

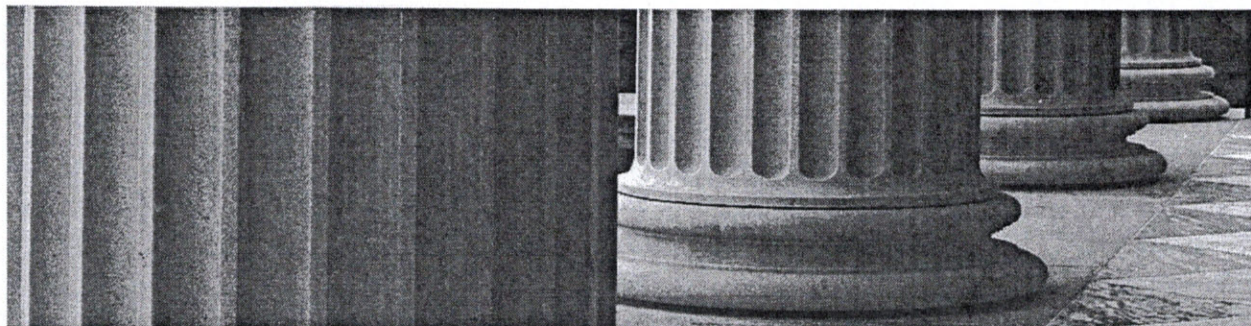
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*The Law Offices of
Timothy M. Burke*

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160 Gould Street, Suite 100
Needham, MA 02494
Phone: (781) 455-0707
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The Law Offices of Timothy M. Burke

The Law Offices of Timothy M. Burke is a full service law firm which has been providing outstanding results for its clients for over 25 years. Conveniently located next to Rt. 128 in Needham, MA, The Law Offices of Timothy M. Burke prides itself on excellence.

Our firm has a proven track record of positive outcomes and an established history of client satisfaction. We have amassed significant legal experience through our practice in the Massachusetts Trial Courts, Appellate Courts, and Federal Courts, as well as in collective bargaining, arbitrations, and other alternative dispute resolution. As a result, our attorneys are frequently sought by the news media for their insight and expert opinions. The Law Offices of Timothy M. Burke is devoted to working with its clients on a personal level, designing legal strategies and solutions specifically tailored to achieve the client's objectives.

In The News

Police documented 12 reports of threats against Concord student

August 8, 2013 | Evan Allen | The Boston Globe

Concord and Carlisle Police reports show that the departments documented twelve reports of vandalism and death threats against former Concord-Carlisle High School student Isabella Hankey, who filed a lawsuit this week alleging the school did little to prevent bullying during her junior and senior years.

Concord-Carlisle faces \$2m bullying lawsuit

August 6, 2013 | Evan Allen | The Boston Globe

A former Concord-Carlisle High School student who says she was mercilessly bullied for a year and a half while administrators ignored her pleas for help filed a \$2 million federal civil rights lawsuit Monday against the towns of Concord and Carlisle, the Concord-Carlisle school district, and three school officials.

Ex-Concord-Carlisle High student files lawsuit over bullying

August 6, 2013 | FOX Boston

A former Concord-Carlisle High School student has sued the school and town saying she was bullied so badly for a year and a half that she had to be hospitalized for stress-related ailments that nearly killed her.

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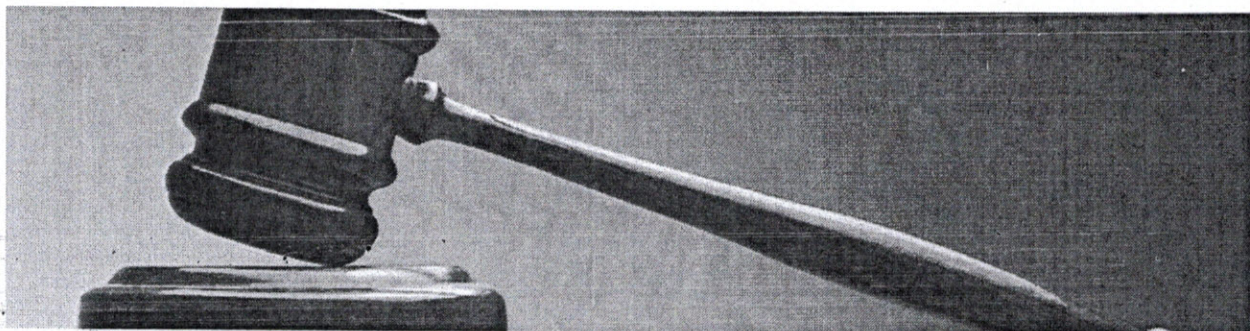
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Brian E. Simoneau, Of Counsel

508-881-1119
Fax: 508-302-0212
[Click here to email Brian.](#)

Experience

Attorney Brian E. Simoneau received his Bachelor of Arts Degree from Framingham State College in 1994. He graduated from the Massachusetts School of Law *Cum Laude* in 2001, where he studied public sector labor law.

He is a graduate of the Department of Homeland Security (Federal Law Enforcement Training Center) Police Legal Advisor and Advanced Employment Law training programs.

Attorney Simoneau is admitted to practice in the Massachusetts State Courts and the United States District Court. In addition to appearing before various courts, he routinely appears before agencies such as the Massachusetts Civil Service Commission, the Human Resource Division, (HRD, the Division of Labor Relations, the Massachusetts Registry of Motor Vehicles, and the Board of Appeals

Specializing in labor and employment law, as well as Massachusetts Motor Vehicle and Traffic Law, Attorney Simoneau frequently trains police officers and routinely handles matters such as contract negotiation and administration, bargaining unit formation, collective bargaining, civil service, employee discipline, internal affairs, disability retirements, and a variety of other labor and employment related matters. He focuses on police labor law and is a member of the Legal Officers Section of the International Association of Chiefs of Police.

Attorney Simoneau has achieved outstanding results for his clients in public sector labor and employment cases as well as cases involving the Massachusetts Registry of Motor Vehicles and the Board of Appeal. He is a subject matter expert on the ignition interlock device as well as Massachusetts license suspensions and reinstatements.

Massachusetts RMV & Board of Appeal cases:
<http://www.suspendedlicensehelp.com>

Massachusetts DUI Lawyer:
<http://www.massduidefender.com>

Massachusetts DUI Laws:
<http://www.massachusettsduiblog.com/>

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EXHIBIT

22

Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 4:45 PM
To: Lisa Mead
Subject: Fwd: CSC Hiring Checklist

More Simoneau...

----- Forwarded message -----

From: Brian E. Simoneau <brian@simoneau.com>
Date: Wed, May 22, 2013 at 12:00 PM
Subject: Re: CSC Hiring Checklist
To: Chief Stephen Doherty <sdoherty@ashlandpd.org>

They should have certificates in their personnel or training files. CSC leaves it up to the Appointing Authorities to insure that the background investigators have the right credentials. I am waiting to hear back from HRD re: psychological screening. Also, the Town might want to consider retaining a new psychologist. I will send you some contact info.

I will give you a call regarding the abandonment issue.

On Wed, May 22, 2013 at 8:29 AM, Chief Stephen Doherty <sdoherty@ashlandpd.org> wrote:
Brian;

Thank you for the CS checklist. APD will be ready to taxi soon with your expert guidance.

I am told we have two certified background investigators. I will try to verify that. Do their credentials need to be filed with CS?

I will inquire this morning if we have an approved psychological screening plan and if it was ever filed with CS?

I would like to know the CS definition and procedure for "job abandonment". We have two employees who are not responding (over a considerable period of time) to requests for information from Town Hall. Both have been out for [REDACTED] and are not getting [REDACTED] as they have [REDACTED]. One is claiming [REDACTED] and the other has an open [REDACTED]. Any advice would be appreciated.

Chief Doherty
Cell # 774-410-3625

7/31/2013

On Tue, May 21, 2013 at 10:54 PM, Brian E. Simoneau <brian@simoneau.com> wrote:

ATTORNEY CLIENT PRIVILEGED – NOT A PUBLIC RECORD

Being an aviator, I know the Colonel appreciates a good checklist. Therefore, I drafted a checklist for the CS hiring process. Please advise if you have any questions and I'm available to help at every step of the process.

B

--

Brian E. Simoneau, Esq.
550 Cochituate Road, Suite 25
Framingham, MA 01701
P: [508-656-0057](tel:508-656-0057)
F: [508-302-0212](tel:508-302-0212)
T: @briansimoneau
E: brian@simoneau.com

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--
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--
Stephen Doherty
Interim Director of Police Services
Ashland Police Department
137 Main Street
Ashland, MA 01721
PH: 508.881.1212 x 11
FX: 508.881.5243
sdoherty@ashlandpd.org

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EXHIBIT

23

Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 4:49 PM
To: Lisa Mead
Subject: Fwd: Documents

More Simoneau...

----- Forwarded message -----
From: **Brian E. Simoneau** <brian@simoneau.com>
Date: Mon, Jun 10, 2013 at 11:42 AM
Subject: Re: Documents
To: Chief Stephen Doherty <sdoherty@ashlandpd.org>

Excellent. Please advise when it's ready and I'll stop by.

Thanks,

Brian

On Mon, Jun 10, 2013 at 11:39 AM, Chief Stephen Doherty <sdoherty@ashlandpd.org> wrote:
Brian;

I will create a disc with the documents you need on it. Please let me know when you would like to pick it up; or I can leave it at the front desk in an envelope for you.

Chief Doherty

On Mon, Jun 10, 2013 at 10:38 AM, Brian E. Simoneau <brian@simoneau.com> wrote:
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Chief:

I am currently working a review of [REDACTED] IOD claim. Incident thereto, I need a copy of the current CBA as well as the rules, regulations, policies, and procedures of the Department. If I could pick up a copy at your convenience, that would be great.

Also, I am waiting for a call back from Dr. Jose A. Hidalgo who will be the 2nd level psychological screener. Once I get his CV, I will submit the psychological screening plan.

Thanks,

Brian

7/31/2013



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--
Stephen Doherty
Interim Director of Police Services
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24

Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 4:58 PM
To: Lisa Mead
Subject: Fwd: Letters, etc..
Attachments: Rohmer_ltr_muri.docx; Rohmer_notice_investigation.docx;
 ROHMER_STEPHANIE_MCGINN.docx; ROHMER_STEPHANIE_REQUEST.docx;
 IOD_ACK_LTR.docx; CIVIL SERVICE HIRING PROCESS FOR POLICE OFFICERS.docx

More Simoneau...

----- Forwarded message -----

From: **Brian E. Simoneau** <brian@simoneau.com>
Date: Thu, Jun 13, 2013 at 2:33 PM
Subject: Letters, etc..
To: "Anthony E. Schiavi" <aschiavi@ashlandmass.com>, Stephen Doherty <sdoherty@ashlandpd.org>

ATTORNEY-CLIENT PRIVILEGED, NOT A PUBLIC RECORD

Here are the various letters. Please contact me if you have any questions. □

--
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June 13, 2013

Chief Scott Rohmer
15 Orchard Drive
Ashland, MA 01721-1414

Re: Complaint Against Officer David Muri

Chief Rohmer:

I am writing in response to your complaint against Ashland Police Officer David Muri. I have reviewed the Facebook posting and I have referred the matter to Acting Chief Doherty for action. The matter will be handled in accordance with applicable rules, regulations, policies, procedures, and the collective bargaining agreement. As you know, I am prohibited from disclosing any specific personnel actions resulting from your complaint. Please contact me if you have any questions.

Sincerely,

Anthony E. Schiavi,
Town Manager

June 13, 2013

Chief Scott Rohmer
15 Orchard Drive
Ashland, MA 01721-1414

Re: Notice of Investigation

Chief Rohmer:

I am writing to notify you that I have engaged the services of Retired Police Chief and Attorney Robert J. Pomeroy to re-investigate some of the allegations and conclusions contained in Edward C. Doocey's June 3, 2012 report, because I am not satisfied that Doocey's investigation was thoroughly and adequately conducted. Please contact me if you have any questions.

Sincerely,

Anthony E. Schiavi,
Town Manager

June 13, 2013

Ms. Stephanie Rohmer
15 Orchard Drive
Ashland, MA 01721-1414

Re: Major Edward McGinn's Report

Ms. Rohmer:

I am writing in response to your June 11, 2013 inquiry regarding the status of an investigation conducted by Edward McGinn involving Ashland Police Officer Luann Tomaso. I have received McGinn's report. However, any personnel action taken or not taken based on the allegations contained therein is indisputably not a matter of public record and is not subject to disclosure. See G.L. c. 4 § 7; G.L. c. 66 § 10; Wakefield Teachers Ass'n v. School Committee of Wakefield, 431 Mass. 792 (2000); Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1 (2003).

Sincerely,

Anthony E. Schiavi,
Town Manager

June 13, 2013

Ms. Stephanie Rohmer
15 Orchard Drive
Ashland, MA 01721-1414

Re: Request for Investigation

Ms. Rohmer:

I am writing in response to your June 11, 2013 request for an investigation into the conduct of Ashland Police Sergeant Greg Fawkes. First, with respect to matters which were investigated by Edward C. Doocey and the subject of his June 3, 2012 report, I note that those matters were already investigated and may be re-investigated in the near future. However, any disciplinary action taken or not taken as a result of any such investigation(s) is indisputably not a matter of public record and is not subject to disclosure. See G.L. c. 4 § 7; G.L. c. 66 § 10; Wakefield Teachers Ass'n v. School Committee of Wakefield, 431 Mass. 792 (2000); Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1 (2003).

Next, you complained that Sergeant Fawkes videotaped you and your husband on April 8, 2013. This allegation warrants no investigation because, if true, the conduct alleged occurred while Sergeant Fawkes was neither a Town employee nor a member of the Ashland Police Department. He was, therefore, not subject to the Department's rules, regulations, policies, procedures, or standards of conduct.

Sincerely,

Anthony E. Schiavi,
Town Manager

June 13, 2013

[REDACTED]
[REDACTED]
[REDACTED]

Re: G.L. c. 41 § 111F Claim

[REDACTED]

I am writing to acknowledge receipt of your "Initial Injury Report" dated June 8, 2013. While reserving judgment on the question of whether you were "incapacitated for duty because of injury sustained in the performance of [your] duty without fault of [your] own," I will forward your report to the Town's insurance provider and advise as to the provider's response. Please contact me if you have any questions.

Sincerely,

Anthony E. Schiavi,
Town Manager

EXHIBIT

25

550 Cochituate Road, Suite 25
FRAMINGHAM, MA 01701-4683
508-656-0057 • 508-302-0212 (FAX)

EXHIBIT

EXHIBIT

26

Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 5:05 PM
To: Lisa Mead
Subject: Fwd: Southboro holds onto seized drugs

More Simoneau...

----- Forwarded message -----

From: Brian E. Simoneau <brian@simoneau.com>
Date: Sun, Jun 23, 2013 at 12:16 PM
Subject: Southboro holds onto seized drugs
To: Brian Simoneau <brian@simoneau.com>

 Picture

Southboro Police Chief Jane Moran says she has been directed by town officials to defer to a lawyer for the town on all matters relating to the stockpile of drug evidence. (T&G Staff/RICK CINCLAIR)

Southboro property report (PDF, 4 MB)

<http://www.telegram.com/assets/pdf/WT17908623.PDF>

SOUTHBORO — The Police Department in this affluent MetroWest town has stockpiled hundreds of seized drugs from as long ago as 1992, an unusual practice that has raised suspicion that drugs could be missing or at risk of theft.

Seized evidence samples that are being kept at the police station include heroin, cocaine, marijuana and Ecstasy, prescription medications OxyContin, Vicodin and Xanax, as well as paraphernalia such as crack pipes and grinders, according to a list of 745 seized items obtained by the Telegram & Gazette under the state's Public Records Law.

The 16-page list includes drugs seized between 1996 and April 2013, but a list of items recently submitted to the office of Worcester District Attorney Joseph D. Early Jr. also includes drugs seized as far back as 1992.

Unlike most police departments, which destroy unneeded drug evidence on a regular schedule after seeking a judge's approval as required by state law, the Southboro police have apparently held onto their entire cache of evidence, even after a suspected theft of drug evidence in 2004.

State laws that govern the destruction of drug evidence do not require drugs to be eliminated on a specific timetable.

Chief Jane Moran declined to answer questions about the stockpiled drug evidence, saying she has been directed by town officials to defer to a lawyer for the town on all matters relating to the evidence. Most of the evidence has accumulated since Chief Moran took charge. A department veteran, she was appointed chief in 2009.

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After repeated inquiries from the T&G about the evidence cache, the town's labor counsel, Joshua R. Coleman, said police officials earlier this month submitted a request to the district attorney to destroy 386 pieces of evidence. Under the law, district attorneys then bring the paperwork to a judge, who can order that the evidence be destroyed, or, in some cases, preserved.

As for the remaining samples, Mr. Coleman indicated that some 162 items are related to open cases, including non-criminal marijuana citations. Police departments customarily hold onto drug evidence while cases are pending and for the 30-day appeal period after verdicts.

"There hasn't been any destruction orders in a long time," Mr. Coleman acknowledged. "It's not quite as simple as going to a judge, It's a complicated process."

But, Mr. Coleman said, "the department is looking to move forward."

Mr. Coleman added that an already involved process, requiring much paperwork, has been further complicated by the case of former state public health crime lab chemist Annie Dookhan, who was indicted in December on 27 charges of tampering with drug evidence.

Since Ms. Dookhan was arrested last July, the state has imposed a moratorium on the destruction of all drug evidence held by local police departments and the state police while state police officials develop, for the first time, specific guidelines for the process.

The stockpiling of evidence at the Southboro police station was brought to light by a former Southboro police sergeant and president of the local officers union, Michael M. Crenshaw, who left the department because of a disability in 2011 and was later terminated for insubordination.

He has since become a persistent critic of the department.

Among the numerous public records Mr. Crenshaw has received after filing public requests under the law is a 2004 report by a state police sergeant on the case of 14 one-gram bags of cocaine that went missing from Southboro police custody after an arrest.

The cocaine was never found, no suspect or cause was pinpointed, and the state police investigator determined there was no cause for criminal action because there were no obvious signs of tampering or forceful entry into a temporary storage locker or the evidence room.

However, the report recommended four changes to evidence procedures at the department, but those proposed changes were blacked out for security reasons in the version provided to Mr. Crenshaw.

Mr. Coleman, the town's lawyer, said former Chief William Webber, who has since died, tightened evidence-handling procedures in the wake of the 2004 incident. Mr. Coleman declined to elaborate what improvements were made, citing security reasons.

Two audits of the evidence inventory have been done over the years, according to documents obtained by Mr. Crenshaw.

Mr. Crenshaw, who was on the police force at the time, said a video surveillance camera was installed outside the evidence room, but he maintained it didn't work properly, and, in any event, only stored a day's worth of footage at a time.

Mr. Crenshaw said keeping so much evidence on hand, for so long, encourages the perception that the cache could be vulnerable to pilfering from within the department, despite the audits.

"When they lost the evidence in 2004, they should have cleaned it up. The camera outside the door was a half-hearted situation. I just think it has been mismanaged," Mr. Crenshaw said. "That stuff should all be destroyed if it's not a current case."

Meanwhile, while Mr. Crenshaw has complained to the district attorney's office about the drug evidence and other issues, the DA and town officials appear to be standing behind Chief Moran.

"Southboro is a very professional police department and I have full confidence in Chief Moran," Mr. Early said in a prepared statement emailed by spokesman Paul Jarvey. "Any discussion about drug disposal until the state police determine best practices would be premature."

Daniel L. Kolenda, chairman of the Southboro Board of Selectmen, said about the chief: "There's no issues about how she's handled evidence."

"We're happy to hear the DA's backed up what she's been saying about how she's done everything right all along with the evidence," Mr. Kolenda added.

While the Southboro department appears to have held onto every piece of evidence it has acquired over the past two decades, other departments have procedures that make evidence destruction a routine practice.

At the Worcester Police Department, the evidence custodian and his supervisor each destroys evidence while a police official from another agency witnesses the process, according to spokeswoman Kathleen A. Daly.

"Only drugs that are used in open cases are kept in evidence until the conclusion of the case," Ms. Daly said. "The department avoids stockpiling large quantities of drugs by destroying them on a quarterly basis."

Leicester Police Chief James Hurley declined comment on his department's procedures, other than saying: "We do it on a regular basis."

Wayne Sampson, executive director of the Grafton-based Massachusetts Chiefs of Police Association, noted that there are no state guidelines yet. And Donna Mooers, executive director of the Massachusetts Police Accreditation Commission, said her group has no standards for drug destruction.

Mr. Sampson echoed other police officials in saying the work of destroying drug evidence requires time and attention by local police departments.

"It's so hard to get rid of the drugs," he said. "But once you get behind, it makes it that much harder to catch up."

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Interim Director of Police Services
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sdoherty@ashlandpd.org

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Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 5:02 PM
To: Lisa Mead
Subject: Fwd: Some words of wisdom from Gordon Graham

More Simoneau...

----- Forwarded message -----

From: Brian E. Simoneau <brian@simoneau.com>
Date: Mon, Jun 17, 2013 at 9:39 AM
Subject: Some words of wisdom from Gordon Graham
To: Brian Simoneau <brian@simoneau.com>

One of the great icons of the 20th Century was Admiral Hyman Rickover. He is known as the "father" of our nuclear navy and his efforts have made America safer. Born in Warsaw in 1900, Rickover rose to rank of Admiral and directed the development of our nuclear navy, which has a tremendous safety record. He recognized he was dealing with a highly risky, highly complex issue, and he developed rules for success.

How can these rules help you in your highly complex, highly risky world? How did his focus on quality control penetrate the organization so deeply so as to reach to the line employee level in the nuclear navy? Let's take a look at each of these rules and explore the possibilities.

Rule 1. You must have a rising standard of quality over time, and well beyond what is required by any minimum standard.

We have to get better and better at what we do. Our public deserves it. Our personnel deserve it. We must be constantly looking for a better way to do things. Status Quo – we have always done it this way – is not longer acceptable.

On an organizational level, there are better ways to get and keep good people. There are better ways to build your policy manual. There are better ways to train your personnel. There are better ways to supervise. There are better ways to discipline errant employees.

On an operational level, we must improve our performance in response times, quality and timeliness of written reports, training, candor in performance evaluations, equipment and vehicle maintenance, physical conditioning, and anything else that we can measure.

Continuous improvement has got to be part of the way we do business.

Rule 2. People running complex systems should be highly capable.

Successful public safety operations require people who know how to think. Fifty years ago, you did not need to be all that sharp to be in public safety.

Things have changed. Technology, equipment, strategies and tactics involved in providing services to

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our constituents have all changed. This is an extremely complex job, and if you hire people who can't think things through, you are in route to disaster.

If you allow the hiring of idiots, they will not disappoint you – they will always be idiots. In view of the consequences that can occur when things do not go right in your complex, high-risk job – this may end being the cause of a future tragedy.

Every nickel you spend in weeding out losers up front has the potential to save you a million dollars. And I can prove that statement if you want me to.

Rule 3. Supervisors have to face bad news when it comes, and take problems to a level high enough to fix those problems.

When you take an honest look at tragedies in any aspect of public safety, from the lawsuits to the injuries, deaths, embarrassments, internal investigations and even the rare criminal filing, so many of them get down to supervisors not behaving like supervisors. The primary mission of a supervisor is "systems implementation".

If you promote people who either can't or won't enforce policy, you are in route to tragedy. To be sure, the transition from line employee to supervisor is a difficult one, but the people you choose to be supervisors have to like their people so much, that they will enforce the policy to protect each of them from harm or loss.

Not to beat this point to death, but you show me a tragedy in public safety operations – including some in the news today – and I will show you the fingerprints of a supervisor not behaving like a supervisor.

And for those of you who have promoted, remember that every day families are entrusting you with the safety of their loved ones. This is a huge responsibility.

Rule 4. You must have a healthy respect for the dangers and risks of your particular job.

Many public safety jobs are high risk in nature, and the consequences for not doing things right can be dramatic. Remember the basic rules of Risk Management. RPM – Recognize, Prioritize, Mobilize.

You must do a risk assessment on each job in every public safety department and identify the tasks that have the highest probability of causing you grief. Then you must prioritize these tasks in terms of potential frequency, severity and available time to think prior to acting. Finally, you must mobilize (act) to address the recognized risks appropriately and prevent consequences.

Rule 5. Training must be constant and rigorous.

Every day must be a training day! We must focus the training on the tasks in every job description that have the highest probability of causing us grief. These are the High Risk, Low Frequency, Non Discretionary time events. We must assure that all personnel are adequately trained to address the tasks that give them no time to think, and that they understand the value of thinking things through when time allows.

Rule 6. All the functions of repair, quality control and technical support must fit together.

Audits and inspections are an important part of your job as a leader in public safety. We cannot assume that all is going well. We must have control measures in place to assure things are being done right. This

is not micro-management – It is called doing your job.

If you do not have the audits (formal and informal) in place, you will not know about problems until they become consequences, and then you are in the domain of lawyers. That is too late for action, as all you can do then is address the consequences.

And if you take the time to study the life of Admiral Rickover, you will quickly learn that he was widely despised in the Navy because of his insistence on using the audit processes a tool to hold people accountable.

Rule 7. The organization and members thereof must have the ability and willingness to learn from mistakes of the past.

Analysis of past data is the foundation for almost all of risk management. We (public safety operations) keep on making the same mistakes over and over again.

As I read the lawsuits, injuries and deaths, organizational embarrassments, internal investigations and even the rare criminal filing against our personnel I know that we can learn so much by studying the mistakes we have made in the past. It all gets down to Risk Management.

Here are three statements that have guided me through most of my adult life. First is a quote, albeit paraphrased, from the great risk management guru of the 40's, Archand Zeller.

"The Human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. The errors that he will make can be predicted from the errors he has made."

What does this mean? We have not figured out any new ways to screw things up. We are making the same mistakes over and over again. Refineries have not figured out any new ways to blow up. Police have not figured out any new ways to get in trouble. Restaurants have not figured out any new ways to kill people. Planes have not figured out any new ways to crash. Fire Departments and firefighters have not figured out any new ways to get in trouble.

IDENTIFIABLE RISKS ARE MANAGEABLE RISKS

Status quo (we have always done it that way – we have never done it that way) does not work. There is a better way of doing business, the 15th way, and we must constantly be looking for it.

"Things that go wrong in life are predictable and predictable is preventable."

Family Risk Number 1 is **external risk**: Weather is an external risk. Earthquakes are another example. Terrorism is an external risk. Very difficult to control external these types of risks. For terrorism you need vigilance and random irregularity. We fall into complacency quickly as Americans. We've been lucky to date.

We've lost our vigilance since 9/11. Random irregularity, don't be so predictability. Bad guys look for patterns. We need to be random. We are very predictable in our behaviors.

Number 2 **Legal and Regulatory Risk**: We need to not be out of compliance with our own policies and procedures and with those of our states. Ignorance of the law is no excuse.

Family 3 Strategic Risk: We need to look into the future to see what is necessary for the future. In 1960 firefighters put out fires. They looked at the needs and came up with the Emergency Management Services (EMS). The firefighters need to reinvent themselves again because the cost is too high. They are coming under the gun for the cost of their services.

Family 4 Organizational Risk: We need to keep looking for root causes for the tragedies. People, policies, training, supervisory and discipline when policies are not followed. Need to pay attention to recruitment--hire good people, background investigations (background investigations need to be done even once people have been hired, every five years?). Use probation to get rid of bad people during probation. His opinion is to do away with performance evaluations. Your average government employee is overrated. Rules must be enforced or they are part of the problem. Employees Google Czar 52 and see what is there. Every day needs to be a training day. There are unthinkable events that happen. We need to understand the core capability tasks. Everyday needs to be a training day. Sully the pilot who landed on the Hudson made every day a training day. Discipline must happen if policies are not followed.

Family 5 Operational Risk: We need a decision making process. Send him an email and he will send you a copy.

Family 6 Information Risk: How do we know that our decisions are being made on the right information

Family 7 Technology Risk: We are behind the curve on technology. In Denmark every new cop has to have a strong technology background. He doesn't like social media.

Family 8 HR Risk: Show your worth as an employee. You need the advice of competent HR and legal counsel.

Family 9 Financial and Management Risk: Few people are trained and we need more experience and training.

Family 10 Political Risk: It exists everywhere.

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Brian E. Simoneau, Esq.
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F: 508-302-0212
T: @briansimoneau
E: brian@simoneau.com

--
Stephen Doherty
Interim Director of Police Services
Ashland Police Department

137 Main Street
Ashland, MA 01721
PH: 508.881.1212 x 11
FX: 508.881.5243
sdoherty@ashlandpd.org

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EXHIBIT

28

Lisa Mead

From: Chief Stephen Doherty [sdoherty@ashlandpd.org]
Sent: Wednesday, July 24, 2013 5:06 PM
To: Lisa Mead
Subject: Fwd: Tomaso Duty Status Letter

More Simoneau...

----- Forwarded message -----
From: **Brian E. Simoneau** <brian@simoneau.com>
Date: Thu, Jun 20, 2013 at 5:39 PM
Subject: Re: Tomaso Duty Status Letter
To: Chief Stephen Doherty <sdoherty@ashlandpd.org>

My pleasure. □

B

On Thu, Jun 20, 2013 at 5:37 PM, Chief Stephen Doherty <sdoherty@ashlandpd.org> wrote:
Brian, Tony:

I am out of the office tomorrow as is Maureen. I will complete this letter first thing Monday morning inserting the appropriate dates and have it ready for your signature. Thank you both □ for helping me resolve the Departments manpower issues.

Chief Doherty

On Thursday, June 20, 2013, Brian E. Simoneau wrote:
I just sent the wrong version of the letter. Here's the correct one. □

On Thu, Jun 20, 2013 at 5:16 PM, Brian E. Simoneau <brian@simoneau.com> wrote:
Colonel: □

Here's draft letter to [REDACTED] regarding [REDACTED] duty status. I didn't have the dates, so I left those blank. I assume that Chief Doherty will have them. □

Best,

Brian

--

Brian E. Simoneau, Esq.
550 Cochituate Road, Suite 25
Framingham, MA 01701

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F: 508-302-0212 □
T: @briansimoneau
E: brian@simoneau.com

--

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sdoherty@ashlandpd.org □

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Director of Police
Boston Police Department
Boston, MA 02111

EXHIBIT

29

Re: Sgt. Pomponio

Date: February 13, 2012

Sir,

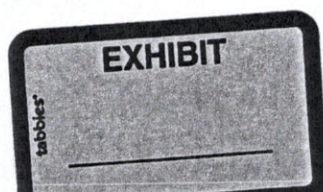
It has been nearly three weeks since I filed a formal complaint against Sgt. Ed Pomponio. I would like to know if my complaint is being investigated. Sgt. Pomponio maliciously attacked my reputation, family and my career by calling the Metro West Daily News on January 24, 2012. Sgt. Pomponio broke countless APD rules and regulations in doing this, and he was also untruthful. This is again the events as they occurred.

On January 24, 2012, I received a phone call from a reporter at the Metro west daily news. The reporter named Laura Krantz told me that she was informed of the following information. She stated that an Ashland Police Officer had called her and told her that I along with other members of the department were under investigation for sexual misconduct. She was also told that I had a complaint filed against me for smoking. In addition to this, the officer provided her information regarding the current internal investigation Major McGinn is conducting on me. The reporter later named her source as Sgt. Ed Pomponio. Sgt. Pomponio intentionally called the media and provided them with false (untruthful) information to destroy my reputation and to hurt my family. He also disclosed information about a confidential internal investigation. In addition to this Sgt. Pomponio provided the media with private personnel information. This information was concerning an investigation which was deemed unfounded. S

On January 30, 2012, I again spoke with reporter Laura Krantz from the Metro Daily News. Ms. Krantz confirmed that Sgt. Pomponio did in fact tell her that I along with other officers were being investigated for sexual misconduct. She also confirmed that Sgt. Pomponio provided her with private personnel information of mine, as well as information concerning an open internal investigation being conducted by Major Ed McGinn. I told her that Sgt. Pomponio was out of line and telling her things that are not true. Krantz then stated "Well the thing is he is not the only person who told me that you and others were being investigated for sexual misconduct". Krantz said that another Ashland Police Officer also told her. She then said "why would Pomponio make that up?" I told her I do not know why, but it is false information. Sgt. Pomponio provided her with this information knowing that it was false. This act by Sgt. Pomponio is in violation of countless APD rules and regulations, it slanderous and unlawful. He caused damage to my reputation and caused me a great deal of suffering. You agreed with me when we spoke the other day that this act by Sgt. Pomponio was very serious. You even stated that he could get terminated if he did this.

Respectfully Submitted,

2/14/2012



Sgt. Greg Fawkes # 33

--
Lieutenant David J. Beaudoin
Ashland Police Department
137 Main Street
Ashland, MA 01721
P: 508-881-1212 x23
F: 508-881-5243

DISCLAIMER REGARDING TAX ADVICE - IRS CIRCULAR 230 DISCLOSURE:

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EXHIBIT

30



Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Formal Complaint

Sergeant Ed Pomponio <epomponio@ashlandpd.org>

To: David Beaudoin <dbeaudoin@ashlandpd.org>

Cc: Chief Scott Rohmer <srohmer@ashlandpd.org>

Tue, Feb 14, 2012 at 12:55 PM

Lt, Beaudoin,

On 01-17-2011 I sent the letter attached below to you stating that I am fearful and feel subjected to a hostile work environment by actions of co-workers in the workplace who are attempting to make it difficult to perform my duties. I asked for protection under the law.

Lt Briggs and Sgt Fawkes are asking co workers if I have spoken with them and ordering subordinates to write statements. I believe that Lt. Briggs and Sgt. Fawkes have filed fabricated reports falsely accusing me of wrongdoing. I feel that Lt. Briggs and Sgt Fawkes are doing this in retaliation for me speaking the truth. I have contacted counsel and I am respectfully requesting the department's help for a second time.

This persistent aggressive, unreasonable behavior and their false accusations are causing me undue stress. Lt. Briggs and Sgt. Fawkes' intimidation is intentional behavior which is causing me fear of injury or harm. I am requesting a formal investigation and for immediate help. Thank you.

Respectfully,

Sgt Pomponio

Lt. Beaudoin,

Per our conversation earlier today Tuesday 01-17-2011 I am respectfully forwarding my request / concerns via e-mail:

1) Based upon information disclosed at the last staff meeting but not limited to I am respectfully requesting protection as a public employee under the Massachusetts Whistleblowers Law code section 149 SS 185 for any and all information provided under obligation or not, disclosed or threatened to disclose, or testimony provided towards corrective action. Pending the matter at hand / investigation or any other related matter.

2) I am fearful and feel subjected to a hostile work environment by actions of co-workers in the workplace who are attempting to make it difficult to perform my duties. The treatment in my opinion has been isolation and continuous serve misbehavior with patterns of mistreatment that exist that prevents me from performing task at the desired highest level. The mention of my religious affiliation (which is federally protected) by Sgt. MacQuarrie made me extremely uncomfortable. He has singled me out on minor matters while allowing matters much more serve importance with others to go unreported. I

have examples.

I was informed by two separate individuals who attended my Oct 19, 2011 promotion at the Ashland Town Hall that one was approached in an attempt to prevent the party from attending and then efforts were made to express displeasure that they attended.... presuming that a conspired boycott was in place treating me differently. Items of mine being missing or vandalized. Photos of me being placed around the station or other photographs posted that have caused me distress, direct and indirect disparagement.

I have contacted counsel and am waiting to hear back. I am willing to provide any additional information via representation to assist further in any way. Thank you.

Respectfully,

Sgt. Pomponio

EXHIBIT

31



Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Case Folder 12-123-OF

Sergeant Ed Pomponio <epomponio@ashlandpd.org>
To: David Beaudoin <dbeaudoin@ashlandpd.org>
Cc: Officer Ed Pomponio <epomponio@ashlandpd.org>

Thu, Mar 1, 2012 at 1:26 PM

To: Lt. Beaudoin
From: Sgt. Pomponio
Date: 03-01-12
RE: Missing Case Folder (Presumed Stolen)

Per our conversation on 02-28-12 immediately upon discovering the case folder in question missing, I notified you of the folder not being where I believed I had last left it.

On Tuesday afternoon at approximately 5:30 pm I was working a special assignment conducting an investigation and filing paperwork on cases 12-123-OF and 12-42-AC.

I last remember seeing the folder in the station upon the desk in the Sgt's office area adjacent to the dispatch center. The folder went missing. After a comprehensive search of the station area the folder was no where to be found.

Case folders are commonly placed in accessible bins and in and about work areas of the station. I immediately notified Lt. Beaudoin. I later notified A.D.A. Kerry Collins of the Middlesex District Attorney's Office.

The content of the folder including the following:
a copy of the uncompleted incident report,
a copy of the uncompleted crash report,
a copy of the motor vehicle inventory form,
a copy of the letter of preservation,
two business cards, copies of case photographs and
other papers.

The items were reprinted from IMC and or redone and placed in a case folder. I am writing this report to document the folder being removed from my work station.

Respectfully,

Sgt. Pomponio

EXHIBIT

32



Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Fwd: Computer error

Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Fri, Mar 2, 2012 at 1:37 PM

To: Officer Ed Pomponio <epomponio@ashlandpd.org>

Cc: Chief Scott Rohmer <srohmer@ashlandpd.org>

Sgt Pomponio,

Please review email from Sgt Fawkes. **Do not respond to him.**

Lt. Beaudoin

----- Forwarded message -----

From: **Greg Fawkes** <gfawkes33@aol.com>

Date: Fri, Mar 2, 2012 at 12:20 AM

Subject: Computer error

To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Cc: Officer Michael Dionne <mdionne@ashlandpd.org>, Attorney John Becker <jbecker@sandulligrace.com>

Lt. Beaudoin,

As you know I informed you last night that I believe somebody from our department contacted the Metrowest daily news and informed them that Dispatcher Finnerty was charged with OUI. I am 100% sure that someone from this department called them. Given the fact that Sgt. Pomponio recently called the MWDN and gave them false information, and the fact that he is the investigating officer, seems very suspicious. Also you and Sgt. Pomponio refused to tell anyone that you were investigating the accident all week. In ten years I have never seen a single car crash investigated for a week. Then all of the sudden you send an email to the entire department informing them of the charges. Then hours after that the newspaper reports that Dispatcher Finnerty was charged with OUI. Why was everything top secret and then all of the sudden the charges are disclosed to everyone? My guess is that it makes it appear that anyone in the department could have called the newspaper instead of just you and Sgt. Pomponio. This is very obvious to me and I am sure can be proven with phone records. Sarah Finnerty has been treated much different than anyone else that we have ever arrested for OUI. This is unethical and unfair.

I also viewed Sgt. Pomponio's report in IMC. It is obvious that this report does not reflect four days of investigation. Therefore I must conclude that you and Sgt. Pomponio are concealing reports that should be public record.

Also, several computers at the station received errors tonight. The errors reflected that you are monitoring everyone's Internet activity and storing it in a private folder. I have screen captured this as evidence. I am sure that this monitoring has never occurred before. I know that because the errors are occurring now that the software was installed recently. I am positive that this is retaliatory and in direct connection with a recent complaint filed against Chief Rohmer. I am sure that an investigation will determine that this software was installed after the complaint was filed against the chief. This could only be done to attempt to find a reason to discipline me or others who filed the complaint.

I will not stand for this very unethical and corrupt behavior any longer. Therefore I am contacting the Middlesex DA public corruption unit tomorrow morning. I think it's time that the MA State Police also step in to investigate.

EXHIBIT

l.google.com/mail/?ui=2&ik=d4e602b18a&view=pt&q=complaint&qs=true&se... 5/28/2013

Respectfully,

Sgt. Greg Fawkes

Sent from my iPhone

--
Lieutenant David J. Beaudoin
Ashland Police Department
137 Main Street
Ashland, MA 01721
P: 508-881-1212 x23
F: 508-881-5243

EXHIBIT

33



Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Truthfulness Complaint Rule 7.7 against Sgt. Fawkes

Sergeant Ed Pomponio <epomponio@ashlandpd.org>
To: David Beaudoin <dbeaudoin@ashlandpd.org>

Sun, Mar 4, 2012 at 3:29 PM

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.

Lt. Beaudoin,

Sgt. Fawkes' behavior and statement's are of grave concern. I believe it is possible that he may be a danger to himself and others. He did not speak the truth relating to officers duties, operation, or business of the department. Sgt. Fawkes is claiming unfair and unethical dealings in his e-mail to you below regarding my recent investigation (12-123-OF) this in not the truth.

Sgt. Fawkes has stated in writing disparaging remarks in his e-mail accusing me of disclosing Sarah Finnerty's identify to the Metrowest Daily News (this is not the truth). The newspaper article clearly cites Cara O'Brien, spokeswomen for the Middlesex District Attorney's office made the statement (see attached article below).

Sgt. Fawkes has written in his e-mail that you and I have conspired to disclose information this is not the truth.

He states that he believes that someone from our department contacted the MWDN and informed them of that she was charge with O.U.I. and fails to quality his views with any facts or support. Sgt. Fawkes claims to be in his words "100% sure" without providing any qualifying facts.

Sgt. Fawkes is claiming that you and I are guilty of wrongdoing, this is not the truth. Sgt. Fawkes is claiming in writing that "Sarah Finnerty has been treated much different than anyone else that we have ever arrested for OUI (she was not arrested). Sgt. Fawkes writes this is unethical and unfair". This is not the truth.

Sgt. Fawkes wrote "I also viewed Sgt. Pomponio's report in IMC. It is obvious that this report does not reflect four days of investigation. Therefore I must conclude that you and Sgt. Pomponio are concealing reports that should be public record". This is not the truth

Sgt. Fawkes in his e-mail he writes "I will not stand for this very unethical and corrupt behavior any longer". Making a second charge of unethical and corrupt behavior. This is not the truth.

I am requesting Sgt. Fawkes be investigated for seven violations of untruthfulness. I am respectfully requesting Sgt. Fawkes be held accountable for these violations under Rule 7.7 Truthfulness. Thank you.

Respectfully submitted,
Sgt. Pomponio

- Below are a copy of the MWDN newspaper article and a copy of the e-mail sent by Sgt. Fawkes.

ASHLAND —

The Ashland police dispatcher whose car crashed into a cement bridge on Main Street last weekend was charged yesterday with drunken driving, according to the district attorney's office.

Sarah Finnerty, 25, of Ashland, was charged with OUI, driving with an open container of alcohol and driving to endanger, said Cara O'Brien, spokeswoman for the Middlesex District Attorney's office.

Finnerty's black Honda CRV crashed into a bridge abutment near 400 Main St. on Sunday about 2:35 a.m.

She was taken to UMass Memorial Medical Center in Worcester by an Ashland ambulance, police said in a statement released Wednesday. A hospital spokesman on Wednesday said Finnerty was in good condition. On Thursday the hospital had no record of her but could not confirm whether she had been discharged.

Police yesterday did not return multiple phone calls.

The department's statement said local and state police are still investigating the crash.

"This is a very difficult time for the entire Ashland Police Department. Our thoughts and prayers go out to Sarah and her family," the statement said.

Finnerty was off-duty at the time she crashed, police said.

Chief Scott Rohmer, Lt. David Beaudoin, Sgt. Ed Pomponio and officer Kevin Piers responded to the crash.

Police on Saturday night hosted a wild game dinner at the VFW, a VFW employee said.

According to the Ashland Police Association's Facebook page, police hosted the game feed to raise money for union's police dog fund.

O'Brien said an arraignment has not yet been scheduled.

Sgt Pomponio,

Please review email from Sgt Fawkes. Do not respond to him.

Lt. Beaudoin

----- Forwarded message -----

From: Greg Fawkes <gfawkes33@aol.com>

Date: Fri, Mar 2, 2012 at 12:20 AM

Subject: Computer error

To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Cc: Officer Michael Dionne <mdionne@ashlandpd.org>, Attorney John Becker <jbecker@sandulligrace.com>

Lt. Beaudoin,

As you know I informed you last night that I believe somebody from our department contacted the Metrowest daily news and informed them that Dispatcher Finnerty was charged with OUI. I am 100% sure that someone from this department called them. Given the fact that Sgt. Pomponio recently called the MWDN and gave them false information, and the fact that he is the investigating officer, seems very suspicious. Also you and Sgt. Pomponio refused to tell anyone that you were investigating the accident all week. In ten years I have never seen a single car crash investigated for a week. Then all of the sudden you send an email to the entire department informing them of the charges. Then hours after that the newspaper reports that Dispatcher Finnerty was charged with OUI. Why was everything top secret and then all of the sudden the charges are disclosed to everyone? My guess is that it makes it appear that anyone in the department could have called the newspaper instead of just you and Sgt. Pomponio. This is very obvious to me and I am sure can be proven with phone records. Sarah Finnerty has been treated much different than anyone else that we have ever arrested for OUI. This is unethical and unfair.

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I will not stand for this very unethical and corrupt behavior any longer. Therefore I am contacting the Middlesex DA public corruption unit tomorrow morning. I think it's time that the MA State Police also step in to investigate.

Respectfully,

Sgt. Greg Fawkes

Sent from my iPhone

EXHIBIT

34



Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Documented Item

Sergeant Ed Pomponio< epomponio@ashlandpd.org>
To: David Beaudoin <dbeaudoin@ashlandpd.org>

Wed, Mar 21, 2012 at 4:24 AM

To: Lt. Beaudoin
From: Sgt Pomponio
Date: 03-21-12
RE: Greg Fawkes' Inappropriate Behavior

Upon Tuesday evening **03-20-12** at approximately 8:00 p.m. I attended an **Ashland Police Association Union Meeting** at the V.F.W. 311 Pleasant Street. During the meeting o/ Dionne had passed around Greg Fawkes' complaint (the complaint that was explained to the members that preceded his suspension and subsequent 03-29-12 hearing). Members were informed by Dionne that they could read it if they want to... Many members did read it as the papers were passed around the room. The document never made its way to where I was sitting.

After the meeting was adjourned I was walking out the door, officer Michael Dionne was directly behind me and Greg Fawkes was directly behind him. I asked Dionne if I could read the complaint and he stated yes and handed the document to me. I was holding the complaint when Fawkes grabbed the complaint (papers) from my hand pulling it away. I did not resist. Fawkes stated "your not reading my complaint" "Buzz off". He then stated "what are you trying to do intimate me". I looked at Fawkes for approximately a second in time and replied "thank you." And turned and walked to the exit. I heard Fawkes say to others standing by 'did you see that?'. I continued walking to the exit of the building and left the establishment. I never looked back.

It was evident that Fawkes was attempting to initiate an incident but I refused to comply and acted above reproach and did not respond to his child like and alarming behavior.

I immediately documented the encounter and later forwarded this document to Lt. Beaudoin.

Respectfully,

Sgt. Pomponio

EXHIBIT

EXHIBIT

35



Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Statement regarding A.D.A. disclosure

Sergeant Ed Pomponio <epomponio@ashlandpd.org>
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Wed, Sep 26, 2012 at 8:18 AM

Lt. Beaudoin,

In late February of 2012, I was conducting a motor vehicle crash investigation involving an operating under the influence of alcohol charge, concerning a town employee Dispatcher Sarah Finnerty. I was directed by the Middlesex District Attorney's Office to the Search Warrant Office of the Middlesex District Attorney's Office located in Woburn and was being assisted by Assistant District Attorney Stephen Hctor.

I was working on obtaining a search warrant for the medical records of Dispatcher Finnerty when in the course of conversation with A.D.A. Hctor; we were talking over the telephone regarding the difficulty of the circumstances relating to being placed in the position of having to investigate this incident. During the course of the conversation I stated "I only want to do the right thing". A.D.A. Hctor replied "I am glad to here you say that". He then stated, it has not always been my experience with one of your fellow employees and informed me of an incident where he stated that he had a past conversation with Det. Sgt. Wildman of the Ashland Police Department.

During his conversation with Sgt. Wildman, A.D.A. Hctor stated that Sgt. Wildman had informed him that he was aware that a suspect vehicle in an investigation had traveled to New York over the course of the weekend in question. A.D.A. Hctor said to me that Wildman told him... between you and I the vehicle had a GPS devise on it. A.D.A. Hctor stated that Wildman had applied the devise to the vehicle without a search warrant. I immediately informed A.D.A. Hctor that now that I knew that I needed to inform my superior. A.D.A. Hctor stated that he needs to speak with his boss. I stated that I would wait to here back from him. I waited to here back from A.D.A. Hctor and even called him on three separate occasions thereafter requesting an update. I have not received any update to date. I then notified and disclosed to Lt Beaudoin to secure my responsibilities.

Respectfully submitted,

Sgt. Ed Pomponio
137 Main Street
Ashland, MA 01721
tel 508 881-1212 ext. 50
fax 508 881-5243

EXHIBIT

EXHIBIT

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Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Protection

Sergeant Ed Pomponio <epomponio@ashlandpd.org>
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Wed, Sep 26, 2012 at 8:22 AM

Lt. Beaudoin,

In disclosing the information regarding ADA Hctor comments regarding Det. Sgt. Wildman I am respectfully requesting protection under the color of law regarding the Whistleblowers Law. Thank you.

Sincerely

Sgt. Ed Pomponio
137 Main Street
Ashland, MA 01721
tel 508 881-1212 ext. 50
fax 508 881-5243

EXHIBIT