EXHIBIT

37

Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Request for Assistance

Sergeant Ed Pomponio < epomponio@ashlandpd.org> Thu, Nov 8, 2012 at 4:01 PM
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>

Lt. Beaudoin,

I have been advised to not speak with the newspaper. A request I will comply with.

I am respectfully requesting the town and or their legal representative address the Tomaso complaint released to the Metro West Daily News. Releasing a statement denying the allegations and acknowledging a vigorous defense will ensue.

This is a time sensitive issue and I am respectfully requesting an immediate consideration of remedy and employee assistance. Thank you.

Respectfully,

Sgt. Ed Pomponio

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

EXHIBIT

EXHIBIT

38

Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Evidence / Drug / Detectives

Detective Sergeant Greg Wildman < gwildman@ashlandpd.org> Mon, Aug 6, 2012 at 10:22 AM
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>, Chief Scott Rohmer <srohmer@ashlandpd.org>, Detective John Driscoll <jdriscoll@ashlandpd.org>, Sergeant Ed Pomponio <epomponio@ashlandpd.org>, Detective Jon Tessier <jtessier@ashlandpd.org>

Lt. Beaudoin,

As you are aware, the evidence and drug inventory is complete. We did not inventory the bikes in the storage trailers / garage/ etc..Let me know how you would like us to handle those.

We will still need a couple hours to re-organize some evidence upstairs to create more space and to create a better filing system for the certs / property return slips.

We did not find the specific Dollaway Lost and Found $40 during the inventory. We did locate other lost and found money. I am not sure if Dollaways money ever made it into the evidence system or it may have been returned to its owner and may have not been given a property number.

I think we should research and write some type of updated evidence policy , updated lost and found policy, and updated destruction policy so we can have a more organized and efficient system. A lost and found policy will enable us to also get rid of unwanted property and save a lot of time and space.

I have left a message at the Drug Control Program to see if there is another alternative instead waiting the three (3) months for before being assigned a date for drug destruction.

Once Det. Driscoll and Det. Tessier are back from vacation days I will meet with them, and assign Det. Driscoll the evidence and Det. Tessier the court duties. We will then create a consistent work schedule for each detective.

thanks,

Sgt. Wildman
--
Det. Sgt. Gregg Wildman
Ashland Police Dept.
137 Main Street
Ashland, Mass. 01721
phone- 508-881-1212 x32
fax- 508-881- 5243
gwildman@ashlandpd.org

EXHIBIT

EXHIBIT

39

Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Provisional Sgt. Status

Sergeant Ed Pomponio < epomponio@ashlandpd.org> Mon, Aug 6, 2012 at 2:20 PM
To: Chief Scott Rohmer <srohmer@ashlandpd.org>

Sgt. Pomponio:

I met with Town Manager Mark Purple today and we discussed several matters including your current provisional sergeant status and the command structure of the police department. Mr. Purple has instructed that no changes of your status will be made at this time and he is continuing your status as provision sergeant until further notice. Please prepare to study for the upcoming sergeant's exam this October 2012. If you have any questions let me know. Thank you.

Chief Scott C. Rohmer
Ashland Police Department

Chief above is your e-mail to me sent July 17, 2012. As stated it indicates that per your discussion with Acting Town Manager Mr. Purple regarding my current provisional status and the command structure of the police department. Per the e-mail, Mr. Purple instructed that no changes of my status will me made at this time and he is continuing my status as provision sergeant until further notice. The e-mail then states please prepare to study for the upcoming sergeant's exam this October 2012.

I am somewhat confused as to what exactly Mr. Purple is communicating, stating that no change of my status will be made *at this time* and that he is continuing my status as a provisional sergeant *until further notice*. Respectfully what does this mean? Is it Mr. Purple's intent to pass an active current civil service promotional list in place, which I passed and topped? If so *why*? Did I do something wrong that I am not aware of? Is this action performance based?

On a technical point I understand that under civil service rule Mr. Purple (as the current appointing authority) can pass on a short list. I also know that in the past the department has a standing practice of appointing off of a short list. There are at least *three separate occasions/ cases* that I am aware of whereby the town has promoted off of a short list involving Sgt. Zanella, Sgt. Ellis and Lt. Briggs (recently). It is my understanding that in the history of the Ashland Police Department a short list has not resulted in the appointing authority passing on an active civil service list. I am also perplexed due to the department's current leadership status and lack of sergeants. We are currently three sergeants short with Zanella retiring, MacQuarrie resigning and Fawkes being fired. We also have a situation where it is publicly known that Det. Sgt. Wildman is submitting applications to other police departments for possible consideration of employment. Sgt. Wildman's possible departure could leave the department down a fourth sergeant's position.

It is also my understanding that I have the recommendation of you as department head and Lt. Beaudoin for full time appoint to sergeant under the current civil service list. In addition Lt.

EXHIBIT

Briggs acting as my immediate supervisor recently presented me with a written performance evaluation that was unquestionably conclusive indicating my recent performance as outstanding or exceeding expectations in every category listed. It is also my understanding that the town is considering installing two acting sergeant positions with personnel based upon *seniority* with individuals who have not passed a civil service exam and are not on an active civil service list like I currently am.

I have worked extremely hard on community building and community problem solving. The many programs I have helped to initiate or worked on speak of a sincere commitment to the organization, public safety and the town's people. My work ethic and professionalism has been meritoriously proven. I have developed a climate of professional interaction on each shift assignment that I have supervised while providing appropriate training to officers at every turn in the past when needed and in the best interest of this department. I have worked hard to establish programs that have enhanced the community's quality of life and have been supportive and exceptionally loyal to this administration even in the most difficult times of service. I have not waned in my indomitable loyalty to this organization even while being subject to unsubstantiated unjustified attack which you are aware of.

I have passed the Civil Service exam and topped the list. I am qualified, trained, (at the town's expense I have attended two wide-ranging sergeant trainings, one two week comprehensive sergeants training in West Boylston, MA June 2011 and one three days seminar in Marlborough, MA September 2012, totaling an approximate 100 training hours). I am experienced with 24 plus years in law enforcement (and other life experience compared to the much younger members of the department) and I am currently performing the duties (according to Lt. Briggs in a way that is exceeding expectations or outstanding). Lt. Beaudoin has also verbally indicated that my work performance is outstanding and exceeding expectations.

In the past I have asked Mr. Purple if, via the chain of command, I could request to speak up the chain of command to talk with him regarding my prolonged (now) nine months provisional status and (*other concerns brought before me that affect my property standings in this department*). He states "yes" when I asked him. I then respectfully requested, first with Lt. Beaudoin and then with you, for permission to speak up the chain of command and to speak with Mr. Purple, the Acting Town Manager, and most senior person in my chain of command. Permission was granted. I made an appointment with Mr. Purple at his convenience and we met. During the meeting no substantive dialogue was permitted. I was informed that you and Mr. Purple would discuss my status. I attempted to relay concerns that were brought to my attention regarding information that individuals from within the department had lied about you and me (substantiated by the town's hired investigator) in an attempt to cause harm, disparagement and remove good standing. I mentioned the lies noted in the document presented by Mr. Fawkes and Officer Dionne which I asked to read and was presented excerpts of by the investigator hired by the town during my interview relating to those false claims. I asked if the town was going to address the malicious lies presumptuously stated. I am concerned that the same untruths if not corrected could affect my status. I did not receive an answer.

I have worked to the best of my ability for this community and this department. They have tremendous value to me personally and I have faithfully served both. My performance has been consistent and in accordance with the departments highest standards. I have experienced

tremendous public support from a large number of citizens. I do not understand the basis behind the instruction to prepare to study for an up coming sergeant's exam when I am on a certified active civil service sergeant's promotional list. Mr. Purple acting in good faith on an active list could readily meet the department's current need for an immediate sergeant's position especially in light of your stated confidence and full recommendation. I am respectfully seeking clarification and reasonably objective consideration in accordance with the towns past practice. Thank you.

Sincerely,

Sergeant Edward Pomponio

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

EXHIBIT

40

Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Requesting Assistance 03-30-13

Sergeant Ed Pomponio < epomponio@ashlandpd.org>
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>
Cc: Chief Scott Rohmer <srohmer@ashlandpd.org>, dlouison@lccplaw.com

Sat, Mar 30, 2013 at 9:52 AM

March 30, 2013

Lt. Beaudoin,

Recently, I believe that Chief Rohmer and I have been wrongfully and publicly harmed and suffered possible irreparable damage to our professional credibility by information released to the media, some of which is a half truth (intending to mislead) and or completely untrue and disingenuous allegations, information regarding personnel issues and or an active investigation or investigations was confirmed, singled out and or released based upon mere allegations.

On more than one occasion information was released to Reporter Laura Krantz of the Metro West Daily News and to Channel Five. In the past I was advised by the town by their agent to not speak to the media. So in the best interest of the organization I did not defend myself but referred that the media seek information or speak with my counsel. I believe I may have suffered possible damages of defamation as a result.

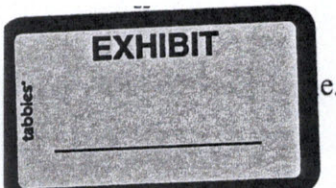
In the past I was legally represented with town appointed Counsel Atty Lenard Kesten (Brody Hardoon Perkins and Kesten) and have met with and shared a legal attorney client privilege. Now my legal representation has been split and I am now represented by Atty Douglas Louison (Louison, Costello, Condon & PFAFF). I was informed the defense teams would be working together and sign some sort of defense related agreement.

I am respectfully requesting to speak with the Town's Human Resource official to seek assistance via my chain of command with this matter and am asking for the town to respectfully assess and take timely corrective action in the form of a public press release of support. The citizens' of this community have only been given one untrue side of the story repeatedly. As an employee I am concerned the stress that this has generated is harmful. Thank you.

Respectfully,

Sgt. Pomponio

C.c. Lt Beaudoin
Chief Rohmer
Atty Douglas Louison



Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Request for Press release of Defense

Sergeant Ed Pomponio < epomponio@ashlandpd.org>
To: dlouison@lccplaw.com
Cc: Chief Scott Rohmer <srohmer@ashlandpd.org>

Sat, Mar 30, 2013 at 11:51 AM

Doug,

I was hoping that your office could prepare a written press release to be sent to the Metro West Daily News for Monday April 1, 2013 explaining how a small number of disgruntled employees allegedly coordinated by Greg Fawkes (who was fired for violating a citizen's civil rights and refuses to take responsibility for his actions), is leading the charge to discredit the Chief and others to deflect from his own bad behavior. The truth is that Fawkes' bad behavior lead to his firing not retaliation.

The Metro West Daily News printed a past article outlining the Bill Kavanugh incident, explaining in detail the event when Fawkes, who was off duty , went to Kavanugh's home, had a patrol officer, who was on duty, armed, in uniform, with a marked police cruiser standby without notifying the on duty Patrol Commander allegedly threatening the citizen holding him hostage and refusing to leave his property when asked repeatedly....His actions and those of the on duty patrol officer placed the town in a liable situation that could far exceed the $300,000 of legal fees forced upon the town to date.

The $300,000. fee referred to above, was initiated in direct response by the investigation into the document signed by Fawkes that was designed to embarrass and humiliate the chief, as stated by one of the employees quoted in the Independent Investigative report. The document containing 130 lies, half truths and or unsubstantiated rumors authored by Greg Fawkes as outlined in the Doucy report. Which stated that Fawkes and others responsible for the document would have been better served by serving the community and not worrying about others within the department who were doing their job responsibly. The investigator stated that although the document appeared impressive because of it size and the large amounts of claims...but in fact it was a house of cards that could not stand under the weight of its own scrutiny. It was the outside investigator that recommended his firing and the then Town Manager John Petrin fired him not the Chief.

The Metro West Daily News also reported on Fawkes smoking at a police related function in violation of MGL Chapter 41: Section 101A when he and other should have BY LAW been immediately fired by Petrin (the law requires the personnel administrator **SHALL** promulgate regulations for the implementation of this section.

Fawkes was hired after January First, nineteen hundred and eighty-eight and *did in violation of MGL Ch 41 S 101A,* smoke tobacco (photographs depicting Fawkes smoking a cigar exist and were presented).

Chapter 41: Section 101A. Police officers or firefighters; tobacco smoking

EXHIBIT

Section 101A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a police officer or firefighter in a city or town and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco products. The personnel administrator shall promulgate regulations for the implementation of this section.

Also I never served a suspension for lying. It was for not being forthright with is plain dumb. That incident was a set up and I want to dispute that (Lt Beaudoin has insight in that incident). That is a bright line offense that one can be fired for. I want that clarification made.

Please dispute the false claims of retaliation as well so we can state our innocence to the public or however best you see fit to mitigate the damage done by Channel 5 and the Metro West Daily News' bias reporting.

Can we please go on record and deny the discrimination claims (Tomaso and Downey) as well as making a statement in our defense. Let the public know we consider them unfounded and will take fitting legal redress to vigorously defend ourselves.

I don't want to harm our legal strategy but I am tied of being forced to be silent while Fawkes pounds a drum and the town says little or nothing to defend our reputations. Please let me know your thoughts. We do have to work and live here.

My apologies for the rambling but I trust you can look at the past articles and present something that stops the bleeding and brings the scales close to center. Thank you.

Ed

p.s. Doug unfortunately time is our enemy so being timely in our response (Monday or Tuesday) is critical in my humble opinion.

--

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

EXHIBIT

41

Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Request for Press Release of Defense

Chief Scott Rohmer < srohmer@ashlandpd.org> Sun, Mar 31, 2013 at 12:28 PM
To: Douglas Louison <dlouison@lccplaw.com>, Regina Ryan <rryan@lccplaw.com>
Cc: Sergeant Ed Pomponio <epomponio@ashlandpd.org>, Chief Scott Rohmer <srohmer@ashlandpd.org>

Attorney Louison / Attorney Ryan;

It is sad, disturbing and disgraceful to see the Town stand by as good and faithful police department employees are and have been attacked, insulted and damaged by disgruntled employees (and their antics) now using the media to Air their one sided and false views. It is my opinion and the opinion of many, that the multiple released news reports have damaged Sgt. Pomponio, Lt. Beaudoin and myself not to mention our families as well as embarrassed the town. The Town participated in a scheduled and planned news release regarding the Ashland Police Department. The town never disclosed this to us and upon finding out, prevented myself as department head and other officers from participating as we were instructed not even to attend. Town failed to

- Town failed to inform us of what information was released during their press conference with Channel 5 / others?
- Town has failed to deliver the Press Release or any information or documented reports released (even after requests to do so)
- Town failed to advise us of what was released and as a result, officers and their families had to find out as reported in the News. (We still do not know what was released by the Town).
- Town prevented us from participating at this news release or from even being present
- Town prevented any representation at the news release for us or on our behalf
- Town failed to present another side/view or defend me/us
- Town failed to review and present SOME of the detailed facts and issues surrounding the PD
- Town failed to defend the false claims against us
- Town failed to protect or support us from the ongoing damage caused us and our families

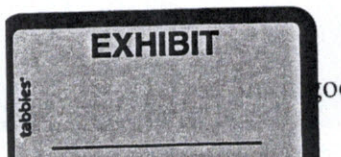
The Town's failing to act on our behalf as well as preventing us reasonable and responsible access to the media has caused us enormous damage. We need an aggressive and immediate response. Please advise on how we need to proceed to protect our rights and corrected the past wrongs.

Respectfully,
Scott

On Sat, Mar 30, 2013 at 11:51 AM, Sergeant Ed Pomponio <epomponio@ashlandpd.org> wrote:

Doug,

I was hoping that your office could prepare a written press release to be sent to the Metro West Daily News for Monday April 1, 2013 explaining how a small number of disgruntled employees allegedly coordinated by Greg Fawkes (who was fired for violating a citizen's civil rights and refuses to take responsibility for his actions), is leading the charge to discredit the Chief and others to deflect from his own bad behavior. The truth is that Fawkes' bad behavior lead to his firing not retaliation.



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

--
Chief Scott C. Rohmer
Ashland Police Department
137 Main Street
Ashland, MA 01721
P: 508-881-1212 ext. 11

EXHIBIT

42

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

Sir:

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

Respectfully

Print	Sign
Greg Fawkes	
Robert MacQuarrie	
Michael Dionne	
Gregg Wildman	
Richard Briggs	
LoAnn Tomaso	
David Muni	
Christopher Albanese	
Allena Downey	Allena Downey
Jonathan Tessier	

EXHIBIT

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

(MA Ethics Law violations)

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

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

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

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

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

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

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

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

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

Unethical and retaliatory conduct by Chief Rohmer

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

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

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

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

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

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

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

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

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

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

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

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

turned the radio, AC, windshield wipers on the car on high, so when she turned the vehicle on she would be unnerved. Sgt. Macquarrie and Sgt. Fawkes spoke with Pomponio and both felt that he was lying to them about the incidents. Officer Downey was very upset and cried while explaining how afraid she was of Pomponio. She said that she feared retaliation by Chief Rohmer and Lt. Beaudoin if she reported the incident. Downey reported the incident. Sgt. Fawkes spoke with Chief Rohmer and Lt. Beaudion about the complaint. The Chief and Lt. Beaudoin laughed and said that her complaint was a joke. I explained how scared Officer Downey was. The Chief stated *"she can't just say she's in fear, she needs to explain why"*. Sgt. Fawkes disagreed and told them both they should take the matter seriously.

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

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

(Ashland Police Department Rule 4.02 Conduct Unbecoming an Officer)

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

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

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

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(Ashland Police Department Rule 7.5 Dissemination of Official Information)

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

(Ashland Police Department Rules 4.05 Association with Known Criminals)

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

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

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

(Ashland Police Department Rule 12.7 Department Vehicles)

1. Chief Rohmer inappropriately used department detective vehicles to secretly follow his wife. Chief Rohmer was observed by several officers leaving his assigned Chief of Police cruiser at the Police Station at late night hours (midnight 12:00AM) and then returning the vehicles at 3:00 AM. Several Officers also observed binoculars in the center console of Chief Rohmer's vehicle. Chief Rohmer was also operating an unmarked detective vehicle the night that he confronted the man at the Aegean Restaurant.

2. The Chief's wife has been observed by members of the Police Department driving his police cruiser on several occasions.

3. The Chief has lent department vehicles to friends to use when their vehicle is being repaired. One example is the owner of Marathon Deli was observed driving an unmarked Detective vehicle for approximately one week while his vehicle was being repaired.

(Ashland Police Department Rule 4.08 Improper Buying or Receiving)

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

(Ashland Police Department Rule 4.02 Conduct Unbecoming and Officer)

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

(Ashland Police Department Rule 7.2 Disparaging Remarks)

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

(Misappropriation of Department funds)

1. Chief Rohmer inappropriately spends department funds constantly. The Chief recently purchased approximately $20,000 in jackets. The Chief gave approximately half of these jackets to his friends and family. The Chief purchased the jackets because he told several people that the Town Manager took his marathon money. He stated to Sgt. Fawkes and others *"Those mother fuckers Petrin and Purple want to take that money" "I'm gonna spend it, and send those mother fuckers the bill"*. The Chief purchases flashlights, t shirts and other items for friends and family members using department funds. Each year when his wife visits Germany, the Chief purchases large amounts of jackets, t shirts, hats and other items bearing the APD logo, to give her to bring to her family members and friends in Germany.

2. The Chief purchases uniforms, equipment and other items of value for his friends Lt. David Beaudoin and Sgt. Ed Pomponio, using department funds. The Chief even purchased thousands of dollars in Class A dress uniforms for them. These items have all ways been the responsibility of each officer to purchase using allotted uniform allowance.

3. Several months ago Chief Rohmer purchased thousands of dollars in ammunition with department funds. The ammunition was for caliber firearms that are not used by the Ashland Police Department. Chief Rohmer then used the ammunition for personal use. He in fact allowed his friends Deryk Frye, as well as his wife and three children to use the ammunition with him at the Ashland Fish and game Club. Sgt. Macquarrie viewed these pictures. He confirmed that the caliber firearms in the pictures were the same caliber as the ammunition Chief Rohmer purchased, using department funds. Pictures of the event were posted on Facebook. These pictures can be provided if needed.

4. Approximately two years ago, Chief Rohmer used department funds to purchase Jordan's Furniture gift certificates for a woman he knows on Raymond Marchetti Street. The Chief was advised by the town accountant told him that this was a misappropriation of funds. The woman later told the DA that she disclosed a rape to Chief Rohmer while they were alone driving in his cruiser. The DA told Officer Grout that she wanted a report on the incident from Chief Rohmer. The Chief refused to document the incident.

5. The Chief constantly fixes parking tickets and alarm bills. Records clerk Neitz is very uncomfortable with this behavior. The Chief has even made Neitz send alarm bill checks back to people he is friends with.

(Bill Cavanagh Incident)

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

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

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

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

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

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

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

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

(The Chief's wife Stephanie Rohmer)

1. Several town residents have informed officers in the department that the Chief's wife openly talks about Police Department confidential information. She has disclosed information related to open internal affairs investigations, including the names of officers under investigation. She has also spread rumors that Officer Luann Tomaso is *"blowing a bunch of guys in the department"*. Additionally Mrs. Rohmer has told residents that Chief Rohmer told her that Sgt. Pomponio approached Officer Tomaso. She stated that Sgt. Pomponio had urged Officer Tomaso to file false sexual harassment complaints against Sgt. Fawkes and Sgt. Macquarrie to *"take them out, for filing a complaint against him that could get him being demoted"*. Mrs. Rohmer explained that Officer Tomaso said that she would never do that. Sgt. Pomponio then went on to tell Officer Tomaso that she could make hundreds of thousands of dollars by sewing the Town of Ashland, if she filed a complaint. She also said that Chief Rohmer is pushing Officer Tomaso and trying to force her to file complaints. Stephanie Rohmer herself even approached Officer Tomaso and urged her to file complaints against Fawkes and MacQuarrie.

2. The fact that the Chief of Police's wife is revealing these facts is very disturbing. Also the fact that Chief Rohmer is playing a role and encouraging an Officer to file a law suit against the town is outrageous. This information was told to a member of the department by a person who knows Stephanie Rohmer.

3. Stephanie Rohmer also spread a rumor that she heard *"The young guys in the department were fucking the two new dispatchers"* This comment was directed at Dispatcher Sarah Finnerty and Dispatcher Kasey Richards. Both dispatchers and several officers were highly upset over this.

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

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This is a recap, to my best of my ability concerning a conversation that I had with Greg Fawkes and Mike Dionne at the end of January 2102 at Bill's Pizza, In Hopkinton Ma. concerning Ed Pomponio.

Fawkes and Dionne had requested a meeting with me and fellow Selectman Michael Campbell to discuss why we did not support the Ashland's Unions vote of no confidence on Police Chief Scot Rohmer. They both said that the issue with the Chief revolved around Officer Pomponio. They claimed that Pomponio was a "cancer" and the root of all the problems. When I asked that they give specifics, they could not, other than to say that "we all know that you are friends with them." I pressed them for details, Fawkes replied, that the "have lunch together every single day." I asked Fawkes if he was jealous of that, and that seemed like something my middle school aged son would say, he said that the "Chief played favorites with Ed." Fawkes also said that "the union does not like Ed." I asked why? "He tries to make us look bad."I replied, by being a good cop? Fawkes, "yes". I asked, why would that be a problem? Fawkes, "he is messing up our plan". I asked what plan? Fawkes, "to get rid of the Chief." Fawkes went on to say the Lt. Beaudoin, Pomponio and Rohmer were everything wrong with the APD. Fawkes and Dionne were also surprised to find out that Campbell and I had no idea that they had been working with town Manager John Petrin for 9 months "to get rid of the Chief." I asked why they would want to get rid of the Chief? They both went on about how recent personal problems with the Chief and his friendship with Beaudoin and Pomponio did not sit well with the union. I once again asked for specifics. Fawkes, replied that" you know their religious act is fake." I responded that I knew nothing of "none their religious beliefs." I remember Campbell asking why they did not like Officer Pomponio, and Dionne said because he is "fake and phony, nobody can be as hard working and professional as he pretends to be."

In October of 2011 Town Manager John Petrin and I had a heated argument over the process, or lack their of, of the promotion of Officer Pomponio. I asked why Petrin was not telling the board what was going on and his thoughts on the promotion. He relied that I don't want to promote him, because the union does not like him. I replied to Petrin, he is our best office and you know it! Petrin, "yes he is", but the union does not like him. Petrin then told me that he would promote Pomponio to a provisional Sgt. I told him that was wrong. Petrin, "maybe, but I am the appointing authority and that is what I told the union I was doing."

In March of 2012 Town manager and Town Counsel Lisa Mead and I had a conversation about Sgt. Pomponio, about possible discipline. Petrin, "I want his strips." I told Petrin that was not justified, Pomponio "misspoke and you know it!" Petrin, I am the appointing authority, and I want his strips! I

EXHIBIT

asked if he had discussed this with the Chief and the Union. Petrin, "Yes". Mead went on to say her recommendation "was to take his strips.' I asked why. He was "not forthright." I asked, he lied? Mead, "yes". I said that is not true and inconsistent with our policies with in the department. Mead asked why? I said that there seems to be a great amount of lying going within the department and town hall, why is only Officer Pomponio the only one being held accountable? Mead, "because that's the way it is." I asked to see the report on this matter, Mead told me that it was an employee issue and the board would not see it. "I reminded her that the Selectmen are in charge and if we want to see it, we will and if you want a public fight over this, I am ready and willingly." She responded, our your friends? Meaning Rohmer and Pomponio.

This recap is my best attempt at remembering the events and quotes of the discussions I had with officers, town manager and town counsel concerning Sgt/Officer Pomponio. I am willingly to testify to this recap, as well. Any further questions, pleasefeel free to contact me directly.

Jon Fetherston

98 Heritage Ave

Ashland Ma. 01721

508-816-6674

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Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Request for documentation

Sergeant Ed Pomponio <epomponio@ashlandpd.org> Sat, Feb 18, 2012 at 3:28 PM
To: David Beaudoin <dbeaudoin@ashlandpd.org>

Lt. Beaudoin,

I am at a disadvantage and concerned regarding how I perceive that I have been treated and am fearful of possible continued defamatory treatment. I have requested to speak up the chain of command via the Chief of Police with the highest police official, the Town Manager Mr. John Petrin and have been denied more than once.

While it is my understanding and has come to my knowledge that other officers, union officials and non-union officials have been allowed an audience with Mr. Petrin, I have not regarding ongoing matters. I have noted the differential treatment.

It is my belief that inferences made in separate past encounters by Lt. Briggs and Mr. Petrin, although I can not say at this time, with certainty, that other officers have spoken against me or mentioned unspecified concerns regarding me and in my opinion I have concerns that these unmentioned persons may have attempted to maliciously defame or damagingly misrepresent me and my efforts here within this organization. I feel that by not being allowed to speak with Mr. Petrin, as they may have been, that I have been treated differently than others and an unjustified, damaging and inaccurate view may have been developed unfairly. Possibly to the point where my good name and reputation may have been injured thus placing me at a possible unfair disadvantage.

In the past I have sent emails and requested clarification and information regarding the treatment I feel that I have suffered and the statements made at the hands of Lt. Briggs at my sergeant's interview. I even requested a meeting and one was held. Yet I have asked for and am still seeking an answer to the questions posed in response to Lt. Briggs statement that he personally had knowledge that officers I work with have a problem with me. (See my past below email regarding the subject).

The recent treatment and attacks that I have undergone is concerning to me. This coupled with the patrol commanders' personal knowledge that others have a problem with me and not being allowed to professionally deal with the matter is an issue of concern. I am respectfully entitled to and seeking protection. How can I and we as an organization take corrective action if the matter is not examined or even clarified or even determined if it is legitimate and or dealt with? The possibility must be considered that to know a problem exists and to do nothing about the problem is inappropriate and a bigger problem.

I am once again asking for help and respectfully requesting a timely investigation into the matter and answers to the questions posed. My initial request was in September of 2011. It is now February of 2012.

I am concerned that the unspecified and alleged problem other officers allegedly have with me as stated by Lt. Briggs during my sergeants interview may be based on personal bias and arbitrary and captious attempts in nature tending to unjustly find fault and make trivial and excessive criticisms intended to possibly entrap me in an argument for nefarious purposes to cause injury to my career.

Sincerely,
Sgt. Pomponio

c.c. Attorney Ken Grace, Massachusetts Coalition of Police

Initial Letter to Lt. Briggs:

Lt. Briggs,

On Friday 09-09-11 in the course of my interview for the position of Sergeant at the Ashland Police Department, in the presence of the Ashland Assistant Town Manager Mark Purple, Deputy Chief Steven Trask of the Framingham Police Department, Lt. David Beaudoin, Executive Secretary Maureen Carmichael and myself you stated that "I happen to personally be aware that officer's that you work with a have problem with you".

Per your assertion Lt. I am respectfully asking to meet with you, Lt Beaudoin (the officer I report to in my chain of command) and Chief Rohmer.

My goal is to gain knowledge regarding your account in order to discover what problem(s) officer(s) hold, and who has the problem(s) as well as if any real concerns ensue so I can design a strategy too effectively deal with any factual issues. Please note that no officer has ever brought any concern before me or made any attempt to inform me of any concern they allegedly hold.. My aim is the betterment and resolve of the subject in the best interest of the organization.

I have four questions that immediately come to mind respectfully:

When did you first become aware that other officers stated they had a problem?

What did you do regarding the problem (prior to informing me at the interview)?

Who are the officer / officers that stated they have a problem?

What specifically in detail are the problem / problems he/she/ they allege that they have?

Thank you in advance for your help in dealing with this matter. It is with confidence that I ask that together we address any obstruction to resolution. I will be out of work upon Tuesday due to an appointment but will be readily available at your request thereafter.

Sincerely,

Officer Ed Pomponio

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TOWN OF ASHLAND

SUPERVISORY PERFORMANCE EVALUATION

EMPLOYEE NAME: Edward Pomponio DATE OF EVALUATION: 05 July 2012

POSITION: Patrol Sergeant SUPERVISOR: Lt. Richard Briggs

To the employee:

This evaluation is to let you know how you have performed on the job in the past twelve months in the judgment of your supervisor. You and your supervisor should discuss, assess and summarize your performance based on objectives, responsibilities and performance factors. You and your supervisor should clarify expectations, set specific objectives and identify action you can take to maintain or increase your effectiveness.

DEPENDABILITY

Regularly demonstrates the ability to perform the duties/responsibilities of his/her position well with a minimum of supervision; consistently meets deadlines.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio can be relied on to meet schedules and deadlines and fully accepts all responsibilities. Sgt. Pomponio is extremely reliable and supportive and is always fully prepared. Sgt. Pomponio requires minimum supervision and completes assignments when directed.

DISCRETION:

Appropriately exhibits and applies discretion within the parameters of authority established for his/her position.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio can be relied on to make sound decisions. He assembles all available facts before making decisions and seeks input from the Lieutenants when necessary. Sgt. Pomponio is very level headed and able to deescalate heated situations with ease.

PUBLIC CONTACT:

Deals courteously and tactfully with the public, the Town Manager, the Board of Selectmen, School Officials, Community Leaders, Business Leaders, applies Community Policing Principles in his/her daily work routine and projects a positive image for the Town.

Outstanding(X) Exceeds Standards( ) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio is cooperative and constructive and is an excellent team player. He builds positive relationships with his superiors. I have observed him dealing with members of the public on many occasions and he is always extremely polite, tactful and courteous.

EXHIBIT

SUPERVISORY PERFORMANCE EVALUATION

INITIATIVE:

Regularly demonstrates the willingness and ability to initiate and expand work assignments; does not wait for direction of Town Administrator, the Board of Selectmen, the Chief of Police, and/or Supervisors to initiate work.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt.Pomponio is willing to try new approaches and does things without being told. Having a relatively young shift, he provides opportunities for initiative and support to the newer and younger officers. He frequently encourages members of his shift to seek new opportunities and advancement.

COOPERATION:

Works effectively with subordinates and peers; demonstrates a team orientation.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio encourages organization-wide cooperation and interacts effectively with peers. He establishes credibility with superiors and subordinates, conveys positive influences and is always engaging with the command staff and other members of the police department.

JOB KNOWLEDGE:

Exhibits an understanding of the theoretical and technical components of his/her job and consistently applies such knowledge.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Although, he is a fairly new Sergeant with the department, Sgt. Pomponio is a seasoned police officer who demonstrates strong technical and operational knowledge and thoroughly understands the requirements of his position.

PLANNING:

Effectively plans work of his/her department; controls workload well.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio plans, organizes and completes tasks in the shortest, most efficient manner. He is able to anticipate and resolve conflicts on his shift. He accepts reality and plans appropriate trade-offs. Sgt. Pomponio has several responsibilities including the Citizens Police Academy, Child Passenger Seat Technician, and a member of the Ashland Coalition for Teens (to name a few) and always plans and organizes effectively.

SUPERVISORY PERFORMANCE EVALUATION

LEADERSHIP:

Provides positive leadership to subordinates; respected; positively takes lead on issues; seizes opportunities when presented; effectively plans and directs the work of subordinates.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio projects self-confidence, authority and enthusiasm. He faces problems with confidence and assurance and generates a team concept amongst his shift. Sgt. Pomponio commands the respect and attention of others and effectively maintains leadership in a group environment.

BUDGET ADMINISTRATION:

Regularly demonstrates the ability to manage fiscal resources effectively; keeps within budget; is able to prepare his/her department's operating budget within guidelines established by the Town Manager, the Board of Selectmen, the Chief of Police and/or Supervisors.

Outstanding( ) Exceeds Standards( ) Satisfactory Performance(X) Needs Improvement( ) Unsatisfactory( )

Comments:

Although Sgt. Pomponio has little responsibility with regards to Budget Preparation, he does a good job with not filling overtime when it is not necessary and using dayshift officers to cover court duties, etc.

REPORT PREPARATION / PRESENTATION:

Reports contain all pertinent material and are concise and clear; presents reports in a comfortable and credible manner.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio writes reports that reflect professionalism that reflect favorably upon the organization. Sgt. Pomponio is consistent with approving reports written by his subordinates and always makes suggestions to them for improvement.

SAFETY:

Maintains pro-active policies/practices/programs to ensure a safe work environment; investigates safety violations/accidents and initiates corrective action

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )

Comments:

Sgt. Pomponio maintains his equipment in good working order and is always ready and willing to back up his officers while in the field. He consistently responds to calls that he knows will require a supervisor's decision.

SUPERVISORY PERFORMANCE EVALUATION

DECISION MAKING:

Makes sound decisions, which provide basis for quality service.

Outstanding( ) Exceeds Standards(X) Satisfactory Performance( ) Needs Improvement( ) Unsatisfactory( )
Sgt. Pomponio communiccates decisions with confidence and avoids hasty decisions. He develops resourceful solution to problems. Sgt. Pomponio effectively delegates unpleasant tasks.

SUPERVISOR'S SUMMARY:

How does the employee meet the factors established in this evaluation? (Note strengths, weaknesses and summary comments, including specifics for improving areas of weakness).

Comments:

Although he has only been a Sergeant for 9 months, Sgt. Pomponio is a seasoned police officer with many years of experience. He is very knowledgeable in his duties and responsibilities as a Sergeant. Sgt. Pomponio commands a younger group of officers on a less-than-ideal shift (midnights). He does take his job as a Sergenat/First Line Supervisor serous and is liked and respected by the officers on his shift. He is always willing to take on responsibilities and tasks, sometimes without even being asked. The last nine months has been a pleasure working with Sgt. Pomponio and I look forward to an upcoming productive year with him.

(Attach additional sheets if needed.)

Supervisor's Signature	Date	Employee's Signature	Date
	07-05-2012		7/5/12

EMPLOYEE'S COMMENTS:

(Attach additional sheets if needed)

DEPARTMENT HEAD'S COMMENTS:

Comments:

(Attach additional sheets if needed.)

Department Head's Signature _____ Date _____

EXHIBIT

46

Town of Ashland
Police Department

Scott C. Rohmer
Chief of Police

David Beaudoin
Lieutenant

Maureen Carmichael
Executive Secretary

Richard Briggs
Lieutenant

Sgt. Gregg Wildman ~ Sgt. Brendan Ellis

June 5, 2011

To: Lt. Dave Beaudoin
CC: Sgt. Gregg Wildman, Sgt. Ed Pomponio

CONFIDENTIAL

From: Detective John J. Driscoll #46

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

Sirs,

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

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

EXHIBIT

CONFIDENTIAL

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

Respectfully Submitted,

Detective John J. Driscoll #46

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

EXHIBIT

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Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Firearm - Evidence

Detective Sergeant Greg Wildman < gwildman@ashlandpd.org> Thu, Jun 14, 2012 at 4:42 PM
To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>, Sergeant Ed Pomponio <epomponio@ashlandpd.org>, Detective John Driscoll <jdriscoll@ashlandpd.org>

Lt.,

In regards to the firearm (SW Model 59 9mm Ser# A468009) related to the 2002 Arrest (02-132-AR), that we observed was not stored in the evidence room last week.

I spoke with Julie Zecko today at the Village Vault. She reported receiving 2 guns under the suspects name David Waters. She reported both guns appeared to be sold at auction back in 2004. She needed to confirm the make and model of these guns and will get back to me next week. We got back 1 gun already. When she confirms the above gun was sold, I will try to see how we can get the gun back. The criminal case is still pending, so it would be considered evidence. I will advise you further next week.

Sgt. Wildman

--
Det. Sgt. Gregg Wildman
Ashland Police Dept.
137 Main Street
Ashland, Mass. 01721
phone- 508-881-1212 x32
fax- 508-881- 5243
gwildman@ashlandpd.org

EXHIBIT
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EXHIBIT

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Sergeant Ed Pomponio< epomponio@ashlandpd.org>

Request for Press release of Defense

Sergeant Ed Pomponio < epomponio@ashlandpd.org> Sat, Mar 30, 2013 at 11:51 AM
To: dlouison@lccplaw.com
Cc: Chief Scott Rohmer <srohmer@ashlandpd.org>

Doug,

I was hoping that your office could prepare a written press release to be sent to the Metro West Daily News for Monday April 1, 2013 explaining how a small number of disgruntled employees allegedly coordinated by Greg Fawkes (who was fired for violating a citizen's civil rights and refuses to take responsibility for his actions), is leading the charge to discredit the Chief and others to deflect from his own bad behavior. The truth is that Fawkes' bad behavior lead to his firing not retaliation.

The Metro West Daily News printed a past article outlining the Bill Kavanugh incident, explaining in detail the event when Fawkes, who was off duty , went to Kavanugh's home, had a patrol officer, who was on duty, armed, in uniform, with a marked police cruiser standby without notifying the on duty Patrol Commander allegedly threatening the citizen holding him hostage and refusing to leave his property when asked repeatedly...His actions and those of the on duty patrol officer placed the town in a liable situation that could far exceed the $300,000 of legal fees forced upon the town to date.

The $300,000. fee referred to above, was initiated in direct response by the investigation into the document signed by Fawkes that was designed to embarrass and humiliate the chief, as stated by one of the employees quoted in the Independent Investigative report. The document containing 130 lies, half truths and or unsubstantiated rumors authored by Greg Fawkes as outlined in the Doucy report. Which stated that Fawkes and others responsible for the document would have been better served by serving the community and not worrying about others within the department who were doing their job responsibly. The investigator stated that although the document appeared impressive because of it size and the large amounts of claims...but in fact it was a house of cards that could not stand under the weight of its own scrutiny. It was the outside investigator that recommended his firing and the then Town Manager John Petrin fired him not the Chief.

The Metro West Daily News also reported on Fawkes smoking at a police related function in violation of MGL Chapter 41: Section 101A when he and other should have BY LAW been immediately fired by Petrin (the law requires the personnel administrator **SHALL** promulgate regulations for the implementation of this section.

Fawkes was hired after January First, nineteen hundred and eighty-eight and *did in violation of MGL Ch 41 S 101A,* smoke tobacco (photographs depicting Fawkes smoking a cigar exist and were presented).

Chapter 41: Section 101A. Police officers or firefighters; tobacco smoking

Section 101A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a police officer or firefighter in a city or town and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco products. The personnel administrator shall promulgate regulations for the implementation of this section.

Also I never served a suspension for lying. It was for not being forthright with is plain dumb. That incident was a set up and I want to dispute that (Lt Beaudoin has insight in that incident). That is a bright line offense that one can be fired for. I want that clarification made.

Please dispute the false claims of retaliation as well so we can state our innocence to the public or however best you see fit to mitigate the damage done by Channel 5 and the Metro West Daily News' bias reporting.

Can we please go on record and deny the discrimination claims (Tomaso and Downey) as well as making a statement in our defense. Let the public know we consider them unfounded and will take fitting legal redress to vigorously defend ourselves.

I don't want to harm our legal strategy but I am tied of being forced to be silent while Fawkes pounds a drum and the town says little or nothing to defend our reputations. Please let me know your thoughts. We do have to work and live here.

My apologies for the rambling but I trust you can look at the past articles and present something that stops the bleeding and brings the scales close to center. Thank you.

Ed

p.s. Doug unfortunately time is our enemy so being timely in our response (Monday or Tuesday) is critical in my humble opinion.

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

EXHIBIT

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EXHIBIT

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EXHIBIT

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