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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 25, 2012

The Interim Town Manager requested that I review the information gathered during the investigation of the complaint against Chief of Police Scott C. Rohmer in order to determine if Sergeant Gregory Fawkes made any false accusations against the Chief and if Sergeant Fawkes filed any false reports.¹ One needs to go no further than a review of the complaint and the investigative notes in order to reach the conclusion that Sergeant Fawkes knowingly made numerous false accusations against Chief Rohmer. During his interview, Sergeant Fawkes acknowledged that he embellished certain allegations in the complaint against the Chief and in some instances actually fabricated facts to support his thesis that Chief Rohmer should be terminated based on his involvement with criminal activity, inappropriate conduct, and multiple violations of the Ashland Police Department Rules and Regulations.

As background to the supplemental report, this investigator was hired by the Town as an attorney/investigator on February 10, 2012 to investigate the charges brought against Chief of Police Scott C. Rohmer. The interview phase of the investigation

¹ Other than filing a complaint containing a number of false accusations on behalf of the union, the investigator is not aware of any false reports filed by Sergeant Fawkes.

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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 that they possessed with respect to the charges brought against the Chief by members of the union and Lieutenant Richard M. Briggs.²

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 Briggs.³ 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 before the union presented it to the Town. 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.⁴

Sergeant Fawkes was interviewed on April 20, 2012 for a period of approximately six and one-half hours. During his interview, Sergeant Fawkes was effusive and eager to provide the investigator with his opinions of Chief Rohmer, Lieutenant David Beaudoin, Sergeant Edward Pomponio, and Stephanie Rohmer. Sergeant Fawkes confirmed that he was the author of the complaint and discussed the genesis of the complaint by stating that he solicited information from members of the union and Lieutenant Briggs regarding their dealings with Rohmer, Beaudoin, Pomponio and Stephanie Rohmer. Sergeant Fawkes acknowledged that it was his intention to present the Town Manager with a comprehensive list of the alleged criminal acts, inappropriate conduct and violations of the APD Rules and Regulations by Chief Rohmer and his two close allies, Beaudoin and Pomponio. It was also Sergeant Fawkes' stated intent to link Chief Rohmer to the alleged bad acts of Stephanie Rohmer.

² All current members of the Ashland Police Department were interviewed with the exception of one female officer.

³ The signature page contained the printed name of an eleventh officer, David Muri, who did not actually sign the complaint.

⁴ Lieutenant Briggs did not participate in this vote because he was not a member of the police union.

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Sergeant Fawkes informed the investigator that the union felt compelled to file the complaint after becoming aware that the Chief was seriously contemplating investigating a female officer's charges of sexual harassment by fellow police officers, including some members of the union hierarchy.⁵

Sergeant Fawkes stated that he exercised little or no editorial discretion with respect to the information provided to him by his fellow union members and Lieutenant Briggs. During his interview, Sergeant Fawkes claimed that most of the allegations in the complaint were based upon information provided to him by others. However, the investigator was hard pressed to find police officers who would admit that they were the source of information contained in the complaint. Quite to the contrary, it was evident to the investigator that Sergeant Fawkes exercised sole editorial discretion regarding the alleged "facts" contained in the complaint. It was evident from the investigator's conversation with Sergeant Fawkes that he made little or no effort to corroborate the allegations enumerated in the complaint nor did he undertake any due diligence in order to determine the legitimacy of the limited information that he did receive from other police officers. It is the opinion of the investigator that Sergeant Fawkes was the source of most of the allegations contained in the complaint. In many instances, the foundation for Sergeant Fawkes' allegations was nothing more than rumor and speculation.

A review of the allegations in the complaint confirm the belief that Sergeant Fawkes made a number of charges against Chief Rohmer that he knew to be untruthful and not supported by any credible evidence. In reaching the conclusion that Sergeant Fawkes made false accusations against Chief Rohmer, the investigator reviewed the investigation notes of all those interviewed and reviewed the February 2, 2012 memorandum that Sergeant Fawkes sent to the then Town Manager John Petrin in which Sergeant Fawkes catalogs the charges against the Chief and proceeds to identify his sources of information for the specific allegations.

⁵ Sergeant Fawkes and other members of the union argued that the allegations of harassment by the female officer were contrived by Chief Rohmer and Sergeant Pomponio in an attempt to retaliate against the union and its leadership.

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During the course of the investigation, the investigator interviewed all of the active Ashland Police Officers identified as witnesses in Fawkes' memorandum to Petrin and asked them if they were the source of the information underpinning the specific charges against the Chief. Many of those interviewed denied having any knowledge of the specific allegations to which Sergeant Fawkes had identified them as witnesses and/or participants. A number of police officers denied discussing with Sergeant Fawkes the specific allegations that he attributed to them and denied authorizing Sergeant Fawkes to list them as witnesses.⁶

As stated on page twelve of the June 3, 2012 Rohmer investigative report filed with the Town, the investigator believed his greatest challenge was:

"to separate fact from fiction is the true litmus test of this investigation. How many of the one hundred and forty plus allegations of misconduct are supported by credible evidence and how many are mere fictions invented by individuals to use as leverage in their ongoing employment battle with the Chief is the crucible to be determined by this investigation."

It is the stated purpose of this supplemental report to focus on the truthfulness of the charges that Sergeant Fawkes made against Chief Rohmer and to illustrate how said charges became part of the complaint. It should be emphasized that the investigative report found most of the allegations in the complaint to be unsupported by any credible evidence and further found that many of the allegations were based innuendo, rumor, and speculation.

A common theme running through the union complaint was the exaggeration of real events through contrived "facts" that embellished the legitimate facts in an attempt to present the Chief in the most unflattering light. An example of this tactic is the averment in the complaint in which Sergeant Fawkes asserted that Chief Rohmer and Lieutenant

⁶ ~~Officer John Driscoll denied the allegations attributed to him by Sergeant Fawkes during Fawkes'~~ interview concerning the alleged assault and battery of a civilian in Framingham by Chief Rohmer. Officer Michael Vinciulla denied the allegations in the complaint that Chief Rohmer impeded and interfered with a civil rights investigation that he conducted.

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David Beaudoin attempted to influence an independent investigator to find Sergeant Fawkes guilty of the allegations raised by a civilian in a complaint filed against Fawkes. In his memorandum to the Town Manager, Sergeant Fawkes listed both Officers David Muri and John Driscoll as witnesses to Rohmer's and Beaudoin's conduct. Sergeant Fawkes told the investigator that the two named officers overheard the conversation between Chief Rohmer, Lieutenant Beaudoin and the investigator Major Edward McGinn in which the principals disparaged the character of Sergeant Fawkes. However, when Muri and Driscoll were independently interviewed by this investigator, both officers stated that while they observed Rohmer and Beaudoin in a Town Hall meeting room with Major McGinn, they could not understand the conversation. Both Muri and Driscoll denied providing Sergeant Fawkes with any information regarding the content of the conversation between Rohmer, Beaudoin and Major McGinn.

Sergeant Fawkes also alleged in the complaint that Chief Rohmer interfered with a hate crime investigation on behalf of a personal friend, which resulted in no charges being filed against the alleged perpetrator. Officer Michael Vinciulla, who was listed in Sergeant Fawkes' memorandum to the Town Manager as a witness to this charge, was interviewed by the investigator. While Officer Vinciulla acknowledged the fact that the Chief inquired into his handling of the investigation, he denied that the Chief impeded the investigation in any way. Vinciulla stated that criminal charges were brought against the suspect in a court of law and the suspect subsequently admitted sufficient facts to the charges. Officer Vinciulla stated that he never discussed this matter with Sergeant Fawkes directly nor did he authorize Sergeant Fawkes to list him as a witness in this matter.

Two additional examples of embellishments contained in the complaint are found in the complaint's allegations concerning the purchase of APD insignia jackets for supporters of the Ashland Police Department and the Chief's use of Town supplied ammunition to allow civilians to experience a police supervised shooting experience at a private range. In both instances, Sergeant Fawkes admitted to the investigator that he

greatly exaggerated the actual cost to the Town of the jackets and ammunition.⁷ In both instances, Sergeant Fawkes ignored the real facts to exaggerate the actions of the Chief in a transparent attempt to portray the Chief in a most unflattering light.

Another example of this intentional distortion of the facts is the allegation in the complaint of an incident that involves Chief Rohmer's alleged drunkenness at TJ's, a local restaurant/bar in Ashland. Sergeant Fawkes, alleges that an anonymous person called the Ashland Police Dispatch phone line and stated that, "you better come get the Chief up here at TJ's" "Do yourself a favor and come get the Chief" "He's *drunk* (emphasis added) and needs a ride home".

A review of the recorded Dispatch phone call of this incident by the investigator indicates that the caller never used the word "drunk". When this investigator challenged the accuracy of this complaint allegation, Sergeant Fawkes insisted that he had a copy of the recorded phone call that included the use of the word "drunk" by the caller. Sergeant Fawkes told the investigator that he would provide him with a copy of the recording in his possession. To date, Sergeant Fawkes failed to produce his alleged version of the tape to the investigator.⁸

In addition to exaggerated allegations and misrepresented facts in the complaint, there are several allegations that are simply not true, a reality that Sergeant Fawkes knew or should have known. An example of this is kind of averment in the complaint is one that states that Chief Rohmer intentionally ignored the harassment complaint filed by Officer Allena Downey against Sergeant Pomponio when he was a patrol officer. Sergeant Fawkes conveniently ignored the fact that both Lieutenants Briggs and Beaudoin conducted separate investigations into the matter and both came to the conclusion there was little or no merit to the cross complaints filed by Downey and

⁷ The Complaint alleges that the Chief spent in excess of \$20,000.00 for the jackets while the Town Manager has stated the real cost was approximately \$13,000.00. With respect to the ammunition, Sergeant Fawkes alleged the cost to be several thousands of dollars in the complaint while the APD records indicate it was approximately \$1,000.00

⁸ The Investigator reaches no conclusion as to the legality of Sergeant Fawkes possessing a copy of the audio tape of the referenced phone call.

Pomponio. During his interview, Lieutenant Briggs stated that Sergeant Fawkes was aware of the investigations conducted by him and Beaudoin.

More troubling than the exaggerations and misstatements of fact are those instances in which Sergeant Fawkes seemingly invented situations that had no basis in fact. One such allegation contained in the complaint and, one that Sergeant Fawkes claimed first hand knowledge of, is the allegation that Chief Rohmer lent the use of an Ashland Police Department unmarked vehicle to the civilian owners of the Marathon Deli, a business establishment located in Ashland. Sergeant Fawkes informed this investigator that he personally observed Douglas Fifefield, one of the co-owners of the Marathon Deli, drive an unmarked vehicle that belonged to the Ashland Police Department for approximately one week while his vehicle was being repaired. Sergeant Fawkes told the investigator that this loan of a vehicle took place in 2009 and that Lieutenant Beaudoin was aware of and approved of this arrangement. Both Chief Rohmer and Lieutenant Beaudoin denied any such event, and described the allegation as preposterous and silly. As a result of Sergeant Fawkes' allegations, this investigator interviewed the current owners of the Marathon Deli and both denied ever driving an Ashland Police vehicle for any period of time.⁹ At the request of the investigator both owners signed affidavits prepared by the investigator in which they denied ever driving an Ashland Police Department unmarked vehicle. It is the opinion of the investigator that Sergeant Fawkes invented this allegation because Lieutenant Beaudoin was a former co-owner of the Marathon Deli, a fact which Sergeant Fawkes emphasized on a number of occasions.

While not specifically plead in the complaint, another example of Sergeant Fawkes' personal vendetta against Chief Rohmer and his perceived allies Lieutenant Beaudoin and Sergeant Pomponio, is the statement that Sergeant Fawkes made to this investigator that Pomponio bribed Chief Rohmer with cash in order to obtain his job as

⁹ Both current owners, James Johnston and Douglas Fifefield were the owners of record of the Marathon Deli in 2009.

an Ashland Police Officer.¹⁰ When the investigator asked Sergeant Fawkes to substantiate such a serious charge, Sergeant Fawkes said that it was a gut feeling based on the fact that prior to the hiring of Pomponio, the Chief had serious financial difficulties that miraculously disappeared when Pomponio was hired. Sergeant Fawkes volunteered to the investigator that Pomponio's wife who had a good job and made a lot of money, could afford to buy Pomponio's job.

Arguably the most egregious false allegation made by Sergeant Fawkes in the union complaint involved his assertion that Chief Rohmer assaulted and battered a civilian in the parking lot of a Framingham restaurant and that the Chief subsequently used his position as a Chief of Police in Ashland to avoid arrest when the Framingham Police arrived at the scene. In his February 2, 2012 memo to Town Manager Petrin, Sergeant Fawkes listed himself, Chief Rohmer, Stephanie Rohmer, a civilian, Afrula Karpouzis, the alleged victim simply referred to as "Stratos", and Ashland police officer John Driscoll as witnesses to these alleged criminal actions on the part of Chief Rohmer. The individual identified as "Stratos" in the complaint was later identified by the investigator as Efstratios Saradeas.

During his interview, Sergeant Fawkes initially identified Officer Driscoll as the source of the information that Chief Rohmer had physically assaulted and battered Mr. Saradeas in the Aegean restaurant parking lot in Framingham, Massachusetts. Sergeant Fawkes told the investigator that Officer Driscoll informed him that after Chief Rohmer "assaulted" Mr. Saradeas, the Framingham Police Department responded to the restaurant parking lot and that Chief Rohmer identified himself as the Ashland Police Chief in order to avoid arrest. During his interview, Officer Driscoll denied being the source of Sergeant Fawkes' version of the events that allegedly transpired between Chief Rohmer and Mr. Saradeas.

¹⁰ This statement was made to the investigator during a discussion of the complaint's allegations concerning alleged gifts made by Sergeant Pomponio to Chief Rohmer to secure favorable working conditions.

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Officer Driscoll stated that he was not present at the restaurant parking lot when Chief Rohmer and Mr. Saradeas interacted with one another. Driscoll said that he had no information regarding what took place between Chief Rohmer and Mr. Saradeas. Driscoll further stated that in 2011 he commented to Sergeant Fawkes and/or Sergeant Robert MacQuarrie that he had heard a rumor from a member of the Framingham Police Department that "someone" from the APD got "jammed-up" in Framingham. Officer Driscoll stated that he was certain that he never referred to the "someone" as Chief Rohmer. Driscoll also denied informing Sergeant Fawkes and/or Sergeant MacQuarrie that Framingham police officers were dispatched to the scene where the Ashland police officer got "jammed-up". Officer Driscoll denied telling the two Sergeants that Chief Rohmer identified himself as the APD Chief of Police in order to avoid arrest.

When the investigator confronted Sergeant Fawkes with Officer Driscoll's statements and the information provided to the investigator by Chief Steven B. Carl of the Framingham Police Department that a review of the Framingham Police dispatch records did not indicate an appearance of the Framingham Police Department at the Aegean Restaurant on the date in question, Sergeant Fawkes conceded to the investigator that he embellished the incident that took place at the Framingham Restaurant in order to make the incident look more serious.

It should be emphasized that all of those who were present at the Aegean restaurant on the night in question, including Mr. Saradeas, indicated that Chief Rohmer did not commit an assault and battery and agreed that the Framingham Police Department did not make an appearance because there was no need for their presence. Only Sergeant Fawkes, who was not present at the Aegean Restaurant on the night in question, stated that Chief Rohmer assaulted and battered Mr. Saradeas and, as a result of this action, Framingham police officers arrived at the restaurant where Chief Rohmer allegedly used his position as the Ashland Police Department to avoid arrest.

A review of the Rohmer investigation notes and recollection of the investigator's memory confirm the fact that there is no indication that the source of Chief Rohmer's alleged violent crime against Mr. Saradeas came from any identifiable third party source.

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To the contrary, a review of the notes and recollection of the investigator's memory indicate that the allegations of the alleged violent crime committed by Chief Rohmer against Mr. Saradeas came exclusively from the fertile imagination of Sergeant Fawkes.

As stated on page 21 of the Rohmer report previously filed with the Town, this investigator wrote:

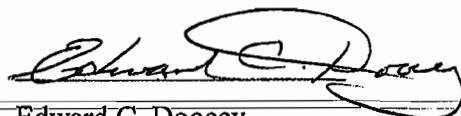
"Evidently, Sergeant Fawkes wanted to believe that Chief Rohmer committed a violent crime in order to embellish the complaint that he was drafting against Chief Rohmer. Sergeant Fawkes admitted, during the course of his interview, that he overstated Driscoll's gossip by inventing the appearance of the Framingham police department at the Aegean Restaurant and Chief Rohmer's alleged response to it."

"This investigator concludes that Sergeant Fawkes, relying upon the rumors and innuendo concerning the Chief's relationship with his wife, concocted a serious criminal allegation against Chief Rohmer in the hope that this allegation would result in the resignation or removal of Chief Rohmer".

In conclusion, the investigator states that other than the filing of the complaint against Chief Rohmer with the then Town Manager John Petrin, which contained a number of demonstratively false allegations, the investigator has no knowledge of any other false reports filed by Sergeant Fawkes.

It is the opinion of the investigator that while the drafting of a complaint by Sergeant Fawkes in his capacity as union president is a protected activity under M.G.L. c. 150E, the filing of a complaint that contains falsehoods, that are known as such, by Sergeant Fawkes is not. The intentional inclusion of false accusations in a formal complaint of wrongdoing on the part of Sergeant Fawkes removes any immunity that might attach to his actions under the color of statute.

Respectfully Submitted,


Edward C. Doocey