



Joseph Hennessey
jhennessey@धारlawllp.com

Dhar Law, LLP
Two Atlantic Avenue, 4th Floor
Boston, Massachusetts 02110
T: (617) 880-6155
F: (617) 880-6160
www.धारlawllp.com

September 16, 2013

Mr. Anthony Schiavi
Town of Ashland
101 Main Street
Ashland, MA 01721

Chief Stephen Doherty
Ashland Police
137 Main Street
Ashland, MA 01721

Board of Selectmen
101 Main Street
Ashland, MA 01721

RE: Records Request
Formal Complaint of altering of records

To whom it may concern,

In July I requested for all records relating to a noise complaint occurring at or in the area of 7 Endicott Street, Ashland, MA on July 6, 2013. This is the parents' home of Ashland Police Officer Michael Dionne. Included in that request was the radio transmissions, 911 calls, log entries along with police reports prepared by any officer involved in this incident. On September 16, 2013 I received the following records:

- 911 call #1 Incident #13-7936: Call from Mrs. Bailey of Cordaville Road.
- 911 call #2 Incident #13-7936: Call from Mrs. Bailey of Cordaville Road.
- Police logs

What I found disappointing was that there was a purposeful intent by someone within the Ashland Police to alter the records that were produced to me. I specifically requested that the

radio communications between the officers and dispatcher be produced, however those records were not produced as requested. What I did receive were two 911 calls from a Mrs. Bailey who was undoubtedly extremely upset that off-duty officers were lighting off fireworks and disturbing her peace. The lighting off the fireworks is a violation of Massachusetts General Laws Chapter 148, S. 39. As you already know, being the police chief and police commissioner, it is illegal for private citizens, including off-duty police officers, to use, possess, or sell fireworks in Massachusetts, or to purchase them legally elsewhere and then transport them into the state. The statute mandates that a police officer finding a person not legally in possession of fireworks must confiscate said fireworks from this person. No discretion in the statute, the officer shall act. Penalty for possession of fireworks is imprisonment up to 1 year in the house of correction or fine up to \$1000 or both, and confiscation of the fireworks. Again, this is a clear case of violation of a law and conduct unbecoming of an officer by an officer of the Ashland Police Department and nothing is done. What is more disconcerting is that Lt. Briggs, one of the officers known to be present and on-duty at this party and the officer that most likely failed to comply with my records request, failed to draft a report, failed to comply with the statute mandating the seizure of the fireworks, and more importantly ignored his duties as a supervisor. No records of any fireworks being entered into evidence, no records of any seizure or confiscation, no record of any report though the police department rules and regulations mandate a reporting of a criminal offense, no record of these officers being investigated for wrongdoing, not one officer was disciplined. Again this administration turned their heads to on-going criminal activity and gross violations of the department rules and regulations.

Contained within the production of said documents produced to me were two 911 recordings. These recordings are marked incident # 13-7936. Mrs. Bailey, the caller, was extremely upset that she was getting no response from the Ashland Police after making an initial complaint. Dispatcher Finnerty ordered Mrs. Bailey not to call 911 again to file a complaint though Mrs. Bailey was clearly upset. Told not to use 911 for a disturbance, Ms. Bailey responded that when an officer is committing a crime that it is an emergency. Clearly upset that off-duty officers were committing criminal violations and this department administration and town manager was again turning their head to the offenses. Again, this department and town manager were ignoring a citizen's complaint when it involves an officer within this department. More disconcerting on the 2nd call is the fact that Dispatcher Finnerty outright lied to Mrs. Bailey informing her that there have been a lot of fireworks complaints. This was an outright lie and I draw your attention to the log that evening. Members of the Ashland Police Department have a history of failing to comply with their own rules and regulations, especially those rules having to do with truthfulness.

How do I know that Dispatcher Finnerty lied to Ms. Bailey? The two 911 audio calls that were produced to me were stamped with the call # 13-7936. In reviewing the log, call 13-7936 was intentionally removed from the log. ~~(I will address that removal later in this letter).~~ Log entry 13-7935 is to assist Framingham Police looking for an erratic operator traveling the wrong direction on route 9. Log entry 13-7934 is a motor vehicle stop occurring at 2052 hours, call 13-7933 was for some reason intentionally removed from the log, and 13-7932 was a well-being check. This statement to a resident that officers had been busy with fireworks complaints was a lie. It seems that telling the truth is something that certain officers in this department are unable to do.

Log Entry 13-7936 is the log entry for the call to 7 Endicott Street, Ashland. This is the location of the complaint filed by Ms. Bailey. However, the log entry was removed from the log by someone having the authority to do so. The dispatchers and patrol officers do not have the authority to remove items once entered into the log. I do know that the lieutenants and the chief have the authority to remove the log entries. So who removed the log entry? Who falsified or altered my records request and why? Was it Chief Doherty or Lt. Briggs?

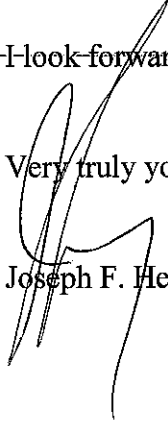
As you are already aware, I was a police officer for 23 years. I worked with the IMC computer system utilized by the Ashland Police when I was a police officer and asked to give my input in the design of the system back in the 80's. I worked with this system for close to 20 years. I know how it operated, I knew what could and couldn't be done to the system. I know for a fact that any changes to a log entry may only be made by an authorized officer. These changes to the log cannot be done by a patrol or dispatch officer. Access to delete these entries is limited to supervisors. I am told the Lieutenants and the chief only. I also know that any record of changes will be documented in the system itself. I demand to know the changes that took place on the log entry. Why and who deleted the log entry? I believe I deserve an answer.

As a defense attorney I draw your attention to Annie Dookhan issues at the Hinton Lab in Jamaica Plain. As you know, she altered evidence effecting thousands of drugs cases. This matter this has nothing to do with drug cases and may not be to that extreme, but the altering of any document involving the police department strongly suggests that the integrity of your records keeping and your investigations have been compromised, integrity is non-existent. What other police reports, police investigations, evidence have been altered by this agency? The altering of any public records request not only is a criminal offense that deserves an investigation but demonstrates the lack of integrity, honesty, pride that this police department possess. The altering of the log entry to hide wrong doing of any officer was not done in good faith. What other investigation on wrongdoing has been breached by the altering of the records, or more importantly, controlling the outcome. Your failure to ensure that these records are properly maintained and produced jeopardizes each and every criminal and civil case that this department is involved in. For that reason I demand that this matter be investigated for not only criminal violations for the altering of the logs, but also violations for department rules and regulations and that the officers involved are properly disciplined to ensure the integrity, pride, honesty, and trustworthiness of this department.

A copy of this complaint is being forwarded to the Massachusetts Secretary of State's Office, Middlesex District Attorney's Office, and the Federal Bureau of Investigations to request that a formal investigation be initiated.

~~I look forward to your response.~~

Very truly yours,


Joseph F. Hennessey