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**CONFIDENTIAL
SUPPLEMENTAL REPORT**

TO: Mark Purple, Ashland Interim Town Manager
FR: Edward C. Doocey, Esq. 
RE: Chief of Police Scott C. Rohmer Investigation
DATE: September 21, 2012

The Interim Town Manager requested that I review the information gathered during the investigation of the complaint against the Chief of Police in order to determine if Lieutenant Richard Briggs made any false accusations against Chief Rohmer and if Lieutenant Briggs displayed disloyalty to Chief Rohmer through statements that he made, or through information that he provided to me.

As background information for the supplemental report, this investigator was initially hired by the Town as an attorney/investigator on February 10, 2012 to investigate the charges brought against Chief of Police Scott Rohmer. The interview phase of the investigation commenced on February 28, 2012 and concluded on May 5, 2012. During the investigation, twenty-three uniformed members of the Ashland police department were interviewed in order to determine the first-hand knowledge they possessed with respect to the charges brought against the Chief by members of the union and Lieutenant Briggs.

The complaint was submitted to the Town along with a separate signature page that was signed by ten police officers, who were all members of the police union with the exception of Lieutenant Richard M. Briggs.¹ As stated in the investigative report, the officers that signed the January 23, 2012 signature page were referred to as the complainants. The complaint was drafted by Sergeant Gregory Fawkes. Once Sergeant Fawkes drafted the complaint, he circulated a copy of the document to a select group of officers, including Lieutenant Briggs. While not all of the police officers that signed the so-called signature page to the complaint read the entire complaint before signing it, Lieutenant Briggs stated to the investigator that he had read the complaint in its entirety and understood it before signing it.²

On the same day that the union delivered the complaint to the Town Manager, it had taken an overwhelming vote of no confidence against the Chief that was subsequently leaked to the local print media.³

Lieutenant Briggs was interviewed on March 27, 2012 for approximately four hours. During his interview, Lieutenant Briggs was forthcoming and provided the investigator with several written documents.⁴ Lieutenant Briggs confirmed the fact that Sergeant Fawkes was the author of the complaint and that he had discussed some of the content of the complaint with Sergeant Fawkes prior to the creation of the complaint document. Lieutenant Briggs also acknowledged that he had discussions with Sergeant Fawkes about the content of the complaint after the union presented it to the Town.

Lieutenant Briggs repeatedly emphasized the fact that he could not verify the truthfulness of many of the allegations contained in the complaint because he had no

¹ The signature page contained the printed name of an eleventh officer, David Muri, who did not actually sign the complaint.

² It is important to note that the signature page does not say that the signators are verifying the allegations in the complaint. Rather, they are collectively requesting protection under the so-called Massachusetts Whistle Blower's Protection Act.

³ Lieutenant Briggs did not participate in this vote because he was not a member of the police union.

⁴ Lieutenant Briggs provided the investigator with a copy of the February 6, 2012 memo that he sent to then Town Manager, John Petrin re a January 23, 2012 meeting between himself, Chief Rohmer and Lieutenant Beaudoin. He also provided copies of the correspondence concerning the first internal affairs investigation concerning Sergeant Fawkes' interaction with a civilian complainant.

personal involvement with a number of said allegations. He stated that he could attest to the truthfulness of the specific allegations of the complaint that involved his personal dealings with Chief Rohmer, Lieutenant Beaudoin, and Sergeant Edward Pomponio.

When questioned by the investigator as to why he signed the January 23, 2012 signature page that was attached to the complaint, Lieutenant Briggs stated that he signed the signature page in an attempt to exercise his rights under the Massachusetts Whistle Blower Statute.⁵ At no time during the course of his interview did Lieutenant Briggs state that he believed that all of the complaint's allegations were supported by fact.

Prior to interviewing Lieutenant Briggs, the investigator prepared a number of specific questions that were designed to draw specific responses from Lieutenant Briggs with respect to his personal knowledge of the charges contained in the complaint. In addition, Lieutenant Briggs was asked the same generic questions that were asked of all of those interviewed in order to determine his opinion of the management of the police department by Chief Rohmer and his administration.

The investigator also attempted to determine the nature of the relationship that existed between Lieutenant Briggs, Chief Rohmer and other members of the command staff. Additionally, the investigator tried to determine the nature of the relationship between Lieutenant Briggs and the then current local police union hierarchy, many of whom were members of the command staff.

In the investigative report that was previously filed with the Town, a reference was made to the deterioration in the relationship between Chief Rohmer and certain members of the local union. The report articulated four universally stated causes for this reality. First, there was great uneasiness within the department concerning the Chief's relationship with Sergeant Edward Pomponio. Second, Sergeant Gregory Fawkes, an influential member of the local union, was involved in an off-duty situation that triggered two department internal affairs investigations into his dealings with a civilian. Third,

⁵ This was a position taken by many of the police officers who signed the complaint.

there were rumors within the department that one of its female police officers complained about the sexual misconduct of other members of the department, including some members of the local union hierarchy. Fourth, the Chief was preoccupied with personal issues that distracted him from the daily operation of the department.

During the course of his interview, Lieutenant Briggs confirmed the investigator's theory of the four universal causes for the poor state of affairs that existed between the Chief and the union. The investigator believes it is fair to say that Lieutenant Briggs shared the concerns of the union with respect to these four matters. It is also fair to say that Lieutenant Briggs played a significant role in all four situations.⁶

At the outset, it should be acknowledged that Lieutenant Briggs stated that he considers many members of the police union to be personal friends and that he socializes outside of work with a number of them, including the union hierarchy.⁷ Briggs did not attempt to conceal his disdain for Sergeant Pomponio as a police officer and as a person. It is the opinion of this investigator that Lieutenant Briggs professional relationship with Lieutenant Beaudoin is strained. This conclusion is reached by listening to comments that Lieutenant Briggs made about the professional integrity of Beaudoin and Lieutenant Beaudoin's perceived close relationship with Chief Rohmer. Lieutenant Briggs made no attempt to conceal his opinions about the perceived administrative weaknesses of Chief Rohmer. During the course of his interview Lieutenant Briggs volunteered that Chief Rohmer was "over his head" as Chief of Police, that he possessed a very poor administrative style, lacked any vision, and that his management style lacked any semblance of consistency.

⁶ During his interview, Lieutenant Briggs was quite vocal in his opposition to the hiring and subsequent promotion of Sergeant Pomponio. Lieutenant Briggs conducted the initial internal affairs investigation into Sergeant Fawkes confrontation with a civilian. Lieutenant Briggs sent a memo to the then Town Manager complaining of Chief Rohmer's conduct concerning a female officer's allegations of sexual harassment. During his interview, Lieutenant Briggs stated that the Chief was distracted from his day-to-day operation of the police department because of his personal issues.

⁷ The fact that Lieutenant Briggs socialized with union members is not proof of any disloyalty concerning his relationship with Chief Rohmer.

While Lieutenant Briggs was openly critical of Chief Rohmer's perceived lack of managerial skills and his perceived favoritism of Sergeant Edward Pomponio, a review of the investigator's interview notes and a recollection of the investigator's memory of the interview does not indicate any instance in which Lieutenant Briggs made any false accusations against Chief Rohmer. Lieutenant Briggs was very careful to distance himself from those allegations in the complaint that alleged criminal misconduct on the part of the Chief. Upon questioning, Lieutenant Briggs candidly admitted that many of the allegations in the complaint were exaggerated and not supported by any demonstrable facts and that the references to Chief Rohmer's personal life had no place in a public complaint. Lieutenant Briggs stated that in hindsight he had serious reservations about the efficacy of signing the complaint given the fact that he was not a member of the union. Lieutenant Briggs conceded that a reasonable person could interpret his endorsement of the complaint as a disloyal act to his direct superior.

While the issue of whether or not Lieutenant Briggs made any false accusations against the Chief of Police to the investigator is a relatively easily dealt with, the issue of whether Briggs displayed any disloyalty toward the Chief of Police is far more complicated and nuanced. The determination that Briggs did not make any false accusations against the Chief is clearly supported by an objective review of the investigator's notes and a recollection of his memory of the interview. The determination of whether Lieutenant Briggs displayed and disloyalty toward the Chief of Police during his interview is far more complicated and subjective.

A reasonable person could make a strong argument that the simple fact that a Lieutenant who is not a member of the local police union who would take it upon himself to endorse the union complaint filed against his Chief of Police is by definition a disloyal employee. This proposition is reinforced by Lieutenant Briggs' admission that a number of the allegations in the complaint were exaggerated and not supported by any credible facts. It should be re-emphasized that Lieutenant Briggs acknowledged that he had read and understood the content of the complaint before he endorsed it.

More noteworthy than Lieutenant Briggs endorsing the complaint is the demonstrated level of cooperation provided by Lieutenant Briggs to Sergeant Fawkes when he (Fawkes) solicited information to place in the complaint and later when Fawkes solicited information to substantiate the complaint's allegations. During his interview, Sergeant Fawkes stated that he contacted other police officers to provide him with evidence of wrongdoing on the part of the Chief and his allies, Lieutenant Beaudoin and Sergeant Pomponio. During separate interviews, both Sergeant Fawkes and Lieutenant Briggs confirmed that they discussed the actions of Chief Rohmer and his allies before and after Fawkes wrote the complaint. In a February 2, 2012 memo to then Town Manager John Petrin, Sergeant Fawkes stated that "the following is a list of individuals who signed the complaint against Chief Rohmer and who are witnesses to the misconduct." The February 2, 2012 memo identified Lieutenant Briggs as an individual witness to seven alleged incidents of misconduct and additionally as a command staff witness to five additional incidents of misconduct.⁸

Lieutenant Briggs acknowledged that he was aware that Fawkes had listed him as a witness to many of the complaint's allegations contained in Fawkes' February 2, 2012 memo to John Petrin. Lieutenant Briggs reviewed Fawkes' memo with the investigator and answered questions about his knowledge of and involvement with specific allegations in the complaint. To the best of the investigator's recollection, Lieutenant Briggs did not refute any of the source information contained in Sergeant Fawkes' memo. In his interview, Sergeant Fawkes stated that he and Lieutenant Briggs discussed his (Briggs') involvement with the allegations in the complaint prior to serving it upon Mr. Petrin.

While Lieutenant Briggs should not be held accountable for the content of Sergeant Fawkes' February 2, 2012 memo to John Petrin, Lieutenant Briggs should be held accountable for any confidential information that he provided to Sergeant Fawkes, which allowed Fawkes to substantiate the content of his complaint to the investigator.

⁸ Sergeant Fawkes stated that he had confirmed this information with Lieutenant Briggs prior to sending his February 2, 2012 memo to John Petrin.

The one matter that raised the most concern about Brigg's communications with Fawkes is the January 23, 2012 meeting that Lieutenant Briggs had with Lieutenant Beaudoin and Chief Rohmer. During his interview Chief Rohmer stated that he called the meeting with his two Lieutenants to determine if they were sexually involved with a female police officer and to inform them of the female officer's concerns of sexual harassment. It should be noted that these concerns involved some members of the union's hierarchy. The Chief said that he called this meeting at the direction of Special Labor Counsel. The Chief stated that the meeting occurred in his office behind closed doors with the expectation that the matters discussed would not be shared with other members of the police department. Chief Rohmer specifically remembered directing both Lieutenants to keep the subject matter of the meeting confidential. Lieutenant Beaudoin confirmed the Chief's expectation of privacy and the fact that he understood the candid discussion was intended as a private matter between the most senior members of the command staff. For the purpose of this supplemental report, the fact that Chief Rohmer and Lieutenant Beaudoin have different recollections than Lieutenant Briggs as to what was said at the meeting is not important. What is important is the fact that the content of the conversation of this private meeting was relayed to Sergeant Fawkes and that this conversation was used to support the allegations in the complaint that Chief Rohmer was guilty of spreading slanderous remarks about the moral character of a fellow officer.

Both Chief Rohmer and Lieutenant Beaudoin testified that they did not discuss the content of the January 23, 2012 meeting with Sergeant Fawkes or with any other union member. The only person, other than the two Lieutenants and the Chief, who was privy to the January 23, 2012 conversation, was then Town Manager John Petrin. Mr. Petrin was aware of the meeting and its alleged content because of a memorandum dated February 6, 2012 that was sent to him by Lieutenant Briggs.

It should be understood that the investigator believes that Lieutenant Briggs was well within his rights as an Ashland Police Officer to file a complaint with the Town Manager concerning his perception of the meeting. While Lieutenant Briggs had a right

to make allegations about the perceived conduct of Chief Rohmer, he does not have a right to share the content of this private meeting with Sergeant Fawkes or with any other member of the Ashland Police Department who was not present at the meeting.

While the investigator cannot state with any certainty the motivation behind Lieutenant Briggs filing the February 6, 2012 memo with the Town Manager, the investigator notes that the memo was sent to Petrin 14 days after the union served its complaint against the Chief.

Former Town Manager John Petrin informed the investigator that he did not discuss the content of Lieutenant Briggs' February 6, 2012 memo with Sergeant Fawkes or any other police officer.

The investigator emphasizes that at no time during the independent interviews of either Lieutenant Briggs or Sergeant Fawkes did either individual state that Lieutenant Briggs shared his February 6, 2012 memorandum to the Town Manager with Sergeant Fawkes. However, Sergeant Fawkes did know about the meeting and volunteered to the investigator the alleged statements attributed to Chief Rohmer by Lieutenant Briggs as support for his allegations in the complaint that Chief Rohmer spread rumors about the sexual proclivities of a subordinate female police officer.

Given the fact that only three individuals were present during the January 23, 2012 meeting and that two of them have asserted that they did not discuss the nature and content of their meeting with Sergeant Fawkes or any other police officer and given the fact that former Town Manager Petrin stated that he did not provide Sergeant Fawkes or any other police officer a copy of Brigg's memorandum or discuss its content with any police officer, the investigator believes that it is a permissible inference to determine that the only person who could have provided Sergeant Fawkes with the alleged content of the meeting is Lieutenant Briggs. This inference is supported by Sergeant Fawkes' knowledge of the content of the memo and his statements to the investigator about the

alleged sexist comments attributed to Chief Rohmer by Lieutenant Briggs concerning the sexual conduct of a female police officer.

The inference is further supported by the common sense determination that neither Chief Rohmer, Lieutenant Beaudoin nor John Petrin would benefit from providing the content of the January 23, 2012 meeting to Sergeant Fawkes and the union. Conversely, Lieutenant Briggs would benefit from providing the information to Sergeant Fawkes and the union because it was ammunition to support the allegations contained in a union complaint, a complaint that Briggs supported and endorsed.

The issue of Lieutenant Brigg's disloyalty was indirectly addressed in the June 3, 2012 investigative report when the investigator stated at page 24 of the report:

"Chief Rohmer stated that he did not expect either Briggs or Beaudoin to discuss the content of the meeting with the rank and file of the department. To the extent that rumors were spread after this senior level staff meeting, they can directly be attributed to Lieutenant Briggs who shared the content of the meeting with other members of department, including the officers who were involved in the female officer's allegations of sexual harassment."

In conclusion, a review of the investigative report, the investigator's interview notes, and a recollection of his memory of the interviews of Lieutenant Briggs and other department personnel does not support the proposition that Lieutenant Briggs made any false accusations against Chief Rohmer.

A review of the investigative report, the investigator's interview notes, and a recollection of his memory of the interviews of Lieutenant Briggs and other department personnel does support the proposition that Lieutenant Briggs was disloyal to the Chief of Police by endorsing a union complaint against the Chief of Police, knowing that many of the allegations were not supported by any credible evidence and by providing confidential information to Sergeant Fawkes who subsequently used that information in an attempt to buttress the union's allegations in a complaint that was earlier filed with the

Town.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward C. Doocey". The signature is written in a cursive style with a large, sweeping initial "E".

Edward C. Doocey, Esq.