

EXHIBIT

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TOWN OF ASHLAND POLICE DEPARTMENT

CONFIDENTIAL MEMORANDUM

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TO: Chief Scott Rohmer
FROM: Lieutenant Richard Briggs, Investigating Officer
DATE: May 25, 2012
RE: April 2012 Complaint of Dispatcher [REDACTED]

I. Introduction

On April 10, 2011, the Chief assigned me to conduct a formal investigation of a complaint made by Dispatcher [REDACTED].

Dispatcher [REDACTED]'s complaint alleged that she has been subjected to a hostile work environment and, specifically, that Officer Michael Dionne had sent a text message that referred to her in a derogatory manner. She also alleged that she has been the subject of bullying tactics by the Police Officers' Union and Union officials (namely Sergeants MacQuarrie and Fawkes).

The allegations contained in Dispatcher [REDACTED]'s complaint have been formally investigated, and this Memorandum constitutes my Investigative Report.

II. Form of Investigation

In connection with this internal investigation I interviewed the following individuals:

1. Dispatcher [REDACTED], Complainant, Ashland Police Department
2. Dispatcher [REDACTED], Ashland Police Department
3. Officer Michael Dionne, Ashland Police Department

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4. Chief Scott Rohmer, Ashland Police Department

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5. Officer [REDACTED], Ashland Police Department

6. Officer [REDACTED], Ashland Police Department

In addition, I reviewed the written complaint of Dispatcher [REDACTED]. I also reviewed the Department's Policies and Procedures No. 4.02 Sexual Harassment, Rule No. 4.02 Conduct Unbecoming An Officer, Rule No. 7.1 Public Criticism of the Department, Rule No. 7.3 Courtesy. I also reviewed the Town of Ashland Sexual Harassment Policy and Policy on Harassment of Protected Classes. I have also requested reports from all Department personnel to determine whether any other personnel besides those disclosed by the main investigation received or viewed the text message.

On April 10, 2012, I notified Officer Dionne of the allegations against him in writing. I hand delivered the letter to Officer Dionne.

III. Summary of Evidence

A. Interview of Dispatcher [REDACTED]

On Wednesday April 11, 2012 at approximately 10:23 am, I interviewed Dispatcher [REDACTED] in my office. The interview was audio recorded. I explained that Chief Rohmer was in receipt of her complaint and I was assigned to investigate it. During the course of the interview, Dispatcher [REDACTED] was clearly upset and crying at times.

I began discussion around the derogatory statement allegedly communicated through the department paging system by Officer Dionne on March 28, 2012. Dispatcher [REDACTED] stated that she was scheduled to work the 11pm to 7am shift on that date. She stated that the midnight shift included Officer Dionne, Sgt. [REDACTED] and Officer [REDACTED]. Dispatcher [REDACTED] stated that Officer [REDACTED] had called in sick for her 7am to

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3pm shift for March 29, 2012 at approximately 5am to 5:15am on March 28, 2012. She stated that she had logged into the department paging system (a separate email group set up through the department's Google email system). Dispatcher [REDACTED] stated that she observed a message in the inbox of the email group stating, "We have cunt face on the deck." She stated that it was sent at approximately 10:40 to 10:45 on March 28, 2012. In addition, she stated that the message was sent to the inbox from a telephone number, which she cross referenced and realized that the message originated from Officer Dionne's cell phone. Dispatcher [REDACTED] stated that it was her opinion that the "deck" portion of the message was a typo and that it was sent while she ([REDACTED]) was seated in her vehicle in the parking lot waiting and "dreading coming into work because the environment here sucks." She stated, "I personally think that the 'deck' part was a typo...it meant the desk...it was in reference to me...it was sent while I was sitting the parking lot waiting to come in..and that's pretty much what it was...he thoroughly insulted me."

Upon viewing the message, Dispatcher [REDACTED] stated that she sent out the overtime page and printed out a copy of the message from the inbox of the email account. She stated that she then "stewed" about the matter and attempted not to speak with anyone.

Dispatcher [REDACTED] stated that she and Officer Dionne have never had any issues in the past and they and their spouses attended a concert together last year. Dispatcher [REDACTED] stated that it "blew my mind that this is one of my supposed friends." She stated that she had considered Officer Dionne a friend prior to this incident. She went on to state that she and Officer Dionne have always had a "pretty good relationship." I asked Dispatcher [REDACTED] if there have ever been any derogatory statements "directed at you." She stated, "Not that I'm aware of....ya know...what he says to you guys behind...away from me...I don't know. Obviously that wasn't intended for me to find, I have no doubt." Dispatcher [REDACTED] isn't aware of anyone else receiving the message sent by Officer Dionne, as it only sends to the email inbox and not as a general page to all personnel. Dispatcher [REDACTED] stated that she has not been notified by any other employees that they received the sent text, and she is certain that others would have notified her. Dispatcher [REDACTED] denied that Officer Dionne has ever directed statements or action at her based on her

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gender. She further does not believe that the derogatory text was sent due to her gender. She believed that it was sent due to her () "making my opinion very clear. I kind of stand in the Chief's corner with everyone going on and that's not his (Dionne's) corner." (referring to the recent vote of no confidence against Chief Rohmer by the Police Officer's Union).

Dispatcher () stated that on the morning of March 29, 2012, when she was due to be relieved by the dayshift, she informed the Officer in Charge of the 7am to 3pm shift that she needed to leave at 7am and that someone would have to cover the desk.

Dispatcher () was clearly upset as she spoke and began to cry. She stated that at some point, Officer Dionne came into the dispatch area and "kind of randomly going 'We've always been friends. Don't take this whole situation out on me.'" She stated that Officer Dionne left and returned approximately 5 to 10 minutes later. He advised Dispatcher () that he needed her assistance in deleting a message from the department's paging system, as he had inadvertently sent a message meant for his brother to the department paging account. Dispatcher () stated that she logged into the paging account and deleted the message into the "delete file" but that she had already seen it at that point. She stated that she didn't empty the trash folder "not knowing what I was going to do about it at that point." She stated that Officer Dionne had further general conversation with her, but that she wasn't listening to him and had ignored him. He left at some point, and Dispatcher () went home at 7am. During the interview, Dispatcher () stated that she was of the opinion that the message sent by Officer Dionne was not intended for her to see or find.

When I asked Dispatcher () if she has worked with Officer Dionne since this incident, she stated that she has not and only would work with him while doing shift swaps with Dispatcher (). She stated that the one shift she would have been working with Officer Dionne, she changed her hours around so she was working a different shift than Officer Dionne.

Dispatcher () stated that she wished for people to be professional and that she wanted to be able to come in and do her job. She again became upset while she spoke

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and began to cry. Dispatcher [REDACTED] stated "he {Officer Dionne} has a family. I don't necessarily want to see him disciplined for it. I just want him to know that it's not acceptable. It's offensive to me...it's offensive to [REDACTED] to [REDACTED]... and to anyone else here. It's just not acceptable." Dispatcher [REDACTED] went on to state, "I was very hesitant to hand this to the Chief, and I told him as much because it's just going to open a shit storm..that I don't want to deal with."

Based on the facts as presented by Dispatcher [REDACTED], I informed her that I felt that she was owed an apology by Officer Dionne. I asked Dispatcher [REDACTED] if Officer Dionne were to apologize to her, would she be able to go on working with him. She stated, "I hope so. I know Mike. He's moody. I feel like..yah..hopefully we'll be able to work together. I just... depending on what happens from this investigation and what happens with a punishment for what's going on, if anything...I'm just afraid of what his attitude will be towards me. As long as he can keep it professional, I have no issue working with Mike. I can't say that he's my favorite person right now, but if I had to work with him even today, I would. I would just hope that I wouldn't have to have personal interaction with him. Honestly, I would prefer to just keep everything over the radio." She stated, "Right now, I'm just avoiding working with him at all costs."

Dispatcher [REDACTED] stated that she felt that some of the tension between herself and other officers is due to her positive opinion of working with Sgt. [REDACTED], who is not very popular among many members of the department. In addition, she stated that when the Police Officer's union filed a vote of no confidence against Chief Rohmer, she voiced her opinion of that vote on Facebook, by posting her opposition to the vote. Dispatcher [REDACTED] stated that she was informed by a third party (through her [REDACTED], who is a Framingham Police Officer) that members of the Ashland Police Department were printing the comments posted on her Facebook page. She stated that she immediately removed the post and "unfriended" members of the department from her Facebook account.

With regards to Dispatcher [REDACTED] statement regarding a conversation that she had with Sergeant [REDACTED] about Sergeant [REDACTED], she stated that she initiated the

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conversation and felt that she wanted to advise Sgt. [REDACTED] that Sgt. [REDACTED] was doing a good job as the dayshift Sergeant. Since that conversation, Dispatcher [REDACTED] stated that she felt a "distinct shift in attitude toward" her by nearly all of the officers in the department. She stated that the officers always came into the station to talk to her in the past were staying out on the road. Dispatcher [REDACTED] stated that she is no longer included in coffee or lunch orders. Dispatcher [REDACTED], however, didn't attribute the actions of others to her conversation with Sgt. [REDACTED] in any way. She did state, "He was always professional by the way. He was never unprofessional."

Dispatcher [REDACTED] stated that, in March, she and Sgt. [REDACTED] later had a discussion surrounding the shift in attitude and "cleared the air." During that conversation, she stated that Sgt. [REDACTED] was under the impression that she ([REDACTED]) had reported to the Chief and Lt. Beaudoin that Sgt. [REDACTED] had requested that she rank the Sergeants. Dispatcher [REDACTED] adamantly denies that Sgt. [REDACTED] ever made such a statement and has advised Sgt. [REDACTED] of that information. Dispatcher [REDACTED] stated that she felt that her relationship with Sgt. [REDACTED] was due to a rumor that was spreading around the department, and Sgt. [REDACTED] belief that Dispatcher [REDACTED] had filed a false complaint with Chief Rohmer and Lt. Beaudoin. Dispatcher [REDACTED] stated that they now have a much friendlier relationship. She also stated that at no time did Sgt. [REDACTED] ever act unprofessional with her. She simply felt that their relationship was not as friendly as it had once been.

Dispatcher [REDACTED] stated that Dispatcher [REDACTED] informed her of a conversation that she ([REDACTED]) had with Sgt. [REDACTED] in January 2012. In that conversation, Sgt. [REDACTED] allegedly informed Dispatcher [REDACTED] that members of the Police Officer's union felt that Dispatcher [REDACTED] was passing on union information to Sgt. [REDACTED]. Dispatcher [REDACTED] adamantly denied doing that and had no idea what information she would be able to provide to anyone.

I asked Dispatcher [REDACTED] to discuss the matter with regards to her alleged Facebook posting. She stated that in January, the Police Officer's union had taken a vote of no

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confidence in Chief Rohmer, and she had read about it in the newspaper. She was very upset that police matters were being "aired" in the newspaper. She stated that it made the Ashland Police Department "look like idiots." She stated that she posted a message on her personal Facebook page that stated "something along the lines of I'm not part of the union...don't think I'm a part of the union and I don't support their idiocy." She also added that the message stated, "I'm embarrassed to even say I work in Ashland right now...something along those lines." Dispatcher [REDACTED] stated that her [REDACTED], [REDACTED], received a telephone call from someone at the Framingham Police Department (She was reluctant to identify the person who contacted her [REDACTED]). The phone call to Mr. [REDACTED] (which was from a third party, non-Ashland Police employee) indicated that Dispatcher [REDACTED] Facebook posts were being printed out to support a complaint against her. She stated that, by the time her husband informed her of this information, she had already deleted the posting on her Facebook page. When I asked why she had decided to delete the message, she stated that she felt that she was being "as bad as they are by airing our dirty laundry." She stated that she then decided to "unfriend" anyone who works in Ashland from her Facebook account. Dispatcher [REDACTED] stated that she was unaware which specific members of the department were actually printing her posting on Facebook, but that she was told that it was union members. When asked if she had any knowledge of either Sgt. [REDACTED] or Officer Dionne printing out her Facebook posts, she stated she had no knowledge of either specifically being involved.

Dispatcher [REDACTED] stated at that point, she merely came in to work and "ignored everyone and just did my thing." She stated that that morning in January, Sgt. [REDACTED] and Officer Dionne had been ordered into work to meet with the Chief for a presumed disciplinary matter. She stated that they walked through dispatch several times, without acknowledging her. Dispatcher [REDACTED] stated that at some point, she said hello to them. She stated that Sgt. [REDACTED] did not return the greeting, but that Officer Dionne did.

Dispatcher [REDACTED] acknowledged that she believes that the recent behavior directed towards her was as a result of her vocal support of Chief Rohmer and due to her Facebook posting. She stated that it was her opinion that "you're either with the union or

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you're not." She stated that nothing specific was ever told to her, but that this was her personal opinion.

Dispatcher [REDACTED] stated that conversations with her were kept brief, and officers would very often stand at the front counter with their backs to her. She went on to state that private conversations are held in the Sergeants office behind closed doors, but did acknowledge that this seemed to be common recently due to the general atmosphere in the department. When asked, Dispatcher [REDACTED] stated that she could not say that anyone was ever unprofessional to her with respect to the brief conversations, etc. She stated that nobody was unprofessional at any point, but felt that it increased the tension in the department.

Dispatcher [REDACTED] informed me that she had a conversation with Chief Rohmer just after the vote of no confidence about the tense atmosphere within the department. During the conversation, she advised Chief Rohmer "off the record" about the Facebook posting, as well as officers' feeling that she ([REDACTED]) was telling others about union activity. She stated that Chief Rohmer stated, "That was fine it won't go anywhere." At some point after the conversation, Chief Rohmer came to her and advised her that he may need to "go forward with this" information, as it was being interpreted as "bullying tactics." Dispatcher [REDACTED] stated that she did not feel the atmosphere was professional, but more of an issue with interpersonal relationships.

With respect to the matter involving Sgt. [REDACTED], Dispatcher [REDACTED] stated that sometime in February Sgt. [REDACTED] came into dispatch "ranting about how bad everything is." Dispatcher [REDACTED] advised Sgt. Fawkes that she was not interested in knowing anything about "your petty little bickering." Sgt. [REDACTED] indicated that it was not petty and that there were some criminal and ethical matters of concern. Dispatcher [REDACTED] felt that Sgt. [REDACTED] was attempting to make her chose sides, and that she refused to do so. She stated that she did not wish to become involved in union "politics." With respect to the allegation that "Sergeant [REDACTED] made it obvious that he expected everybody to chose a side and if you didn't chose his you were the enemy." Dispatcher [REDACTED]

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acknowledged that her statement was merely opinion and that Sgt. [REDACTED] never actually made any statement to that effect.

Dispatcher [REDACTED] stated that she recently saw Sgt. [REDACTED] at a gymnastics class after he was placed on administrative leave for an unrelated matter. Both had children attending a class. Although she stated "it was an awkward situation", she stated that they had a cordial but "stilted" conversation about departmental matters and his being placed on administrative leave, as well as the recent complaint filed against Chief Rohmer by various members of the department and Police Officer's union.

With respect to Dispatcher [REDACTED] statement "Over the past few months the tension in the station has made for an overly hostile environment to work..." I asked Dispatcher [REDACTED] if she felt that the hostility was directed specifically at her or if it was the general atmosphere of the department at the current time. She responded that she felt it was the general atmosphere of the department. She went on to state that she was of the opinion that "Ninety percent of the department feels that way." When asked to reiterate, she stated that everyone has remained professional, but the feeling around the department has not been "warming."

I asked her if anyone (with the exception of the Dionne text message) has any time said or done anything unprofessional to her. She stated that nobody has, but that people are merely not saying much. She did state that officers will do as they are asked or instructed.

I had conversation with Dispatcher [REDACTED] about being able to move forward from where we are at the present time. She stated that she felt confident that everyone could move forward from the text messaging incident, but was fearful that we will not be able to move forward from the larger matters consuming the department at the present time. Dispatcher [REDACTED] felt that when some of the general tension within the department is relieved, it will be helpful to all employees. She feels that she is being viewed as a proponent of management and not the union.

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Dispatcher [REDACTED] stated that she will continue to do her job and is confident that she can work with everyone professionally. With respect to the text message sent by Officer Dionne, Dispatcher [REDACTED] acknowledged that in law enforcement, "we tend to say and do things that wouldn't be acceptable anywhere." She discussed how black humor is the norm in this field and how she and her husband sometimes use it in the presence of "real people" referring to civilians. As such, she was reluctant to bring the complaint forward initially because "it would have to go somewhere. And I know if it goes somewhere....Dionne and I...our relationship, which obviously is more strained than I thought, would probably get even more strained. So I was very uncomfortable with the whole thought of even bringing it forward. Because I was afraid of the result. " She went on to state that "in the real world...outside of law enforcement...he {Dionne} would've been given a box and told to put his stuff in it and leave."

I asked Dispatcher [REDACTED] if she would feel comfortable sitting down with Officer Dionne and a member of the Command Staff and "try to hash things out." She stated, "I would...I would." She went on to state, "You'd need to give me a heads up so I can prepare for it" and laughed. I told her that I felt it was the only way that two people could go back to working together professionally and she stated, "I agree." Dispatcher [REDACTED] went on to state, "I can't say I would be comfortable with it, but I think it is necessary." I informed her that I wasn't pressuring her to do so, and she stated, "No, I agree with you. I think it needs to be discussed and I think we need to move beyond it in whatever way we can. But no matter what, it's going to be an uncomfortable conversation." I explained that I wasn't looking to make her anymore uncomfortable than she may already be coming to work.

The interview ended at 11:16 am.

B. Interview of Dispatcher [REDACTED] [REDACTED]

On April 17, 2012 at approximately 1:15 pm, I spoke with Dispatcher [REDACTED] [REDACTED]. Dispatcher [REDACTED] stated that on the morning of March 28, 2012, she received and exchanged text messages with Dispatcher [REDACTED]. Dispatcher [REDACTED] informed Dispatcher [REDACTED] that she had discovered a message sent to the department paging

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system's inbox from Officer Michael Dionne's cell phone. During their exchange, Dispatcher [REDACTED] asked Dispatcher [REDACTED] to notify Chief Rohmer of the incident. She stated that she reported the matter verbally to Chief Rohmer. She stated that she was then accompanied by Chief Rohmer and Lt. Beaudoin to the Town Manager's office, where Town Manager John Petrin was also verbally advised of the incident. Dispatcher [REDACTED] later spoke with Dispatcher [REDACTED] and advised her of this information.

Dispatcher [REDACTED] stated that in the days following, Dispatcher [REDACTED] filed a written statement into the matter and asked Dispatcher [REDACTED] to review it. She stated that she did so, but that she was unfamiliar with much of the content contained in the written statement.

I asked Dispatcher [REDACTED] if she had viewed the text message on the department's paging system, and she stated that she had. I asked her what it said. She stated, "Cunt face is on the deck or something like that."

I asked Dispatcher [REDACTED] to describe the conversation she had on January 3, 2012 with Sgt. [REDACTED]. She stated that she was located in the Sergeants office with Sgt. [REDACTED]. They were having a conversation around the general tension within the department. She stated that Sgt. [REDACTED] mentioned that "[REDACTED] wasn't being [REDACTED]" referring to Dispatcher [REDACTED]. Dispatcher [REDACTED] stated that Sgt. [REDACTED] advised her that people within the department had been talking and felt that [REDACTED] was "being a rat"¹ for Sgt. [REDACTED] and providing him with information on matters around the department. Dispatcher [REDACTED] stated that she informed Dispatcher [REDACTED] of the conversation with Sgt. [REDACTED]. I asked Dispatcher [REDACTED] if Sgt. [REDACTED] ever referred to Dispatcher [REDACTED] in a derogatory manner and she stated that he had not. I asked her if he had said or done anything unprofessional and she stated that he had not. I asked Dispatcher [REDACTED]

¹ I spoke with Dispatcher [REDACTED] on May 15, 2012 at 14:20 hours to clarify her statement. I asked her if Sgt. [REDACTED] had specifically referred to Dispatcher [REDACTED] as "a rat." She stated that she could not recall him specifically referring to Dispatcher [REDACTED] as a "rat". She also added that she has never heard anyone refer to Dispatcher [REDACTED] as a "rat." I asked her why she had made the statement, and she stated that it was her ([REDACTED]) term used to describe the situation, where various members felt that Dispatcher [REDACTED] was providing information to Sgt. [REDACTED].

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if any member of the department has ever said anything derogatory about her () and she stated that she wasn't aware of anyone saying anything derogatory.

Dispatcher () stated that sometime after the Police Officer's' union vote of no confidence against Chief Rohmer, Sgt. () had mentioned that there was more information than she was aware of and that it would come out eventually and tension within the department may get worse.

I asked Dispatcher () if she at any time felt pressured to chose sides (referring to choosing the side of the Police Officer's union or management) and she stated that she had never felt pressured to choose sides by anyone in the department, including Sgt. (). She also stated that she got along pretty well with Sgt. ().

I asked Dispatcher () if she felt there was tension within the department and she stated that she did. I asked her if she felt it was directed at her or if she was aware of any employee being singled out by other members of the department. Dispatcher () stated that she did not feel it was directed at any one specific person, but felt that it was the general atmosphere of the department due to current events and investigations being conducted in the department. She also stated that she notices that officers are reluctant to come into the station any longer and that they seem to be distant and quiet. She further stated that generally officers aren't coming into the station, but that she sees it more when Dispatcher () works. I asked her why she felt this was the case. Dispatcher () stated, "She's been pretty miserable lately and very vocal about her feelings." She stated that her perceived allegiance to Sgt. () is also causing tension among her and other members of the department. In addition, she felt that Dispatcher () having voiced support for Sgt. () and Chief Rohmer has caused her () some strained relationships.

I asked Dispatcher () if she was aware of a posting by Dispatcher () on Facebook after the Police Officer's union took a vote of no confidence. She stated that Dispatcher () had advised her that various members of the department were allegedly printing out her Facebook posts. I asked Dispatcher () if she was aware of the content of the posts or had ever seen them. She answered no.

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I asked Dispatcher [REDACTED] if she had any further information relative to my inquiry and she stated that she did not. The interview ended at 1:42 pm.

C. Interview of Officer Michael Dionne

On April 17, 2012 at 4:56 pm, I interviewed Officer Michael Dionne. The interview was audio recorded. I explained that Chief Rohmer was in receipt of a complaint from Dispatcher [REDACTED] and I was assigned to investigate it. Officer Dionne was advised of his Garrity Rights and he signed them acknowledging advisement.

Officer Dionne acknowledged that he had worked the 11pm to 7am shift on Wednesday March 28, 2012. He stated that he arrived at the station to prepare for his shift at approximately 10:30 pm. He stated Dispatcher [REDACTED], Sgt. [REDACTED] and Officer [REDACTED] were all assigned to the shift on that particular night.

I explained that Dispatcher [REDACTED] had filed a complaint with Chief Rohmer alleging that he (Dionne) had sent a derogatory text message to the department paging system in box. He was aware of the message and admitted to sending it. He offered to explain the events as they occurred.

Officer Dionne stated that on March 28, 2012, he inadvertently sent a text message from his personal cell phone to the department paging system email account (Google email account) inbox. He stated that Dispatcher [REDACTED] entered the paging system account the next morning in order to send out an overtime page and observed it. Officer Dionne stated that the text stated, "Cunt face is on the deck." When asked what the meaning behind the text was, he stated that he observed Dispatcher [REDACTED] coming into work the shift. He stated that his relationship with Dispatcher [REDACTED] has been strained as of late, and that she has been negative towards him recently. Officer Dionne further stated that Dispatcher [REDACTED] had posted some negative comments about the department and union on her Facebook page, "calling us idiots." Officer Dionne stated that he had developed some animosity towards Dispatcher [REDACTED] and that was why he sent the text. When asked who he was sending the text message too, he stated that he could not recall. I showed Officer Dionne a screen shot of the message from the department paging system

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and he confirmed that was the message sent by him. He also confirmed that his telephone number is (508) 250-4248.

Officer Dionne denied that the text message was sent directly to Dispatcher [REDACTED] and felt that it was contained to the inbox and was not sent out as a general page to members of the department. I asked Officer Dionne why he sent the message to the department paging system inbox. He stated that he has replayed it in his mind a million times and doesn't know how he inadvertently did it. He believes that he inadvertently replied to an overtime or detail page that was sent out.

When he realized that he had sent the message, he spoke with Dispatcher [REDACTED] later in the shift. He told Dispatcher [REDACTED] that he had been texting his brother and had accidentally sent the message to the paging system. He stated that he told her this because he didn't wish to upset her or hurt her feelings. Officer Dionne stated that he asked Dispatcher [REDACTED] to delete the message, and she advised him that she did in fact delete it.

I asked Officer Dionne if anyone else was aware that he had sent the text. He stated that he was embarrassed and didn't want anyone to know that he had sent it. Officer Dionne stated that nobody else was aware of it, and that he had not informed Sgt [REDACTED], the shift commander.

With regards to the Facebook posting, Officer Dionne informed me that Dispatcher [REDACTED] had posted a message that stated, "I work with a bunch of idiots....I'm not part of the union....." shortly after the Police Officer's union filed a vote of no confidence against Chief Rohmer. Officer Dionne stated that he had a copy of it that was sent to him by Officer [REDACTED] and later provided it to me. He denied personally printing her Facebook post. He did admit to seeing the posts, but only recently received a text message of the post, and Officer Dionne printed it out.

Officer Dionne went on to state that he used to have a positive relationship with [REDACTED], but recently she has become "very cold to me." The once positive relationship has since become negative.

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I asked Officer Dionne about the incident when he was meeting with Chief Rohmer and had allegedly ignore her greeting in the dispatch area in January. He stated that he had a lot on his mind that particular day, as "it was a very stressful morning that day." He did not recall intentionally ignoring her, or failing to return her greeting. He did add that there have been several instances where Dispatcher [REDACTED] has not greeted him, and he has been first to say hello.

When asked about failing to include Dispatcher [REDACTED] in the daily coffee or lunch runs, Officer Dionne stated that he doesn't normally work with Dispatcher [REDACTED] as he has been working the midnight/evening shift split since January 1, 2012. Officer Dionne denied having any knowledge of officers intentionally excluding Dispatcher [REDACTED].

When asked about officers intentionally staying out of the station to avoid interaction with Dispatcher [REDACTED], Officer Dionne stated he didn't feel this is due to Dispatcher [REDACTED], but it is due to the overall atmosphere in the department. He stated everyone is very nervous and uptight due to recent events in the department.

Officer Dionne denied having any knowledge of anyone making derogatory statements about Dispatcher [REDACTED] or intentionally excluding her. With regards to short conversations and negative body language, Officer Dionne stated that he felt that Dispatcher [REDACTED] had appeared removed from others in the department.

I asked Officer Dionne if he had any information about people shunning Dispatcher [REDACTED] to the perception that she supported Chief Rohmer or Sgt. [REDACTED]. He stated he wasn't aware of that.

I asked Officer Dionne again why he sent the text message and he stated that he was upset with her due to what she had been posting on Facebook. He denied that sending the message was gender based. He admitted that he should have spoken with Dispatcher [REDACTED] earlier and "cleared the air."

Officer Dionne appeared remorseful during the interview and stated that he would absolutely be willing to apologize to Dispatcher [REDACTED] if she was willing. He stated that he is very upset that she read it, and upset that her husband is aware of it as well. He

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stated, "I'm sorry I did it. I'd like to apologize to her if given the opportunity. She didn't deserve to be called that."

I asked Officer Dionne if he was aware of any bullying tactics by members of the union in order to get non-union employees to choose a side. He stated that he wasn't and that he works with non-union personnel daily and has a positive relationship with them.

With regards to the night of March 28, 2012, Officer Dionne stated that he didn't recall anyone shushing others in the dispatch area when she () walked in the door to come to work.

Officer Dionne stated that the general atmosphere of the department is stressful and hostile. He stated members are afraid of getting disciplined and are fearful of doing the wrong thing. Officer Dionne indicated that his position as Vice President/Acting President of the Police Officer's union is overly stressful. He stated that generally, most officers of the department remain out of the station and on the road.

I instructed Officer Dionne to provide me with a written statement as to the incident on March 28, 2012. He later requested time for the union attorney to review the document. I granted him time to have it reviewed by counsel. I also instructed Officer Dionne not to discuss the matter with Dispatcher ().

The interview ended at 5:20 pm.

D. Interview of Chief Scott Rohmer

On April 17, 2012 I spoke with Chief Rohmer in his office regarding this matter. Chief Rohmer informed me that Dispatcher () had brought Dispatcher () complaint to his attention verbally on or about March 29, 2012. He also informed me that he and Lt. Beaudoin accompanied Dispatcher () to the Town Manager's Office to discuss the matter further. It was at that time that the Town Manager's Office ordered an investigation into the matter. On April 11, 2012 I requested a written report from Chief Rohmer to document the conversations he had with both Dispatcher () and Dispatcher () so that information could be contained in my report.

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E. Interview of Officer [REDACTED]

On April 26, 2012, I spoke with Officer [REDACTED] regarding the alleged Facebook comments posted by Dispatcher [REDACTED]. Officer [REDACTED] stated that he first observed the posting on or about January 24, 2012 while he was out to dinner with his family at John Harvard's Restaurant. He verified the date by cross referencing his credit card statements for expenses at the restaurant. Officer [REDACTED] stated that he was upset over the comments made by Dispatcher [REDACTED] about the Police Officer's Union and other members of the Ashland Police Department, and forwarded the posting on to Officer Dionne, the Vice President of the Union.

I asked Officer [REDACTED] if he still had an electronic copy of the Facebook posting. He stated that he did. I requested Officer [REDACTED] provide me with an electronic copy of the Facebook posting by sending it to my departmental email address. He complied with my request.

F. Interview of Officer [REDACTED]

On Tuesday May 15, 2012, I contacted Officer [REDACTED] to inquire if she had received and/or had information related to the text message sent by Officer Dionne. Officer [REDACTED] stated that she did not receive any inappropriate text messages. However, she stated that she had in fact viewed the message sent by Officer Dionne. She came to view it, as she had noticed that Dispatcher [REDACTED] appeared upset while in dispatch one day. Officer Downey asked Dispatcher [REDACTED] if something was wrong. Dispatcher [REDACTED] showed Officer Downey the message that had been sent by Office Dionne to the inbox of the paging email account. Officer [REDACTED] stated that she could not recall specifically what was contained in the message, but that she believed that it referred to Dispatcher [REDACTED] using the "C word." Officer [REDACTED] explained that Dispatcher [REDACTED] informed her that she believed the message was sent by Officer Dionne. Officer [REDACTED] stated that her interaction with Dispatcher [REDACTED] was brief and that she had no further discussion with anyone about the matter. I advised Officer [REDACTED] to issue me a written report on what she had witnessed and to provide to me by 0800 hours on

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Friday May 18, 2012. Officer [REDACTED] provided me a written statement (email format) on Thursday May 17, 2012.

The following is Officer [REDACTED] written account of the matter:

-----Original Message-----

From: Officer [REDACTED] [mailto:adowney@ashlandpd.org]
Sent: Thursday, May 17, 2012 9:59 PM
To: Lieutenant Richard Briggs
Subject: Inappropriate Text Message

Lt. Briggs,

"As per your memo dated May 15, 2012, I am responding as requested. As for me receiving such text message, no I did not. I did see the text, but it was already on the computer screen. I came to see this because one day, Disp. [REDACTED] appeared upset at the station while she was sitting at the dispatch console. I asked [REDACTED] what was wrong, and that is when she showed me a message on the screen. I thought it was the chat screen, which we use to communicate between cruisers and dispatch (or anyone else logged into IMC).

I don't recall exactly the wording of it, but it was definitely referencing to the fact that [REDACTED] was coming on to be the shift dispatcher and someone didn't personally like that. The person used the C word instead of her name when they referenced to who ever they were speaking to that [REDACTED] was coming on to work (the 11-7 shift). [REDACTED] believed the message came from Ofc. Dionne.

This is all I can recall regarding the message on the screen. The above situation was very brief.

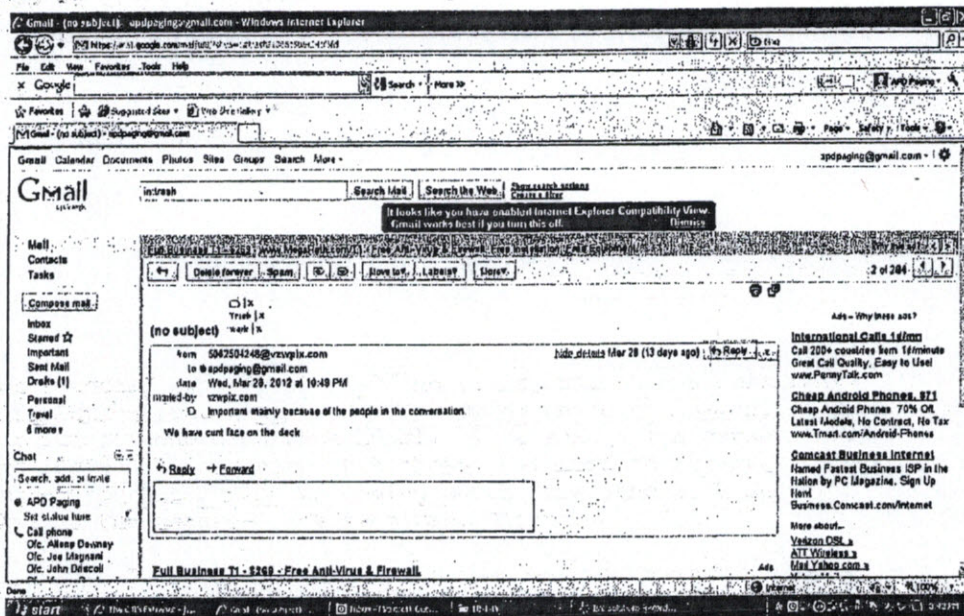
--
Ofc. [REDACTED]
Ashland Police Dept.
137 Main Street
Ashland, Mass. 01701
1-508-881-1212 ext. 33 <tel:1-508-881-1212%20ext.%2033>
Fax - 508-881-5243

G. Ashland Police Department Paging System / Email System

On April 10, 2012 I entered the department paging system email account in Gmail (Username: APDPAGING). In the "trash" folder, I discovered an email sent to the account's inbox dated March 28, 2012 at 10:49 PM. The message was sent from the email address of 5082504248@vzwpx.com. I am familiar with the telephone number being that of Officer Michael Dionne. I cross referenced this number using the department contact list as well. The message stated, "We have cunt face on the deck" A

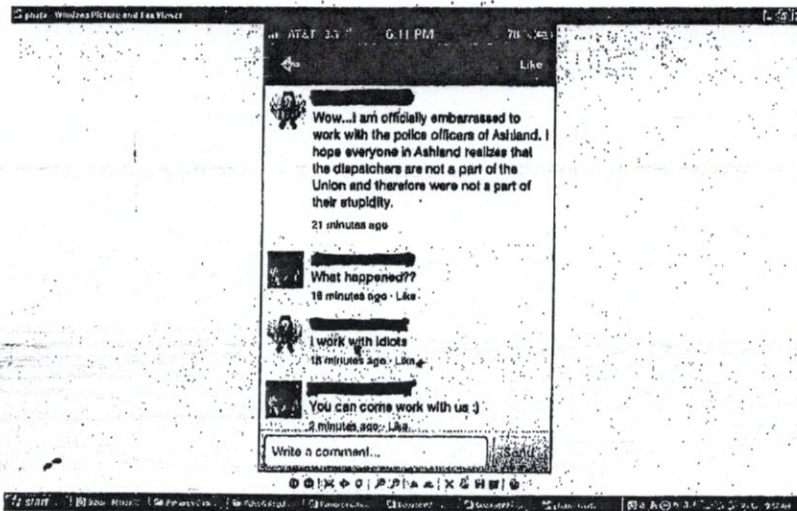
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screen shot of the message is attached to this report as well. As the message wasn't sent TO the inbox, and not sent FROM the account, no other users received the message. I tested this feature on April 25, 2012 at 9:56 AM as well. As such, I confirmed that when a message is sent to the Gmail account inbox, it doesn't get distributed to other members of the department.



H. Facebook Posting

At my request, Officer Michael Dionne provided me with a printed "screen shot" of the Facebook posting by Dispatcher [REDACTED] on her personal Facebook page. He stated that he received it on January 24, 2012 from Officer [REDACTED]. A screenshot of the posting is below (provided by Officer [REDACTED] on April 26, 2012):



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I. Town of Ashland Policies

On May 17, 2012, I spoke with Executive Assistant [REDACTED] of the Town Manager's office. I requested any information she may have that would indicate that Officer Dionne was issued the Town of Ashland Sexual Harassment Policy and/or the Town of Ashland Harassment of Individuals in Protected Classes. On May 18, 2012, [REDACTED] informed me that she could only locate a signature page indicating that Michael Dionne attended a Sexual Harassment seminar sponsored by the Town's Insurance carrier, Massachusetts Interlocal Insurance Association (MIIA), while he was employed in the Town's Building Maintenance Department in 2002. [REDACTED] was unable to locate a lesson plan or any documentation as to the topics that were specifically discussed in the seminar. In addition, she was unable to locate any documentation that Officer Dionne was ever issued the Town of Ashland Sexual Harassment Policy or Policy on the Harassment of Individuals in Protected Classes.

IV. Findings of Fact

1. I find that on April 1, 2012, Dispatcher [REDACTED] filed a written complaint with Chief Scott Rohmer. The complaint was initially brought to Chief Rohmer verbally by Dispatcher [REDACTED]. The Chief of Police ordered that a formal investigation be conducted.

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2. I find that Dispatcher [REDACTED] and Officer Dionne were once friendly and have attended social functions with each other's families in the past.
3. I find that Dispatcher [REDACTED] complaint alleged that Officer Dionne had sent a text message to the department paging system inbox. The message allegedly described Dispatcher [REDACTED] in a derogatory manner.
3. I find that Dispatcher [REDACTED] complaint also alleged that she is subject to a hostile work environment at the Ashland Police Department and also alleges bullying tactics by members of the Police Officer's Union.
4. I find that a text message was sent to the department paging system email account APDPAGING@gmail.com by a cell phone 5082504248@vzwpx.com on March 28, 2012 at 10:49 PM stating "We have cunt face on the deck".
5. I find that Officer Dionne's cell phone number is (508)250-4248 and his wireless carrier is Verizon Wireless.
6. I find that Dispatcher [REDACTED] did post negative comments on her personal Facebook page concerning the Police Officer's Union and Ashland Police Officers in general, shortly after the union filed a vote of no confidence against Chief Scott Rohmer in January.
7. I find that Dispatcher [REDACTED] notified Chief Rohmer of the Facebook posting shortly after its occurrence.
8. I find that Officer Dionne admitted to inadvertently sending the above text message to the department paging system inbox.
9. I find that Officer Dionne did not notify the Sergeant/OIC of the shift or anyone else of the matter when he discovered that he had sent the message.
10. I find that Officer Dionne denied that he intended to send it to Dispatcher [REDACTED] directly or for her to see the message and is remorseful for doing so.

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11. I find that Officer Dionne (Union Vice President) sent the message because of animosity he felt towards Dispatcher [REDACTED] for comments that she posted on her personal Facebook page concerning a union vote of no confidence against Chief Rohmer.
12. I find that the matter described by Dispatcher [REDACTED] in her complaint involving Sgt. MacQuarrie was nothing more than a misunderstanding due to false rumors within the station. By Dispatcher [REDACTED] own admission, this matter has already been resolved in an amicable fashion between both employees.
13. I find that Dispatcher [REDACTED] stated that the overall hostility felt amongst her and other members within the department is "general" in nature and is as a result of recent turmoil within the department, and not directed specifically at her.
14. I find that Dispatcher [REDACTED] also felt that the hostile environment within the department is caused by recent turmoil within the department and not directed at any one specific employee.
15. I find that Dispatcher [REDACTED] stated that members of the department have not been unprofessional in any manner to her but are merely "not saying much" and are keeping their distance.
16. I find that Dispatcher [REDACTED], by her own admission, "ignored everyone and just did my thing" since the Facebook posting incident.
17. I find that Dispatcher [REDACTED] feels that Dispatcher [REDACTED] has suffered recent strained relationships within the department due to her being "pretty miserable lately and very vocal about her feelings" in addition to the general perception of Dispatcher [REDACTED] allegiance to Sgt. [REDACTED] by other members of the department.

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18. I find no evidence to support the allegation that the Police Officer's union is using bullying tactics around the department.
19. I find that Officer [REDACTED] and Dispatcher [REDACTED] were both shown the text message sent by Officer Dionne on the department's paging system by Dispatcher [REDACTED].
20. I find that [REDACTED] was made aware of the text message only through her duties as a confidential employee and assistant to the Chief of Police.
21. I find that no other employees viewed the message during the time it was posted in the email account.
22. I find that Dispatcher [REDACTED] does not feel that she is being singled out or actions have been taken against her due to her gender.
23. I find that a work conflict does exist between Dispatcher [REDACTED] and other members of the department, specifically Officer Dionne. I further find that this work conflict is not gender based

V. Conclusion

Based on the findings of fact, I conclude the following:

1. The allegation that Officer Dionne sent a text message referring to Dispatcher [REDACTED] in a derogatory manner is **sustained**, as there is sufficient evidence to support this.
2. The allegation that Sgt. [REDACTED] has created a hostile work environment for Dispatcher [REDACTED] is **not sustained**, as there is no evidence to support this allegation.

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3. The allegation that Sgt. [REDACTED] has created a hostile work environment for Dispatcher [REDACTED] is **not sustained**, as there is no evidence to support this allegation. There is evidence only that Sgt. [REDACTED] and Dispatcher [REDACTED] spoke one time about a perception among some officers that Dispatcher [REDACTED] had a close relationship with Sgt. [REDACTED]. There is nothing to indicate that Sgt. [REDACTED] engaged in any behavior hostile to Dispatcher [REDACTED] work environment.
4. The allegation that the Police Officer's Union is using bullying tactics with non-union members within the department is **not sustained**, as there is no evidence to support this allegation primarily because there is no definition of such tactics in the Department's Rules and Regulations or Policies so there is no standard against which to measure the alleged conduct here. Additionally, there is no indication that other officers besides Officer Dionne with his text message have engaged in any unprofessional conduct toward Dispatcher [REDACTED] or in any conduct designed to force her to choose sides, if you will. Rather, the distance that the officers appear to be keeping between themselves and Dispatcher [REDACTED] can just as easily be attributed to her Facebook postings of her embarrassment at working at the Ashland Police Department and her describing the officers as stupid and idiots. Those postings advised the officers that she was not one of them and that she disagreed with them. It is not surprising that individual officers may not treat her the same as he or she would treat one of his or her friends.

VI. Recommendation

As a result of this investigation, it is clear that Dispatcher [REDACTED] relationships with several members of the department (and with Officer Dionne in particular) have become strained due to recent events within the Ashland Police Department. This conflict is not gender based, but it is work related in nature. Serious conflict and internal fighting has appeared at every level within the Ashland Police Department in recent months and

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continues to increase. It is not specific to female employees of the department or Dispatcher [REDACTED].

With respect to the matter involving Officer Dionne and Dispatcher [REDACTED], I have reviewed the Town and Department Sexual Harassment Policies as well as the Town's Harassment of Individuals in Protected Classes Policy. The text message by Officer Dionne does not fit within the definition of sexual harassment contained within the Department's Sexual Harassment Policy. Officer Dionne's statement about Dispatcher [REDACTED] was uninvited and derogatory in nature. However, I am not of the opinion that the statement made by Officer Dionne was made due to gender bias or that it was made with the intent of sexual connotation. In addition, I am not of the opinion that he meant for her to see the comment. Rather it was made due to animosity held by Officer Dionne against Dispatcher [REDACTED] with regards to recent events surrounding the Ashland Police Department and a strained relationship between both employees. The Town of Ashland's policies contain broader definitions of prohibited conduct than the Department policy contains. Nevertheless, for the most part, they prohibit conduct more directly related to gender or sexuality than the text message at issue. Each policy arguably does contain a broad prohibition against any individual engaging in any inappropriate or unprofessional conduct in the workplace, however. The text message would be in violation of that prohibition because it certainly was inappropriate and unprofessional, whether or not seen by Dispatcher [REDACTED]. The problem is that I cannot verify that either of the Town of Ashland's policies was ever provided to Officer Dionne in advance of his conduct, although I can verify that he received the Police Department's policies. Furthermore, under the Town's policies, investigations of complaints should be conducted by the designated Grievance Officers, not this department investigator. It would therefore be more appropriate to look to the Department's Rules and Regulations to evaluate Officer Dionne's conduct.

I do find Officer Dionne in violation of the following Departmental Rules and Regulations:

- **Rule 4.02: Conduct Unbecoming an Officer**

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• Rule 7.3: Courtesy

Based on a review of Officer Dionne's personnel file, lack of any past formal discipline in his eight years of employment with the Town of Ashland and in conjunction with the Ashland Police Department's policy on Progressive Discipline, I recommend the following:

- Imposition of a three-day unpaid suspension for Officer Dionne's actions in this matter.
- Require Officer Dionne to apologize to Dispatcher [REDACTED] for his discourtesy and disrespect.
- Require Officer Dionne to attend a seminar on sensitivity training.
- Monitoring of the situation by the Command Staff.

It is highly recommended that the Ashland Police Department also consider retaining an outside human resources consultant, experienced in work conflicts, to assist in resolving the serious internal conflict that exists within the department as a whole.

Finally, it is recommended that Dispatcher [REDACTED] be cautioned on the future posting of any type of statements involving the Police Department in a public forum that could be interpreted as disparaging in nature as outlined in Departmental Rule No. 7.1 Public Criticism of the Department.²

Respectfully submitted,

Lt. Richard Briggs, Investigating Officer

² I base my recommendation on a recent case involving a Bourne Firefighter terminated for publicly criticizing the department on his personal Facebook page.

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Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Policy and Procedure Violations Sgt. Driscoll

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

Thu, Dec 13, 2012 at 7:45 AM

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

To: Lt. David BEAUDOIN

Cc: Chief Scott Rohmer

From: Sgt. Ed Pomponio

Date: December 5, 2012

RE: Policy and Procedure / Rule and Regulation Violations

Subject: Sgt. John Driscoll

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

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

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

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provided confidential records necessitating additional offenses and charges, pending investigation):

- a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.

RULE 7.5 - DISSEMINATION OF OFFICIAL INFORMATION

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

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

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

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

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

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

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

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

- f. Officers shall not communicate or give police information which may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods or contraband.
- g. **Officers shall not communicate to the public, news media or to any other agency or person information connected with the department or its personnel except as authorized by the Chief of Police or by statute.** All requests for public appearances or speaking engagements by officers, on the subject of criminal

justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

RULE 7.11 - COMMUNICATION WITH OFFICIALS

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

RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE

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

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

Respectfully submitted,

Sgt. Ed Pomponio

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

fax 508 881-5243

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Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Request for assistance

Sergeant Ed Pomponio <epomponio@ashlandpd.org>

Tue, Jan 8, 2013 at 11:27 AM

To: Lieutenant Dave Beaudoin <dbeaudoin@ashlandpd.org>, Chief Scott Rohmer <srohmer@ashlandpd.org>

Dear Sir,

In the fall of 2012 Mr. Jon Fetherston had informed me that he was in Chris' Barber Shop located at 41 Front Street Ashland, MA 01721 getting his hair cut when Chris the Barber told him that (now current Selectman) Mr Robert Hebden had visited the barber shop sometime in the summer of 2012.

During the course of that visit and the conversation that took place Chris informed Mr. Fetherston that Mr. Hebden had stated to Chris that according to Mr. Hebden one of the main things wrong with the Ashland Police Department is Ed Pomponio. This greatly concerned me and placed me in fear. Mr. Hebden is the grandfather of Officer Christopher Alberni an Ashland Police Officer.

I have never had any negative interaction with Mr. Hebden and maintain the highest respect for his position as selectmen. I am seriously concerned regarding this information and am making note of the same. I was told sometime ago but was afraid of retaliation if I brought it forward. After thinking long and hard about the matter and suffering profound emotional distress I wanted to bring it your attention. I am concerned. I do not know if an investigation is in order but am requesting any appropriate protection especially since Mr. Hebden is in my Chain of Command. Thank you.

Respectfully submitted,

Sgt. Ed Pomponio

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

EXHIBIT

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XFINITY Connect

jonfetherston@comcast.net

± Font Size ±

RE: Greg Fawkes CONFIDENTIAL / ATTORNEY CLIENT PRIVELEGE**From :** Demitrios M. Moschos <dmoschos@mirickoconnell.com>

Sat, Mar 03, 2012 06:08 PM

Subject : RE: Greg Fawkes CONFIDENTIAL / ATTORNEY CLIENT PRIVELEGE**To :** lisa <lisa@bbmatlaw.com>, jonfetherston@comcast.net, John Petrin <jpetrin@ashlandmass.com>, "" <srohmer@ashlandpd.org>

Mr Chairman: I concur with Town Counsel's email ; please be assured we are working on this matter today and the Town Manager is concerned and is taking steps to address this matter for the weekend and will take further action on Monday.

From: lisa [lisa@bbmatlaw.com]**Sent:** Friday, March 02, 2012 10:08 PM**To:** jonfetherston@comcast.net; John Petrin; ""**Cc:** ""; Moschos, Demitrios M.**Subject:** Re: Greg Fawkes CONFIDENTIAL / ATTORNEY CLIENT PRIVELEGE

Jon,

This is disappointing that Sgt Fawkes made this contact with you. I am sure it is very upsetting, to say the least, and infuriating at best.

I am copying Dee on this email so he is in the loop. I have separately requested some information from the Chief and Dee concerning the Sgt. I will be in contact with you in the morning concerning your next steps and would imagine that I will hear back from Dee and the Chief by that time. In any event, I will be back in touch in the morning.

Lisa

> -----Original Message-----

> From: jonfetherston@comcast.net

> To: John Petrin <jpetrin@ashlandmass.com>, Attorney Lisa L. <lisa@bbmatlaw.com>, srohmer@ashlandpd.org

> Cc: jonfetherston@comcast.net

> Subject: Greg Fawkes

> Sent: 02 Mar '12 21:44

>

> To:

>

>

> MR. JOHN PETRIN ASHLAND TOWN MANAGER

> MS. LISA MEAD ASHLAND TOWN COUNSEL

> Mr. Scott Rohmer Ashland Chief of Police

>

>

> Please see my summary of a phone conversation on Friday March 2, 2011 with

> Sgt. Greg Fawkes of the Ashland Police Department.

>

>

> At 6:40 p.m. on Friday March 2, 2012 from phone number 508-586-8911

> Sgt. Greg Fawkes of the Ashland Police department called me. He introduced

> him self and then immediately started yelling at me that "I was seen

> drinking heavy at Trackside Grille bad mouthing him and his family. He

> stated that people told him that I was "drunk". He stated that I was seen

> "throwing them back" and stating that I was trying to "bury him" and "end

> his police career". I told him that did not happen. I also told him I was

> not drunk and that I was not bad mouthing him". I told him that he was out

> of line to even say something to that affect. He also stated that the fact

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tabbles

> that I stood on an island, as the Chairman of the Board of Selectmen, in
 > the middle of town holding a sign supporting the Chief was "bullshit" and
 > that I am aware of the "facts" that the "Chief has committed unlawful acts
 > and how can I support him"? I told him that it is public record that I
 > supported the Chief. I stated, Greg we both know I was on the front page
 > of the newspaper doing so, why are we discussing this? He then replied
 > that we are discussing it because I have been quoted in the paper saying I
 > want to make the Chief a Strong Chief so that I can get him (Sgt. Fawkes)
 > fired. I told him him that was false and grossly out of line. Sgt. Fawkes
 > then stated that "it is clear that I am out to get him". I told him that
 > was not fair, not true and not the case. Sgt. Fawkes brought up the issue
 > that I am running for higher elected office and "that is not going to
 > work out", because "he is going to do what he has to do". Sgt. Fawkes
 > continued yelling at me stating that is obvious that I am trying to ruin
 > his career and his family. I, once again, told him that he did not have
 > his facts straight and that he was way out of line and needed to stop
 > yelling at me. I reminded him that I always take his calls, set up the
 > meeting with the Union and the Town at his request a few weeks ago. I also
 > told him him it was inappropriate to call me and make such false
 > statements. Sgt. Fawkes then stated that he had sworn testimony from people
 > that I was bad mouthing him and discussing him in public. I asked him why
 > he had testimony from people, about me. Was I being investigated? He
 > replied that he is "saving his career". I asked him to end this baseless
 > conversation, but he continued to yell at me that I was biased towards the
 > Chief and that he "was going to do what he has to do" and then he abruptly
 > hung up. Sgt. Fawkes used inappropriate and foul language throughout the
 > phone call with me.
 > I feel very threatened and attacked by Sgt. Fawkes. I feel his call
 > to me was inappropriate and that he was trying to intimidate me with his
 > position as a police officer. I am now very concerned about the safety of
 > myself and my family. The Ashland Police Department has come by my house
 > several times of the years, uninvited, to discuss police issues and this
 > phone call and attack now has me deeply concerned about my family's safety.
 > This is not the first time Sgt. Fawkes has used threatening or
 > inappropriate language with me, but this incident was filled with such rage
 > and misinformation that I am now very concerned about his state of mind and
 > how he is acting in his role as an Ashland Police Officer. I request that
 > this issue be looked into and investigated in a timely fashion. Please know
 > that this e-mail is a formal complaint against Sgt. Fawkes and his behavior
 > as a Police Officer. Any questions, concerns or if further information is
 > needed, please contact me.
 >
 >
 > Jon Fetherston
 > Ashland Board of Selectmen
 > 508-816-6674
 > jonfetherston@comcast.net

 DISCLAIMER REGARDING TAX ADVICE - IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the IRS, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter communicated to you.

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Mirick O'Connell at (508)791-8500 and delete this communication immediately without copying or distributing it.

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TOWN OF ASHLAND, MASSACHUSETTS

OFFICE OF THE BOARD OF SELECTMAN

AND THE TOWN MANAGER

101 Main Street, 01721-1191

(508) 881-0100

(508) 231-1503 (fax)

Anthony Schiavi, Town Manager, Ext 612

Michael Herbert, Assistant Town Manager/Finance Director, Ext 616

Susan K. Robie, Executive Assistant, Ext. 614

BOARD OF SELECTMEN

Yolanda Greaves, Chairwoman

Joseph J. Magnani, Jr. Vice Chairman

Steve Mitchell, Clerk

Paul D. Monaco, Selectman

Mark Juitt, Selectman

June 16, 2014

Officer Edward Pomponio

7 Dynasty Drive

Milford, MA 01757-1198

Re: Civil Service Appointing Authority – Notice of Discharge

BY SERVICE IN HAND and US MAIL, CERTIFIED, RETURN RECEIPT REQUESTED

Officer Pomponio:

On April 22, 2014, a disciplinary hearing was held before Paul Edgar, Esq., who I appointed as hearing officer pursuant to G.L. c. 31 § 41. Hearing Officer Edgar's Findings of Fact and Recommendation are enclosed with this notice. The purpose of the hearing was to consider whether or not just cause exists to discharge you, or impose some lesser discipline, in your position as a member of the Ashland Police Département.

Hearing Officer Edgar has found that the factual evidence submitted supports the following charges:

1. Sgt. Pomponio wantonly and/or recklessly destroyed narcotic evidence in a pending criminal matter during July, 2011, in violation of Ashland Police Department Rules and Regulations and G.L. c.266, §127.
2. While under oath on December 2, 2013 and December 4, 2013, you gave untruthful testimony regarding destruction of narcotic evidence in and around July, 2011.
3. While under oath on December 2, 2013 and December 4, 2013, you gave untruthful testimony alleging that Sgt. Briggs had illegally destroyed narcotic evidence.
4. While under oath on December 2, 2013 and December 4, 2013, you gave untruthful testimony that the Town had cancelled your health insurance coverage.

6/16/14
A TRUE COPY ATTEST
DEPUTY SHERIFF

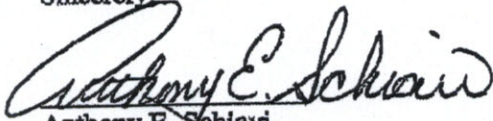
EXHIBIT

Having found that the factual evidence on the record supports the above charges, Hearing Officer Edgar has recommended that you be discharged from your employment with the Ashland Police Department. The Hearing Officer determined that the evidence supported a finding that there was just cause to take disciplinary action against you, which was the basis of his recommendation that you be discharged.

I am adopting the Findings of Fact and Recommendation of the Town's Hearing Officer in this matter. Based on the Hearing Officer's Findings of Fact and Recommendation, I find that there is just cause to discharge you pursuant to G.L. c.31, §41, and hereby notify you that you are being discharged as a member of the Ashland Police Department effective today, June 13, 2014. This decision is warranted by your prior disciplinary action for similar conduct, and by the seriousness of your misconduct.

You have the right to appeal this decision within ten (10) days of receipt of this notice pursuant to G.L. c. 31, §43. Attached hereto please find a copy of G.L. c. 31 §§ 41-45. Please contact me if you have any questions.

Sincerely,



Anthony E. Schiavi
Town Manager

2 Atch

1. M.G.L. Ch 31 §41

2. Civil Service Appointing Authority Hearing Officer Report

cc: Michael McDevitt, Esq.

EXHIBIT

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Ashland Police Department

137 Main Street
Ashland, Massachusetts 01721
Tel (508) 881-1212 Fax (508) 881-5243



David J. Beaudoin
Lieutenant

Craig W. Davis
Chief of Police

Richard M. Briggs
Lieutenant

September 11, 2014

Edward V. Pomponio
7 Dynasty Drive
Milford, MA 01757

RE: Revocation of LTC, License No. 12251959A

Mr. Pomponio,

Please be advised that pursuant to G.L. c.140, §131, I am issuing you a revised Notice of Revocation effective today, September 11, 2014. Your license to carry firearms is being revoked for the following reasons:

1. Pursuant to G.L. c.140, §131, an event has occurred which disqualifies you from having a license; your discharge as a law enforcement officer in the Town of Ashland. You were discharged as a member of the Ashland Police Department on June 16, 2014, and, as you are not a resident of the Town of Ashland, you are no longer eligible to possess a license to carry firearms from the Town. A copy of your notice of discharge is attached to this correspondence.
2. I have determined that you are no longer a suitable person to possess a license to carry a firearm as you have been found by a neutral hearing officer to have wantonly and/or recklessly destroyed narcotic evidence in a pending criminal matter. Your actions in doing so resulted in the dismissal of criminal charges against the person arrested in possession of said narcotic evidence. You were also found by the hearing officer to have testified untruthfully while under oath.

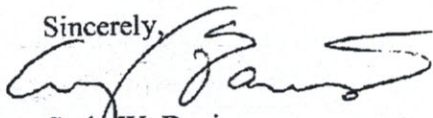
Your termination as a member of the Ashland Police Department and the findings by the hearing officer occurred after the Notice of Revocation that was issued on January 3, 2014, which is the reason for the revision of the notice. In light of this revised Notice, the Notice of Revocation issued on January 3, 2014 is hereby rescinded. In accordance with

EXHIBIT

G.L. c. 140, §129D, all firearms, ammunition feeding devices, rifles, shotguns and ammunition which may have been in your possession or was owned by you must remain in the possession of a licensed dealer or some other person who is lawfully qualified to take possession of said items. Failure to turn over any of the above items is a criminal offense.

You have a right to appeal this decision within ninety (90) days of this notice to the District Court of appropriate jurisdiction.

Sincerely,



Craig W. Davis
Chief of Police

cc: Chief of Police, Town of Milford
Commissioner of Probation
One Ashburton Place, Room 405
Boston, MA 02108

EXHIBIT

58

ARTHUR C SGALIA MD LLC
54 Hopedale Street
PO Box 4
Hopedale, MA 01747
Phone (508)473-1000 Fax 508-473-3175

August 13, 2013

Re: EDWARD POMPONIO (8/3/1963)

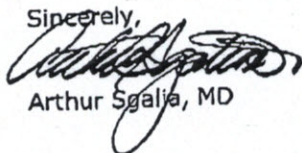
To whom it may concern:

Edward Pomponio is under my medical care. He suffers from stress-induced hypertension which can be directly attributed to his employment in a stressful environment over an extended period of time.

He should at present be considered completely disabled from working in that same environment, as a police officer.

Thank you.

Sincerely,



Arthur Scalia, MD

EXHIBIT