both by sound police procedure and common sense.

Sgt. Fawkes asserts that he "didn't direct anybody to do anything". That remark is untrue. He did direct the dispatcher to send a car to Concord St. and Sgt. Fawkes did, as Officer Driscoll twice stated, direct that officer to conduct an investigation into the harassment unto [REDACTED].

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In sum, Sgt. Fawkes brought Officer John Driscoll to the [REDACTED] scene and inappropriately used that officer's presence as a witness, back-up and support structure so that he could settle his personal differences with Bill Cavanagh. This "use" of Officer Driscoll, a resource of the Town of Ashland, facilitated the fulfillment of Sgt. Fawkes' personal objectives vis-à-vis Bill Cavanagh. The use of this resource is not afforded to other persons as ordinary citizens are simply not able to call the police dispatcher, call an officer directly or direct that an officer respond to a certain place at a certain time. (This call is distinguished from an ordinary 911 call or other citizen call for service.) Lastly, the use of this of this resource for purely personal reasons represents preferred treatment and is an advantage to Sgt. Fawkes that was not provided to William Cavanagh or to any other citizen.

Because Sgt. Fawkes obtained the influence or intervention of Officer Driscoll in order to secure preferential treatment and/or advantage, this allegations of Undue Influence is sustained.

Did Sgt. Fawkes engage in "Interference in the Course of Justice" as defined by Ashland Police Department Rule and Regulation # 4.12⁶?

On October 26, 2011, Sgt. Fawkes and [REDACTED] were parked in a motor vehicle at the Mindess School on Concord St. in Ashland. They were waiting for school release so as to pick up [REDACTED]. At the time, Sgt. Fawkes was off duty. At some point, William Cavanagh pulled his vehicle directly behind the Fawkes vehicle and Cavanagh exited the vehicle to speak with a nearby motorist. Sgt. Fawkes has asserted that William Cavanagh is well aware of the description of the Fawkes' vehicle and consequently, his close contact was knowing and malicious. At the time of this incident, there was an active Harassment order in place naming Cavanagh as the defendant and [REDACTED] as the plaintiff. Per that order, Cavanagh was to remain away from [REDACTED]. Mr. Cavanagh was clearly in violation of that order.

Sgt. Fawkes contacted the on-duty Officer Dionne (via cell phone) of the Ashland Police Department and asked that officer to respond to his (Fawkes's) location to address this matter. Upon Officer Dionne's arrival, William Cavanagh was found in close proximity to the original scene and was stopped. At this time, there was clear probable cause that William Cavanagh had violated the contact provision of that Harassment order. Pursuant to Massachusetts General Law Chapter 258E§8 states as follows (*in pertinent part*): Law officers shall make every reasonable effort to do the following as part of the emergency response to:

(8) arrest any person that a law officer witnessed or has probable cause to believe violated a temporary or permanent vacate, restraining, stay-away or no-contact order. No law officer

⁶ **RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE:**

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

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

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shall be held liable in a civil action for personal injury or property damage brought by a party to an incident of abuse or for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter.

In this case, Sgt. Fawkes informed Officer Dionne that he did not want Mr. Cavanagh arrested; rather he merely wanted him warned. In effect, Sgt. Fawkes compelled Officer Dionne to violate state law and not arrest William Cavanagh despite clear probable cause of this offense and in view of the statutory mandate that arrests be executed for such order violations. As Officer Dionne is a subordinate officer of Sgt. Fawkes, he was left with little recourse than to obey this order.

Accordingly, the allegation that Sgt. Fawkes interfered with the course of justice, as defined by Ashland PD rule and regulation # 4.12, is sustained.

Did Sgt. Fawkes improperly use the prestige or influence of his official position, or use the time, facilities, equipment or supplies of the department for the private gain or advantage of themselves or another?

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

Under ordinary conditions, where any ordinary citizen requires the assistance of their local police department, they either dial 911 or the police department's business line. Then, they explain the situation to the police call taker/dispatcher. It is the role of the dispatcher to vet the call/complaint to determine whether the matter is a police issue and what degree of response to activate. Under these normal conditions, it is not the role of the caller to dictate whether a response will be forthcoming and to what degree. These police responses and the degrees thereof are also under the auspices of the officer/official in charge as it is he who is responsible for the orderly operations of the police department's field operations when he is on duty.

In the instant matter, Sgt. Fawkes made three separate calls to Ashland Police dispatch requesting police assistance and or directing that on-duty officer contact him by cell phone. In response to these calls, an on-duty Ashland police officer was dispatched to [REDACTED] (via cell phone) in order for Sgt. Fawkes to confront and settle a purely personal matter with William Cavanagh. This was done without the knowledge of Sgt. Zanella who was the Official in Charge that day.

Sgt. Fawkes freely admits that the purpose of his summoning Officer Driscoll to that location was for the officer to serve as his witness. While Sgt. Fawkes claims that he, "didn't direct anybody to do anything", it is Officer Driscoll's unambiguous recollection that Sgt. Fawkes did direct him to investigate a matter involving [REDACTED]

I respectfully submit that there is no other member of the Ashland community that can phone Ashland Police dispatch and demand the swift response of police officer under such as these, with the exception of course, of a police official.

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Moreover, because there exists a supervisor-subordinate relationship between the dispatcher and the sergeant and between the responding officer and the sergeant, both Dispatcher Patriarca and Officer Driscoll would be hard pressed to second guess the demand of a police sergeant. Consequently, the vetting process was eliminated as was Officer Driscoll's discretion as to how to go about what he thought was to be an investigation for harassment. In a nutshell, Sgt. Fawkes was in charge and both the dispatcher and the responding officer were obligated to follow his direction.

Because much of these communications took place off the radio and were instead conducted on cell phones, Sgt. Zanella was denied the opportunity to hear these calls going out and to review the appropriateness of these police responses. I respectfully submit that if he was aware that Sgt. Fawkes was going to [REDACTED] to confront William Cavanagh, he would have either gone there himself and spare his subordinate of this investigation or demand that no officer go there to serve as Sgt. Fawkes personal witness for what was a patently private matter.

It was through nothing else but Sgt. Fawkes's official police position that enabled him to affect these police responses. Because this was a purely private matter for Sgt. Fawkes, the use of these Ashland Police resources that he acquired for private use is inappropriate.

Consequently, the allegation that Sgt. Fawkes abused his position is sustained.

Was Sgt. Fawkes discourteous to William Cavanagh on June 4, 2011?

Pursuant to this Rule and Regulation, *officers shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.*

That notwithstanding, police officers must interact with citizens under trying condition. This incident was no exception to that. Sgt. Fawkes admits to using foul language in his discourse with William Cavanagh. As for William Cavanagh, there is no doubt in my mind that he used similar colloquial speech. As both men engaged in this level of discourse, I cannot see how either one would take offense on that basis alone. Granted, Sgt. Fawkes is an employee of the Ashland Police Department and is subject to the Rules and Regulations while private citizen Cavanagh is not.

In sum, Sgt. Fawkes' choice of words was not one of the complaints William Cavanagh articulated in his complaint or interview.

Accordingly, this allegation is found to be Not Sustained.

Did Sgt. Fawkes improperly disclose or use for their personal interest any confidential information acquired by them in the course of their official duties?

Did Sgt. Fawkes treat as confidential all matters relating to investigations, internal affairs, and personnel?

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Did Sgt. Fawkes treat as confidential that information which is confided to them personally in the course of their official duties?

Did Sgt. Fawkes disclose such information only as required in the proper performance of their duties?

As discussed at length earlier in this investigatory report, the weight of the evidence is such that Sgt. Fawkes did make mention of William Cavanagh's criminal past as well as the past allegation that he forcibly had sexual relations with his [REDACTED].

As for his criminal record, all police records that relate to past criminal arraignments, disposition and sentencing is covered under the auspices of the Criminal Offender Record Information (CORI) laws as well as the Rules and Regulations of the Ashland Police Department. While a police officer may discuss a person's criminal record with a person, he may not share that information with others. In this case, the weight of the evidence suggests that Sgt. Fawkes referred to Bill Cavanagh's criminal past within earshot of his [REDACTED], [REDACTED] and Officer John Driscoll. (Even though Officer Driscoll is a police officer in Ashland, he had no discernable need to know this information at this point in time.) This is impermissible.

The context in which Sgt. Fawkes conveyed this information to Bill Cavanagh, his family member and Officer Driscoll was a verbal argument between the two men. As the very purpose of a verbal argument is to win over the opposing side and/or silence them, Sgt. Fawkes' disclosure of this information served his personal interest in defeating Cavanagh. Moreover, the context of this disclosure was not in the furtherance of his official duties.

Sgt. Fawkes' public disclosure (Cavanagh, [REDACTED] and Officer Driscoll) of a several year old rape allegation where Cavanagh supposedly engaged in forcible sexual relations with [REDACTED], was alleged by Mr. Cavanagh as well. In his statement, Sgt. Fawkes conceded that he alluded to this past allegation to support his comment, "I know how you are with women Bill". Based upon the strong reactions of revulsion toward this comment, the weight of the evidence strongly suggests that Sgt. Fawkes did bring up this allegation and accosted Cavanagh with it in the course of their verbal discourse. Indeed, Sgt. Fawkes was the investigator that received this unsupported rape allegation in the course of another rape case with another offender. The supposed victim to the Cavanagh matter was never interviewed regarding the unsupported allegation (toward Bill Cavanagh) and it appears that she never showed any interest in refuting or corroborating the allegation.

Both Bill and [REDACTED] reluctantly conceded that there was some level of intimate relations between Bill Cavanagh and [REDACTED], but those relations were said to be consensual and were the source of a great deal of hurt and marital discord between the Cavanagh's. I cannot imagine Bill Cavanagh bringing us this hurtful memory simply to "pile on" another allegation as to Sgt. Fawkes' behavior on June 4th, 2011. It is for all these reason that the weight of the evidence caused this investigator to conclude that Sgt. Fawkes did in fact disclose the rape allegation to Bill Cavanagh and that this was heard by [REDACTED], [REDACTED] as well as Officer Driscoll.

With that fact established, one can readily discern that Sgt. Fawkes did not treat as confidential all matters relating to departmental investigations, that he failed to treat as confidential that information that

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was confided to him in the course of his official duties, and that Sgt. Fawkes did not make this disclosure only as required in the proper performance of their duties.

The disclosure of allegations of rape and records thereof are well covered by the so-called rape-shield laws. MGL Ch. 265§ 24C. *That portion of the records of a court or any police department of the commonwealth or any of its political subdivisions, which contains the name of the victim in an arrest, investigation or complaint for rape [et al] shall be withheld from public inspection.....it shall be unlawful to publish, disseminate or otherwise disclose the name of any individual identified as an alleged victim of any of the offenses described in the first paragraph.*

MGL Ch.41§97D. All reports of rape and sexual assault or attempts to commit such offenses and all conversations between police officers and victims of said offenses shall not be public reports and shall be maintained by the police departments in a manner which will assure their confidentiality. Whoever violates any provision of this section shall be punished.....

While it is not the focus of this investigation to determine whether Sgt. Fawkes committed the criminal acts of disclosure under these statutes, follow up investigation could well lead in that direction. At a minimum, it is established that Sgt. Fawkes did violate the Rules and Regulations of the Ashland Police Department and the Mr. Cavanagh's allegation that Sgt. Fawkes improperly disseminated official information is sustained.

In the course of breaching this provision, it is probable that Sgt. Fawkes violated that portion of the State Ethics laws that concern confidentiality. (MGL Chapter 268A, Section 23 (c)(2) (*Confidentiality Provisions*)) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

I also note that it was clear from the interview with Sgt. Fawkes that he has accessed the file and/or reports related to the complaint filed by Mr. Cavanagh as he cited specific allegations contained in Cavanagh's complaint. This is equally interesting since Sgt. Fawkes and his Union attorney alleged that Sgt. Fawkes had requested all documents related to this investigation and had not been provided a copy.

As required by the Department's IA Policy, Sgt. Fawkes was provided with a written notice of allegations prior to his interview; he was not, however, provided with all documents related to this open investigation yet it was clear he had in fact reviewed documents that he had not been provided with by the Department due to the fact that this is an on-going investigation and that he was quite familiar with them.

Was Sgt. Fawkes untruthful at any point in this investigation?

Did Sgt. Fawkes knowingly enter or cause to be entered upon a police report or police record any inaccurate, false or improper information.

In his third cellular call to Ashland dispatch on the morning of June 4th, 2011, Sgt. Fawkes informs the dispatcher that he was "just driving down the street because somebody was harassing [REDACTED] and they flagged me down". "It's Bill Cavanagh, just so you know". This is a patently false statement that Sgt.

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Fawkes made to the dispatcher while on a recorded line. Sgt. Fawkes admits that he was looking for Bill Cavanagh and that he stopped and parked across the street from Cavanagh's home waiting for him to return home. In fact, Cavanagh neighbor [REDACTED] stated that Sgt. Fawkes was observed driving up and down Concord St. in search of Cavanagh before he stopped and waited. Additionally, the fact that William Cavanagh stopped in the roadway and gave a "chin nod" to Sgt. Fawkes, a man his strongly dislikes, and that this alleged chin nod (even if it did happen) is tantamount to being "flagged down" is also patently false.

Logic would have it that the last person that would "flag down" Sgt. Fawkes would be Bill Cavanagh.

The fact that Sgt. Fawkes caused this information to be entered onto a recorded phone line satisfies the requirement that this was the creation of an official police record.

In his interview with this investigator, Sgt. Fawkes comments that "he didn't direct anybody to do anything". This too is false. He directed the dispatcher first to have a police officer call him, and then he asked that an officer respond to assist him. Additionally, in his interview, Officer John Driscoll twice stated that it was Sgt. Fawkes that directed him to conduct the investigation into the harassment allegation of Fawkes' [REDACTED]. The superior-subordinate arrangement that exists between a police supervisor (Sgt. Fawkes) and two subordinates (Dispatcher Patriarch and Officer Driscoll) is such that these requests, even if framed in collegial terms, are indisputably official orders and they must be carried out by the subordinate recipient.

Accordingly, the allegation that Sgt. Fawkes was untruthful in the course of this investigation and that he caused a false record to be entered into the Ashland Police Dept. is sustained.

Did Sgt. Fawkes violate any provisions of General Laws Chapter 268A?

MGL Chapter 268A, Section 23

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

Sgt. Fawkes made use of the Ashland Dispatch and Police resources using the authority that he holds as a police sergeant. The resources which arguably are of substantial value; were used for purely personal reasons. All Ashland citizens have Ashland Police Department resources available to them at their time or legitimate need and there are vetting systems in place to assess whether the need is legitimate. In the case of Sgt. Fawkes on June 4, 2011 however, he usurped this vetting process and employed the services of both dispatch and Officer Driscoll for personal reasons.

Average Ashland citizens do not get to have police officers respond to them to be personal witnesses. Moreover, they do not get to direct police officer as to when and how to conduct investigations, particularly without the knowledge of the Official in Charge. These decisions are left to other objective police professionals who were not given the opportunity to make these decisions on June 4, 2011. Clearly, these resources utilized unwarranted privileges this date.

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MGL Chapter 268A, Section 23

(b)(3) (Appearance Section) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

In his interview with this investigator, Sgt. Fawkes agreed that it would not be unreasonable to think that Mr. Cavanagh could conclude that the "cards were stacked against him" when Fawkes arrived at his home with an on-duty uniformed police officer on June 4, 2011.

William Cavanagh was very definitely left with the conclusion that Sgt. Fawkes, by bringing along a uniformed subordinate officer for this private conflict, acted in a manner that suggested that he reflected undue influence unto that officer. Accordingly, the appearance was created that Sgt. Fawkes could and did direct the subordinate Officer Driscoll to take punitive legal measure against Cavanagh as a result of his Sgt. Fawkes' official position.

MGL Chapter 268A, Section 23

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

The weight of the totality of the evidence strongly supports the conclusion that Sgt. Fawkes made mention of protected information toward William Cavanagh in a setting which permitted others to overhear. This information was acquired in the course of Sgt. Fawkes' official duty. Lastly, this information was disclosed in a private matter with intent on furthering Sgt. Fawkes' personal objectives.

For these reasons and the reasons above as to other violations of the Ashland Police Department's Rules and Regulations, this allegation is sustained.

V. FINDINGS:

1. RULE 4.02 CONDUCT UNBECOMING AN OFFICER

☒ Sustained
☐ Not Sustained
☐ Unfounded
☐ Exonerated

2. RULE 4.06 UNDUE INFLUENCE

☒ Sustained
☐ Not Sustained
☐ Unfounded
☐ Exonerated

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3. RULE 4.12 INTERFERING WITH COURSE OF JUSTICE
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
4. RULE 4.15 ABUSE OF POSITION
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
5. RULE 4.20 USE OF OFFICIAL POSITION
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
6. RULE 7.3 COURTESY
- ☐ Sustained
 - ☒ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
7. RULE 7.5 DISSEMINATION OF OFFICIAL INFORMATION
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
8. RULE 7.7 TRUTHFULNESS
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated
9. RULE 13.2 FALSIFYING RECORDS
- ☒ Sustained
 - ☐ Not Sustained
 - ☐ Unfounded
 - ☐ Exonerated

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10. RULE 4.03 VIOLATING CONFLICT OF INTEREST LAW

- ☒ Sustained
- ☐ Not Sustained
- ☐ Unfounded
- ☐ Exonerated

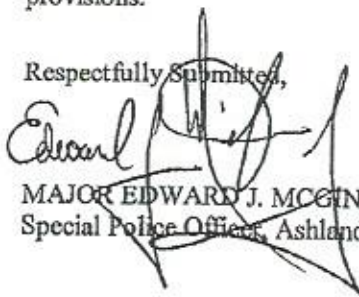
V. RECOMMENDATION:

1. It is this investigator's recommendation that Sgt. Fawkes be disciplined by the Appointing Authority for his violations of the above Rules and Regulations.
2. It is this investigator's recommendation that the Ashland Police Department, Town Administration and Town Labor Counsel consider bringing this matter to the attention of the District Attorney and Massachusetts State Ethics Commission.
3. It is this investigator's recommendation that all members of the Ashland Police Department be reminded of the policy and procedures pertaining to Criminal Offender Record Information (CORI) laws and requesting Bureau of Probation Criminal Record checks.
4. It is this investigator's recommendation that the Ashland Police Department develop a protocol to restrict use of Department resources by members of the Ashland Police Department without notification to the Official in Charge.

I also note that there is evidence that Sgt. Fawkes may have violated the two statutes that make up the Commonwealth's so-called "Rape Shield Laws" by his disclosure of the allegations that [REDACTED] was sexually assaulted by William Cavanagh.

Additionally, the fact that allegations against Sgt. Fawkes were sustained for the administrative charge of Violating the State Ethics Laws, inherently carries with it violations of those state provisions.

Respectfully Submitted,



MAJOR EDWARD J. MCGINN, JR.
Special Police Officer, Ashland Police Department

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Addendum

Rule 4.02 - CONDUCT UNBECOMING AN OFFICER

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

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

Conduct unbecoming an officer shall also include off-duty conduct where there is a *nexus* or connection between the act or acts committed by the officer and that individual's continued fitness or ability to effectively perform his or her required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and ability of the officers not involved in said act to effectively perform their required duties and responsibilities.

RULE 4.06 - UNDUE INFLUENCE

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

RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE

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

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

RULE 4.15 - ABUSE OF POSITION

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

RULE 4.20 - USE OF OFFICIAL POSITION

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

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RULE 7.3 - COURTESY

Officers shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

Officers shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation.

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.

RULE 7.7 - TRUTHFULNESS

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

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

RULE 13.2 - FALSIFYING RECORDS

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

RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW

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

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Ashland MA ([REDACTED] Residence)

