

**INVESTIGATION OF COMPLAINT
FINDINGS OF FACT AND CONCLUSIONS**

CONFIDENTIAL

I. Introduction

This report is the result of an investigation into allegations of misconduct in the Wayland Police Department ("Department"). The Town of Wayland ("Town") engaged this investigator to determine whether any employees violated Town or Department policies.

II. Summary of Allegation and Scope of Investigation

On March 31, 2022, the Acting Town Manager, Stephen Crane ("Mr. Crane"), Human Resources Director Kate Ryan ("Ms. Ryan") and Benefits Manager Donna Lemoyne ("Ms. Lemoyne") attended a meeting with [REDACTED]

[REDACTED] requested the meeting with Mr. Crane, Ms. Ryan, and Ms. Lemoyne to discuss complaints against the Town's Police Chief, Sean Gibbons ("Chief Gibbons").

During this meeting, [REDACTED] alleged that Chief Gibbons had sexually assaulted [REDACTED] approximately ten (10) years ago. [REDACTED] also alleged that when [REDACTED] attended the reception following Chief Gibbons' swearing in ceremony on December 20, 2021, Chief Gibbons made reference to a "Bomb Pop," which is the drink that [REDACTED] and Chief Gibbons were drinking the night that he sexually assaulted [REDACTED]. [REDACTED] believed that Chief Gibbons was referencing their sexual encounter ten (10) years ago by mentioning Bomb Pops. [REDACTED] also alleged that Chief Gibbons was "involved" in [REDACTED]. In addition, [REDACTED] stated that Chief Gibbons had yelled at [REDACTED] during a meeting on or about February of 2022.

In 2002, [REDACTED] for the Department and Chief Gibbons was a Patrol Officer. At the time, Chief Gibbons was responsible for training and overseeing [REDACTED], including taking [REDACTED] on ride-alongs. [REDACTED] alleged that during that time, Chief Gibbons sent [REDACTED] a text message asking [REDACTED] to meet up at a bar near Billerica. [REDACTED] stated that [REDACTED] met up with him and became intoxicated while at the bar. [REDACTED] alleged that [REDACTED] and Chief Gibbons went to his home and had sexual intercourse. Soon after, Chief Gibbons reportedly told [REDACTED] that they "could do it again" during a ride-along. [REDACTED] also alleged that they kissed on one (1) other occasion while Chief Gibbons was on duty. [REDACTED] alleged that Chief Gibbons told [REDACTED] [REDACTED] alleged that Chief Gibbons has continually "nitpicked" [REDACTED] job performance.

During the course of this investigation, this investigator also received several allegations against Chief Gibbons from [REDACTED]. Some of these

allegations were made during [REDACTED] interview and others were included in a letter sent to this investigator after [REDACTED] investigatory interview. [REDACTED] alleged that Chief Gibbons is biased against [REDACTED] and has taken away a number of [REDACTED] duties over the past year and a half. [REDACTED] also alleged that the Chief prevented [REDACTED] from being [REDACTED]. [REDACTED] complaint also includes various disputes about Chief Gibbons' managerial decisions.

III. Witnesses Interviewed

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. Louise Miller – Former Town Manager, Town of Wayland
6. Sean Gibbons – Chief of Police, Wayland Police Department
7. [REDACTED]
8. John Maccini – Resident, Town of Wayland
9. Jack Stafford – Firefighter/Paramedic, Wayland Fire Department
10. John Bonalewicz – Firefighter/Paramedic, Wayland Fire Department

As described in paragraphs 61 and 62 of the Findings of Fact, this investigator contacted [REDACTED] upon being informed that they may have additional allegations against Chief Gibbons. Both declined to participate in the investigation.

IV. Documents Reviewed

1. Ms. Ryan's Meeting Notes from March 31, 2022 Meeting ("3/31/22 Meeting Notes").
2. Email from then-Lt. Gibbons to [REDACTED] regarding incident number 2019-6972, dated May 20, 2019 at 11:49 a.m.
3. Email from then-Lt. Gibbons to [REDACTED] and Sean Fitzgerald regarding procedures for restraining order violations, dated June 5, 2019 at 3:15 p.m.
4. Emails between [REDACTED] and former Chief Swanick regarding a call from a parent about their minor child, dated June 26 - 27, 2019.

5. Email from [REDACTED] to Chief Gibbons regarding the RAD program, dated September 2, 2021 at 11:20 p.m.
6. Email from Det. Hebert to Union members regarding [REDACTED]
[REDACTED]
7. Email between [REDACTED], Chief Gibbons, and other Department employees regarding RAD training, dated February 2 - 25, 2022.
8. Documents relating to [REDACTED]
[REDACTED]
9. Grievance from the Wayland Police Officers Union regarding Lieutenant hiring process, dated February 20, 2022.
10. Demand for Information from the Wayland Police Officers Union regarding Lieutenant hiring process, undated.
11. Email from Officer Wilkins to Chief Gibbons regarding outstanding Union issues, dated March 28, 2021.
12. Email from Officer Wilkins to Chief Gibbons regarding outstanding Union issues, dated July 1, 2021.
13. Emails between Officer Wilkins and Chief Gibbons requesting a meeting, dated October 28, 2021.
14. Emails between Officer Wilkins and Chief Gibbons regarding shift bidding, dated December 28, 2021.
15. Emails from Officer Wilkins to Chief Gibbons regarding sick leave, dated February 28, 2022.
16. Complaint and Notice of Policy Violation from Union to Chief Gibbons, Human Resources Manager, and Acting Town Manager, dated February 22, 2022.
17. Memorandum from Officer Wilkins to Chief Swanick, regarding interaction with then-Lt. Gibbons, dated March 19, 2020.
18. Grievance Complaint Form from Union to Human Resources Manager and the Board of Selectmen, regarding Lieutenant hiring process, dated March 24, 2022.
19. [REDACTED]
20. Wayland Police Department Incident Report, Incident No. 2010-2373, dated March 17, 2010.

21. Collective Bargaining Agreement between the Town and the Wayland Police Officers Union, July 1, 2020 – June 30, 2023.
22. Complaint Letter from [REDACTED] to Mr. Crane and Ms. Ryan, dated June 10, 2022 (“[REDACTED] Complaint”).
23. Emails between Officer Wilkins, Union Attorney Tom Horgan, Mr. Crane, and Attorney Jaime Kenny, dated July 13, 2022.
24. Email from Officer Wilkins to Union Attorney Tom Horgan regarding additional interviews, dated August 4, 2022.
25. Letter from [REDACTED] to Officer Wilkins regarding participation in investigation, received August 4, 2022.
26. Letter from [REDACTED] to Officer Wilkins regarding participation in investigation, received August 4, 2022.

V. Relevant Wayland Police Department Policies & Procedures:

1. 4.02 Sexual Harassment

I. **POLICY**

- A. Massachusetts General Law ch. 151B, s.3A prohibits sexual harassment in the workplace.
- B. Employees and applicants for employment with a police agency have a right to be free from sexual harassment. Sexual harassment in the workplace is unlawful. The Wayland Police Department will not tolerate sexual harassment in the workplace, whether by superiors, coworkers or even non-employees. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.
- C. Individuals who are victimized by sexual harassment have statutory remedies which include filing a complaint with an administrative agency and/or the courts, both on a state and federal level. The department has developed this policy to familiarize employees with applicable legal guidelines.
- D. This policy affords those who feel they are victims of sexual harassment with a procedure for making the department aware of the problem and allowing it to attempt to remedy the situation. It is the policy of this department to promptly investigate all complaints of sexual harassment. When it has been determined that inappropriate conduct has occurred, the department will act promptly to eliminate such conduct and impose any necessary corrective action, including disciplinary action where appropriate.

- E. This policy shall be provided annually to all department employees and to all new employees at the time of their employment.

II. DEFINITION OF SEXUAL HARASSMENT

- A. M.G.L. ch. 151B, s.1 (18) defines sexual harassment as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
 2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment; or
 3. Discrimination on the basis of sex.
- B. Sexual harassment is not limited to prohibited conduct by a male towards a female or by a supervisor towards one of lower rank.
1. Men and women may be the victims of sexual harassment, and a woman as well as a man may be the harasser.
 2. The harasser does not have to be the victim's supervisor. [S]he may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
 3. The harasser may, but need not, be the same sex and have the same sexual orientation as the victim.
- C. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. [S]he may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another coworker or interfere with the coworker's work performance. The belief that such interference has occurred must be objectively reasonable.
- D. Sexual harassment does not depend on the victim's having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful or offensive

work environment. The belief that such interference occurred must be objectively reasonable.

III. EXAMPLES OF SEXUAL HARASSMENT

- A. Demanding sexual favors accompanied by direct or overt threats concerning one's job, performance evaluation, promotion, salary increases, increased benefits, or continued employment.
- B. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior.
- C. Contact with any sexual part of a coworker's body (e.g., touching, patting or pinching).
- D. Touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has verbally or otherwise indicated that such touching is unwanted.
- E. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.
- F. Continuing to ask a person to socialize after work when that person has verbally or in writing indicated no interest in such activities.
- G. Displaying sexually suggestive pictures, objects, cartoons or posters after being told they are offensive.
- H. Subtle pressure for sexual activities; e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.
- I. Verbal harassment or abuse; e.g., referring to or calling a person an endearing, demeaning or sexualized term, or making reference to a person's physical characteristic (e.g., pregnancy) when that person has verbally or in writing indicated to the harasser or the department [s]he does not wish to be addressed or referred to in that manner.
- J. Leering (i.e., prolonged staring) at a person's body or whistling.
- K. Language of a sexual nature in another's presence or conduct, even if not directed to said individual, once it is known that [s]he objects; such as sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- L. Inquiries into one's sexual experience or discussion of one's sexual activities, after it is known that the individual does not welcome such inquiries or discussions.

IV. PROCEDURE

A. Responsibilities of All Employees

1. Each employee is personally responsible for:
 - a. Ensuring that [s]he does not sexually harass any other employee, applicant for employment, or other individual, either in the workplace or at a work-related activity;
 - b. Informing any individual that their words or actions are unwelcome and offensive, when any type of harassment is encountered;
 - c. Immediately reporting acts of harassment;
 - d. Cooperating in the investigation of complaints of alleged sexual harassment by providing any information [s]he possesses concerning the matters being investigated; and
- d. Otherwise cooperating with the department's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

B. Sanctions

1. Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action up to and including termination of employment.
2. Retaliation against an individual that has complained about sexual harassment or has cooperated with an investigation of a sexual harassment complaint is such a serious violation of this policy and the law that disciplinary action, most likely discharge, will be taken.

2. 4.02 Workplace Harassment

I. Policy

It is the policy of the Town of Wayland that associated Boards, Committees, governing bodies and employees conduct their work and work-related activities with respect for all employees, residents and individuals conducting business with the Town. Any action, inaction, gesture, or language that would offend a reasonable individual or that a reasonable individual would deem unwelcome will not be tolerated. Harassment or discrimination under any circumstances is prohibited. Harassment can include behavior that affects or interferes with one's work performance and is intended to intimidate or creates a hostile environment. Examples of harassment may include verbal communications, physical behavior or visual materials.

Employees are protected from harassment on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status. Prohibited verbal and non-verbal behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

II. Procedures

1. Any employee who believes [s]he has been the victim of workplace harassment shall report this fact, either orally or in writing, as soon as possible to his/her supervisor. The supervisor shall report such information, through the chain of command, to the Chief.
 - a. See department telephone directory for name, work address and telephone number of supervisor.
2. If the employee believes that the nature of the workplace harassment or the identity of the alleged perpetrator is such that [s]he is not comfortable discussing the situation with her/his immediate supervisor, the employee may contact the next higher level of supervision in the chain of command above the supervisor or, if this is not appropriate, should report the matter to the Chief. If a supervisor is contacted, [s]he shall report such information, through the chain of command, to the Chief.
3. In the event the employee feels it is not appropriate to contact the Chief, [s]he may contact the Human Resources Director: 508-358-3623

The Town may request such complaints in writing. An investigation of the allegation will be conducted immediately. Confidentiality will be maintained to the extent practical under the circumstances. Interviews may be conducted with the person filing the complaint, the person allegedly committing the violation of this policy and any individuals who may have witnessed the alleged violation. If it is determined that a violation of this policy has occurred, appropriate action will be taken. Actions may include counseling or discipline up to and including termination. Any actions will be consistent with existing rules, regulations, policies, applicable collective bargaining agreements and state and federal laws.

3. 1.3 Code of Ethics

Employee will study and at all times abide by the following Law Enforcement Code of Ethics: (1.1.2)

Sworn:

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided in me by my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendship to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession: law enforcement.

All employees will be required to complete Ethics training every two years. Upon completion of the training the certificate will be forwarded to the Wayland Town Clerk to be kept on file. (1.1.2)

4. **1.31 Professional Conduct & Responsibilities**

II. PRIVACY AND OFF-DUTY CONDUCT

The Department will generally limit its inquiry into an employee's personal matters, off-duty conduct, and outside employment, to situations reflecting upon the Department or affecting the employee's ability or fitness for duty. An employee's right to privacy guarantees that the disclosure of personal matters can be compelled only if the employer's interest in the disclosure outweighs the employee's privacy interest.

When the department determines that inquiry into an employee's private life is legitimate, it will make the scope of the inquiry as narrow as reasonable under the circumstances.

Disclosure of an employee's financial affairs will help to deter corruption, dishonesty, and conflicts of interest. It also enhances public confidence in the integrity of the Department. When the Department elects to mandate such a financial disclosure, it will afford employees the opportunity to make claims of privacy as to certain financial records and to have those claims heard by a neutral body.

An employee's medical and psychological fitness for duty is a matter of continuing departmental concern. The Department is authorized to require employees to submit to medical (which may include drug testing) and/or psychological examinations on a periodic basis or whenever there is reason to question the employee's fitness for duty. Reports of such examinations will be maintained in a separate file and dissemination of the information will be restricted to appropriate individuals.

The Department has a legitimate interest in preserving its public image of trust and respect. An employee's off-duty personal relationships should not be allowed to bring discredit to the employee or Department, affect the employee's ability to perform his job, or result in poor job performance.

Employees who are on paid leave status as a result of sickness or injury may have their activities regulated. Reasonable rules requiring an employee to remain at his residence except for compelling legitimate reasons, and then after notification of the Department, are permissible.

The Department has the right to regulate the off-duty employment of its employees. The emergency nature of law enforcement, the need to ensure that employees report to work in good physical and mental condition, and the need to prevent conflicts of interest, all combine to provide the Department with discretion in regulating (including prohibiting) off-duty employment.

III. CONDUCT UN-BECOMING

It is impossible to have detailed rules governing every conceivable situation. Historically, the military and police service (a quasi-military organization) have relied upon the charge of conduct unbecoming to cover obvious violations for which no specific rule was promulgated. Admittedly, such a catch all rule would not be proper for regulating the conduct of the general public. However, over the years, we have come to understand that certain behavior is clearly not in keeping with the good order and proper operation of the Department.

This rule has been shown capable of objective interpretation. It must not be subject to the whim of police administrators. The standard of conduct expected of employees is learned in a variety of ways, from academy/initial training and in-service training to manuals, orders, and various written directives. It is fair to say that conduct unbecoming should be such as would alert a reasonable employee that his conduct under the circumstances would be inappropriate. Both on and off-duty conduct may subject an employee to a charge of conduct unbecoming. Employees do not sever their relationship with the Department at the end of their shift. An employee's off-duty conduct, especially where there is some nexus or connection to the Department or where the employee's status as a police department employee is known, may reflect unfavorably on the employee and the Department.

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Conduct unbecoming shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation, morale, integrity, reputation, or effectiveness of the Department or its members. Conduct unbecoming shall also include off-duty conduct where there is a nexus or connection between act or acts committed by the employee and his continued fitness or ability to effectively perform his required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation, or effectiveness of the Department and the

ability of the employee(s) not involved in said act to effectively perform their required duties and responsibilities.

Employees charged with conduct unbecoming will have the underlying offensive conduct specified in the notice of the charges.

VII. UNDUE INFLUENCE

Employees shall not seek or obtain the influence or intervention of any person, outside or from within the Department, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a disciplinary hearing.

VI. Findings of Fact

Based on the interviews of the listed witnesses and the above referenced documents, this investigator makes the following findings of fact:

1. Chief Gibbons was hired by the Town as a Patrol Officer in 2002. He was promoted to the rank of Sergeant in 2008 and became a Lieutenant in 2018. In 2021, he was appointed the Acting Police Chief following the retirement of the previous Police Chief, Patrick Swanick ("Chief Swanick"). Chief Gibbons was sworn in as the permanent Police Chief on December 20, 2021.
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. Mark Wilkins ("Officer Wilkins") was hired by the Town as a Patrol Officer in 2001. He currently serves as the President of the Wayland Police Officers Union ("Union").
6. [REDACTED]

7. [REDACTED] requested a meeting with Mr. Crane and Ms. Ryan to discuss a complaint against Chief Gibbons. This meeting was held on March 31, 2022 at 10 a.m. [REDACTED] and [REDACTED] were also in attendance. During this meeting, [REDACTED] and [REDACTED] made allegations of serious misconduct against Chief Gibbons, which are detailed below. (3/31/22 Meeting Notes).
8. [REDACTED] to earn [REDACTED] bachelor's degree in Criminal Justice. As an [REDACTED] performed administrative tasks such as filing and detail billing. [REDACTED] also observed several officers within the Department by attending court and participating on ride-alongs. [REDACTED] reported that [REDACTED] earned more responsibilities as time went on and put forth [REDACTED] best effort because [REDACTED] hoped to become a full-time officer in the future. (Interview of [REDACTED]).
9. [REDACTED] stated that Chief Gibbons had been hired as a Patrol Officer around the same time as when [REDACTED] started as [REDACTED]. [REDACTED] years old and Chief Gibbons was approximately thirty-three (33) years old. Chief Gibbons stated that he does not recall their age difference and does not know [REDACTED] age. [REDACTED] recalled seeing Chief Gibbons at out-of-work events, such as Flag Day celebrations, golf tournaments, softball tournaments and charity events. [REDACTED] described Chief Gibbons as "the life of the party" and "always drinking." [REDACTED] stated that [REDACTED] found him to be charismatic, flirtatious in nature, and said that a friendship grew between them. (Interview of [REDACTED]).
10. Chief Gibbons took [REDACTED] on ride-alongs while [REDACTED] was [REDACTED]. [REDACTED] reported that Chief Gibbons began by showing [REDACTED] how to run the radar and teaching [REDACTED] how to write citations. [REDACTED] said they had conversations about each of their personal lives, including [REDACTED] and an incident that Chief Gibbons had responded to regarding [REDACTED]. [REDACTED] recalled that [REDACTED] was going through a difficult time personally, and the Department provided [REDACTED] an "anchor." According to [REDACTED], the conversations turned sexual in nature at some point and there were "some conversations about us being attracted to each other." [REDACTED] alleged that he made comments about [REDACTED] body and appearance, such as "you're not so bad," implying that [REDACTED] was attractive. Chief Gibbons also reportedly made comments to the effect of, "I would hit that," meaning that he would have sex with [REDACTED]. [REDACTED] recalled Chief Gibbons making comments about his wife and he felt that his wife did not appreciate him. (Interview of [REDACTED]).
11. Chief Gibbons stated that he generally recalled taking [REDACTED] on ride-alongs when [REDACTED] was an [REDACTED] but did not recall any specific ride-alongs or conversations with [REDACTED]. Chief Gibbons stated that when he took trainees on ride-alongs, he would discuss training topics and give them hypothetical scenarios to explain how to handle situations that they may encounter as a Police Officer. Chief Gibbons stated that he did not recall making any comments about [REDACTED] appearance. When asked if there was a "flirtation" between them, Chief Gibbons said, "Not on duty, no." (Interview of Chief Gibbons).
12. [REDACTED] alleged that Chief Gibbons paid more attention to [REDACTED] than other officers, made [REDACTED] feel included, and "made [REDACTED] feel special." At some point, they exchanged phone

numbers. [REDACTED] said their communications were "secret" but not sexual in nature. [REDACTED] said that [REDACTED] and Chief Gibbons established a "rapport," and he was not a boyfriend, but the relationship was "intimate in nature." During [REDACTED] interview, [REDACTED] said [REDACTED] now believes that Chief Gibbons' behavior during this time period was "grooming, whether [REDACTED] knew it or not. It is shocking." This investigator notes that [REDACTED] was visibly upset during [REDACTED] interview. (Interview of [REDACTED]).

13. [REDACTED] alleged that one evening in August of 2003 while [REDACTED] was [REDACTED], Chief Gibbons asked [REDACTED] to meet him at a bar in Billerica, which is where Chief Gibbons lived at the time. [REDACTED] stated that [REDACTED] had approximately three (3) alcoholic drinks over the course of about an hour. [REDACTED] recalled that Chief Gibbons was drinking beer out of a glass. According to [REDACTED], Chief Gibbons suggested that they go to his house, and he indicated that his wife and children were not home at the time. [REDACTED] followed Chief Gibbons' silver truck in [REDACTED] own vehicle. (Interview of [REDACTED]).
14. [REDACTED] described Chief Gibbons' house in detail and drew a diagram of the basement area where the two primarily spent time together. [REDACTED] said that Chief Gibbons gave [REDACTED] a glass of pink wine, then said "wait a minute" before giving [REDACTED] a different glass. [REDACTED] stated that [REDACTED] and the Chief were sitting very close to one another on the couch. [REDACTED] recalled drinking the wine and sitting down on a bed with a pink mosaic bedspread near a fireplace. (Interview of [REDACTED]).
15. [REDACTED] said that Chief Gibbons either had taken [REDACTED] pants down or slipped his hand inside of [REDACTED] pants before penetrating [REDACTED] with his fingers. [REDACTED] reportedly asked him what he was doing, and Chief Gibbons responded with words to the effect of, "I'm making you feel good" or "I'm stimulating you." [REDACTED] recalled it being dark in the room at that point. [REDACTED] said that [REDACTED] remembered being naked but did not recall if [REDACTED] took [REDACTED] clothes off or if he took [REDACTED] clothes off. [REDACTED] (Interview of [REDACTED]).
16. [REDACTED] stated that Chief Gibbons was on top of [REDACTED] and they had sexual intercourse. When asked if [REDACTED] communicated to Chief Gibbons that [REDACTED] did not want to have sex, [REDACTED] said, "I was just out of it...I didn't say no, I didn't push him off me. He wasn't forceful, it just kind of happened, I just let it." [REDACTED] said that there was no verbal communication during the intercourse. [REDACTED] recalled Chief Gibbons had an orgasm and ejaculated on the bedspread, as he made a "big deal" about the bedspread and threw it into the corner. (Interview of [REDACTED]).
17. [REDACTED] recalled that Chief Gibbons then took [REDACTED] upstairs where they showered together. [REDACTED] remembered feeling "wobbly" and slipping in the shower. [REDACTED] stated that [REDACTED] could not remember anything after the shower. [REDACTED] did not remember when [REDACTED] left or how [REDACTED] got home, but [REDACTED] did go to a friend's house in Milford. [REDACTED] said that [REDACTED] told [REDACTED] friend that [REDACTED] had sex with Chief Gibbons but "didn't tell her about the alcohol." (Interview of [REDACTED]).
18. [REDACTED] stated that [REDACTED] discovered that [REDACTED] was missing the following day and believed that [REDACTED] had lost it while at Chief Gibbons' house. [REDACTED] said that

█ spoke with Chief Gibbons on the phone about the lost █ and that he was "freaking out" about it. The █ was never located. (Interview of █; 3/31/22 Meeting Notes).

19. When asked if █ felt that █ consented to the encounter, █ said, "I felt very confused. Looking at the power dynamic, yes, that is an assault, but at the same time, I just feel like I didn't push him off me, I didn't say no." █ state that █ was "confused by it, I still am." (Interview of █).
20. During his interview, Chief Gibbons recalled that he met up with █ and others at a bar in Billerica, and that they went back to his house afterwards. He confirmed that he and █ were both in their own cars. Chief Gibbons recalled drinking heavily and said, "I know I would've been drunk," but could not recall whether █ was intoxicated. Chief Gibbons stated that he and █ had intercourse at his house and "my recollection was that it was mutual, consensual." (Interview of Chief Gibbons).
21. Chief Gibbons stated that he did not recall penetrating █ with his fingers, giving █ pink wine, ejaculating on the bedspread, or taking a shower with █ after intercourse. He also stated that he did not recall █ losing a █. (Interview of Chief Gibbons).
22. █ stated that Chief Gibbons continued to take █ on ride-alongs after they had intercourse. █ said that Chief Gibbons indicated that the night at his house "was a good time" and he wanted to do it again but could not risk getting caught. According to █, Chief Gibbons made comments to the effect of "in another twelve years, we can do it again," meaning that they could have intercourse again in twelve (12) years. █ understood this to mean that they could be together when Chief Gibbons' son was eighteen (18) years old. Chief Gibbons said that he did not remember making any of these statements, and they never discussed the fact that they had intercourse. (Interviews of █ and Chief Gibbons).
23. On one ride-along after they had intercourse, █ reported that █ and Chief Gibbons drove behind a Raytheon building and kissed. █ said that █ could not recall if he kissed █, or █ kissed him. Chief Gibbons stated that he and █ did not go on any ride-alongs after they had intercourse. █ and Chief Gibbons both recalled that █ invited Chief Gibbons and his wife to █. (Interviews of █ and Chief Gibbons).
24. At that time, █ said that █ recently told █ that █ and other officers were at a wedding and had discussed █ having sex with Chief Gibbons. █ said that █ reportedly made a comment to the effect of "that happened" and other Department employees talked about it as, "they hooked up." █ explained that no one else seemed to be saying that it was wrong, given the power dynamic, which contributed to █ feelings of confusion about the incident. █ stated that █ did not recall the comment at a wedding but remembered that █ had told █ that █ and Chief Gibbons "had sex." █ told █ that it happened at Chief Gibbons' house. █ said that █ shared this information with him approximately fifteen (15) years ago. █ did not

recall [REDACTED] indicating that Chief Gibbons took advantage of [REDACTED]. (Interviews of [REDACTED] and [REDACTED]).

25. [REDACTED] recalled hearing a rumor several years ago that Chief Gibbons and [REDACTED] had a sexual relationship, but [REDACTED] could not recall the specific details or source of the rumor. [REDACTED] also recalled hearing a rumor that Chief Gibbons had a sexual relationship with [REDACTED].

(Interview of [REDACTED]).

26. [REDACTED] alleged that Chief Gibbons heavily scrutinized [REDACTED] job performance and berated [REDACTED] in front of others. When [REDACTED], Chief Gibbons was the Administrative Sergeant and was charged with overseeing all [REDACTED]. [REDACTED] stated that he would often "nitpick" and "scold" [REDACTED] for minor things, like stuttering over the radio. [REDACTED] said that Chief Gibbons yelled at [REDACTED], sometimes in front of other [REDACTED] and other times in a nearby interview room. [REDACTED] said, "He would just come blasting in and yelling, we would be in the middle of calls. I would yell back at him, 'Why are you nitpicking me?'" [REDACTED] stated that Chief Gibbons "humiliated" [REDACTED] in front of other employees. (Interview of [REDACTED]).

27. [REDACTED] said that [REDACTED] was aware that there was conflict between [REDACTED] and Chief Gibbons, but did not understand why until [REDACTED] brought the allegations against Chief Gibbons. [REDACTED] recalled that [REDACTED] was upset during a midnight shift several years ago and indicated that there was "some type of relationship" between [REDACTED] and Chief Gibbons, but [REDACTED] did not inquire further. [REDACTED] noticed that Chief Gibbons often "picked on" [REDACTED] regarding [REDACTED] abilities as a [REDACTED] and heard comments that [REDACTED] "wouldn't make a good officer." [REDACTED] also stated that Chief Gibbons has a short temper and a tendency to reprimand employees in front of others, which [REDACTED] described as "demeaning." (Interview of [REDACTED]).

28. [REDACTED] stated that [REDACTED] informed Chief Gibbons that [REDACTED] and that it was exacerbated by his nitpicking. According to [REDACTED], Chief Gibbons instructed [REDACTED] to call in sick if [REDACTED] was feeling [REDACTED]. [REDACTED] said that [REDACTED] was later [REDACTED] [REDACTED] believed that Chief Gibbons (who was an Administrative Sergeant at the time), and former [REDACTED] [REDACTED] said that the former Fire Chief assisted [REDACTED] [REDACTED] (Interview of [REDACTED]).

29. [REDACTED] said that [REDACTED] requested to work the 3 p.m. to 11 p.m. shift so that [REDACTED] could go to [REDACTED] during the day, but Chief Gibbons denied this request and told [REDACTED] that [REDACTED] "needed to be watched and monitored." [REDACTED] stated that [REDACTED] [REDACTED] which caused a half-hour of overtime for another employee. [REDACTED] said that other [REDACTED] have made the same mistake and have not been written up for it. [REDACTED] said, "I am a firm believer in correcting my mistakes... Proper procedure needs to be followed and I have a responsibility to correct my mistakes, but during this period of time, it felt retaliatory." (Interview of [REDACTED]).

30. Chief Gibbons said that he did not subject [REDACTED] to a higher level of scrutiny or nitpick [REDACTED] performance. He said that he had spoken to [REDACTED] in a conference room, but the conversations were "corrective measures, never to embarrass." Chief Gibbons referenced the common management adage, "Praise in public, criticize in private." He did not recall giving [REDACTED]. Chief Gibbons said that if [REDACTED] made an error on a [REDACTED], he would have instructed [REDACTED] to "pay more attention," and would only issue a written warning if it occurred multiple times. Chief Gibbons also said, "If I've written [REDACTED] up once, it's probably one too many. [REDACTED] usually takes constructive criticism well." (Interview of Chief Gibbons).
31. Chief Gibbons said that he "absolutely" treated [REDACTED] the same as any other employee and did not harbor any negative feelings toward [REDACTED]. (Interview of Chief Gibbons).
32. [REDACTED] said that [REDACTED] chose to bring forth the allegations now because [REDACTED] learned that [REDACTED] had a similar experience with Chief Gibbons in the past and he recently referenced it to [REDACTED] at his swearing in ceremony. [REDACTED] was "so blown away that he did that again" and was upset that he would bring it up to [REDACTED] again. [REDACTED] had told [REDACTED] that [REDACTED] "couldn't push it back down again." [REDACTED] explained that it was easier for [REDACTED] to come forward to protect someone else than to protect [REDACTED]. [REDACTED] said that [REDACTED] wanted to support [REDACTED] and does not want anyone else to experience what [REDACTED] and [REDACTED] experienced. (Interview of [REDACTED]).
33. [REDACTED] Chief Gibbons was a Sergeant at the time and was [REDACTED] Field Training Office, as well as Union President. In 2010, Chief Gibbons and another Union member were encouraging [REDACTED] to take on the role of Union President and Chief Gibbons would assume the role of Secretary/Treasurer. The Massachusetts Police Association (MPA) holds an annual convention, usually around October, and typically the Union President and one (1) other Union member from Wayland attend the conference. In 2010, the convention was in Springfield, MA and Chief Gibbons reportedly encouraged [REDACTED] to attend the conference with him. (Interview of [REDACTED]).
34. [REDACTED] recalled that [REDACTED] and Chief Gibbons met at the station and drove to Springfield in Chief Gibbons' truck. [REDACTED] described the conversation during their drive as "light-hearted," and they discussed what to expect at the conference, as well as ongoing Union and Department issues. The convention was held over a weekend. [REDACTED] and Chief Gibbons had separate rooms at the hotel where the convention was held. [REDACTED] said that the convention was "basically a party the whole time." (Interview of [REDACTED]).
35. [REDACTED] recalled that that [REDACTED] and Chief Gibbons checked into the hotel, then got some dinner before going to the bar at Hooters. [REDACTED] stated that [REDACTED] and Chief Gibbons were drinking Bomb Pops, which are mixed drinks with red, white, and blue layers. [REDACTED] stated that [REDACTED] had "at least five" Bomb Pops, as well as other shots. [REDACTED] recalled that Chief Gibbons knew many people at the bar who were sending over drinks and shots. [REDACTED] said that they were sitting "too close" and that Chief Gibbons was

acting like they were on a date. [REDACTED] recalled that [REDACTED] said, "I can't keep drinking" at some point while they were at the bar. (Interview of [REDACTED]).

36. According to [REDACTED], [REDACTED] and Chief Gibbons were both intoxicated when Chief Gibbons drove them from the bar to the hotel. [REDACTED] recalled having trouble walking down the hallway to [REDACTED] room. [REDACTED] used a key card to open the door and Chief Gibbons followed [REDACTED] into [REDACTED] hotel room. After entering the room, Chief Gibbons kissed [REDACTED]. [REDACTED] stated that [REDACTED] was "shocked" because they were friendly but did not previously have a flirtatious relationship. [REDACTED] said, "He'd always been in charge of me, he was supposed to be telling me how to do my job as Union President now." [REDACTED] said that [REDACTED] did not initially push him away because [REDACTED] was thinking, "what the fuck is happening." (Interview of [REDACTED]).
37. [REDACTED] recalled telling Chief Gibbons that [REDACTED] was getting ready for bed and getting pajamas, but Chief Gibbons did not leave. [REDACTED] said that [REDACTED] had taken off pants to put on [REDACTED] pajama pants, and Chief Gibbons said words to the effect of "You can't do that in front of me," which [REDACTED] understood to mean that [REDACTED] was "turning him on." [REDACTED] said that [REDACTED] did not put on [REDACTED] pajama pants before getting into bed and under the covers. [REDACTED] was wearing underwear at the time. [REDACTED] said that Chief Gibbons then got on the bed, almost on top of [REDACTED]. [REDACTED] said, "I didn't know how to say 'Get the fuck out of here, I'm trying to go to bed.'" (Interview of [REDACTED]).
38. Soon after, [REDACTED] and Chief Gibbons were both naked, though [REDACTED] could not recall the exact details of how they removed their clothes. [REDACTED] recalled that [REDACTED] performed oral sex on Chief Gibbons, and [REDACTED] believed he also performed oral sex on [REDACTED]. [REDACTED] stated that Chief Gibbons laid on top of [REDACTED] and penetrated [REDACTED] with his penis. [REDACTED] recalled that they changed sexual positions at one point and [REDACTED] "ended up getting on top of him to make it stop, so he'd finish and get the fuck out of my room." [REDACTED] stated that Chief Gibbons pulled out before ejaculating and that [REDACTED] did not have an orgasm during this encounter. (Interview of [REDACTED]).
39. [REDACTED] said that Chief Gibbons eventually got up from the bed, got dressed and said he was going to get something and would be back. [REDACTED] said that once Chief Gibbons left the room, [REDACTED] got up and locked the door behind him to prevent him from coming back into the room. [REDACTED] said that he came back and knocked on the door, but [REDACTED] ignored him. [REDACTED] believes he also texted [REDACTED] about the door being locked but could not recall if [REDACTED] texted him back or ignored him. [REDACTED] no longer has the cell phone that [REDACTED] was using during this time period. (Interview of [REDACTED]).
40. When asked if [REDACTED] said or did anything to signal to Chief Gibbons that [REDACTED] did not consent to the encounter, [REDACTED] said, "At times I did push him away. When we were kissing, I was saying I was going to bed and saying I was tired. When he was on top of me, I tried to push him off, I just had to make him finish to make him go away." [REDACTED] said there was no conversation about condoms [REDACTED], and that there was no conversation regarding consent. [REDACTED] stated that [REDACTED] cried [REDACTED] to sleep after Chief Gibbons left [REDACTED] hotel room. [REDACTED] said that Chief Gibbons commented on [REDACTED] sexual prowess that night and the next day and [REDACTED] said was "incredible." (Interview of [REDACTED]).

41. ██████ stated that ██████ went downstairs the next morning to have breakfast in the hotel and ran into a friend, ██████. ██████ said that Chief Gibbons texted ██████ that he would meet ██████ at one of the meetings that was taking place that day. ██████ said that ██████ told ██████ "looked like shit" and ██████ responded that ██████ had a "rough night" but did not give him further details. ██████ then went to the meeting and Chief Gibbons came in and sat next to ██████. ██████ said that they did not talk because the meeting was going on, but he may have asked ██████ if ██████ was ok. (Interview of ██████).
42. After the meeting, they packed up and drove home together. ██████ said that ██████ "acted too sick to engage in conversation" and that ██████ had a headache. According to ██████, Chief Gibbons said he had "never had a night like that" and ██████ "kind of nodded" in response. (Interview of ██████).
43. Chief Gibbons confirmed that he attended the 2010 MPA convention with ██████ and that he was encouraging ██████ to take on the role of Union President after he stepped down. He recalled that the conference was in Springfield and that they drove there together. Chief Gibbons also recalled that they got dinner and had drinks with several other officers. He described the convention as, "basically a party," which mirrored ██████ description of the event. (Interview of Chief Gibbons).
44. Chief Gibbons stated that he and ██████ were both drinking and had "a plethora of shots" and confirmed that they drank "Bomb Pops." He indicated that they were drinking heavily. Chief Gibbons confirmed that he drove them back to the hotel. He believed that their rooms were on the same floor. Chief Gibbons said that ██████ invited him into ██████ hotel room. (Interview of Chief Gibbons).
45. Chief Gibbons said that they started kissing and then had intercourse. He recalled having oral sex and sexual intercourse with ██████. He could not recall if they used a condom. When asked if ██████ gave any verbal or physical indications that ██████ did not consent to the encounter, Chief Gibbons said, "No, it was completely consensual." After they had intercourse, Chief Gibbons said that he told ██████ that he was going back to his room, and ██████ said, "Okay." He said that he did get a drink and asked ██████ if ██████ wanted anything, to which ██████ replied, "I'm good." Chief Gibbons did not recall trying to return to ██████ room and finding the door locked, nor did he recall sending ██████ a text message saying he was locked out of ██████ room. (Interview of Chief Gibbons).
46. The next day, Chief Gibbons said that he and ██████ were "so hungover" and neither of them could eat breakfast. He did not recall eating breakfast with ██████ but said that ██████ had breakfast with ██████ the following year at the convention because ██████ and ██████ were dating at the time. Chief Gibbons said that they went to a seminar in the morning but made the determination that they would just go home, as they were both feeling unwell due to their heavy drinking the night before. He did not recall making any comments about ██████ sexual prowess either the night of the encounter or the next day. (Interview of Chief Gibbons).
47. When asked if ██████ considered reporting the incident soon after it occurred, ██████ said that ██████ wanted to "shut my mouth and pretend this never happened." ██████ stated that ██████ officers "fight an uphill battle" and are perceived as being "badge bunnies" or

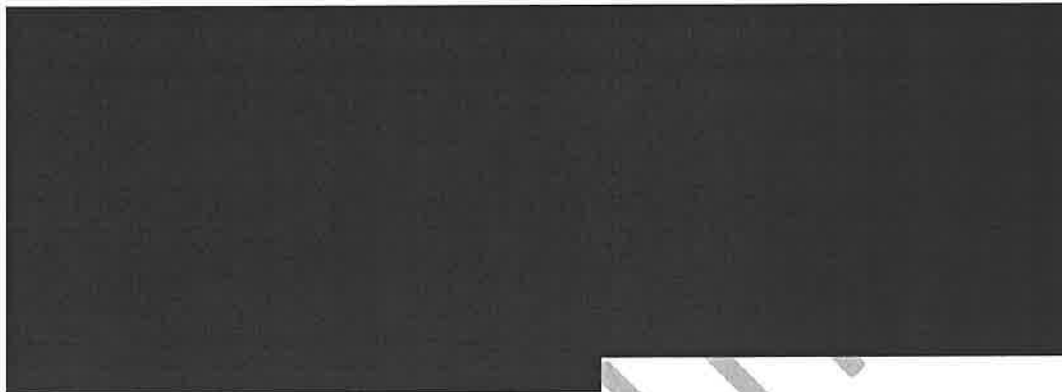
that they will sleep with people to get things. ██████ said that ██████ did not tell anyone about ██████ encounter with Chief Gibbons until last year, ██████. ██████ stated that Chief Gibbons may have made reference to it being a "good night for him" on one occasion, but aside from that, they never discussed it. When asked if ██████ ever communicated to Chief Gibbons that ██████ had not wanted the encounter to happen or that he pressured ██████, ██████ stated that ██████ never said anything to him about it. (Interview of ██████).

48. ██████ described ██████ relationship with Chief Gibbons as "contentious" after the 2010 MPA Convention. ██████ said that Chief Gibbons told others that ██████ pushed him out of his role as Union President, even though he had encouraged ██████ to take the position. ██████ stated that Chief Gibbons had been "cheating on his first wife with his second wife and assaulted me in between." ██████ said that ██████ and Chief Gibbons had a "huge blowout" because he believed ██████ was telling people that Chief Gibbons and his second wife, Erin, were engaged, but ██████ did not know anything about the rumor. ██████ heard rumors that Chief Gibbons was ██████. (Interview of ██████).
49. Chief Gibbons said that his relationship with ██████ was not contentious after the 2010 MPA Convention. He said that he promoted ██████, tried to get ██████ on the SWAT team, and tried to get ██████ to be a hostage negotiator. He said, "I thought we were friends. I assumed we were friends still." Chief Gibbons said that ██████ asked him for "clarification" on matters related to ██████ role as Union President, but their relationship was "never contentious." Chief Gibbons denied having a "blowout" about ██████ saying he was engaged to Erin and denied that he ever ██████. (Interview of Chief Gibbons).
50. ██████ also alleged that Chief Gibbons acted in violation of Department Policy in relation to a March 17, 2010, motor vehicle accident that resulted in a fatality.¹ ██████ stated that Chief Gibbons was ██████ Sergeant on the midnight shift at the time, and Chief Gibbons saw a driver go around a roadblock and then pursued the driver. The pursuit ended when the driver crashed and was ejected from the vehicle. The driver was found to have been speeding and had been drinking. ██████ said that ██████ arrived at the scene soon after and Chief Gibbons told ██████ not to go check on the driver. ██████ was visibly upset while recalling this incident and expressed regret that ██████ did not check on the driver and that he "died alone on an embankment." (Interview of ██████).
51. ██████ stated that Chief Gibbons was crying after the incident, and ██████ thought he was crying because he violated a policy leading to the death of the driver, but instead he whispered to ██████, "I don't want to lose my job." ██████ believed that Chief Gibbons should not have pursued the vehicle but was "protected" from any repercussions by his many "police, union, and attorney friends." ██████ also stated that then-Chief Robert Irving ("Chief Irving") had encouraged ██████ to change ██████ report to say that the driver died on impact, which ██████ did not believe was the case. (Interview of ██████).

¹ This investigator notes that the motor vehicle accident described in paragraphs 48-50 was investigated at that time and was not re-investigated in relation to the current investigation. However, ██████ and Chief Gibbons' statements about the accident are relevant as to their relationship during this time period.

52. When asked about this incident, Chief Gibbons said that it was fully investigated, and he was cleared of any wrongdoing. He stated that he was not asked to change his police report and was not aware of Chief Irving asking [REDACTED] to change [REDACTED] report. He denied making any statement to [REDACTED] about not wanting to lose his job immediately after the accident. (Interview of Chief Gibbons).

53.



a. In September of 2017, Chief Swanick was appointed to the position of Chief of Police. Chief Swanick was formerly a Lieutenant with the Department and [REDACTED] considered him to be friend of [REDACTED], with whom [REDACTED] had a contentious working relationship. At that time, [REDACTED] was the Union President and believed that [REDACTED] had a "target on [REDACTED] back" after [REDACTED] went to a member of the Board of Selectmen with [REDACTED] concerns about then-Lt. Swanick being appointed as Chief. According to [REDACTED], [REDACTED] went into [REDACTED] cruiser after [REDACTED] shift, found that [REDACTED] had watched Netflix and informed Chief Swanick, who initiated an investigation into [REDACTED] computer usage. (Interview of [REDACTED]).

b. [REDACTED] was called in for an interview with Chief Swanick about [REDACTED] computer usage.



c. [REDACTED] said that Chief Gibbons, who was a Lieutenant at the time, was present when [REDACTED] was questioned by Chief Swanick. [REDACTED] stated that Chief Swanick made false statements to a hearing officer during [REDACTED] disciplinary hearing, which Chief Gibbons attended. After the hearing, Chief Gibbons reportedly told [REDACTED], "I know he was lying, I told him not to say that. I tried to stop him," in reference to Chief Swanick's false statements. [REDACTED] said that [REDACTED] believed Chief Gibbons was involved in [REDACTED] but was not sure of the extent of his involvement. [REDACTED] said that he was not named in the [REDACTED] but was "mentioned" in the [REDACTED]. [REDACTED] did not bring up [REDACTED] sexual relationship with Chief Gibbons during the [REDACTED] or [REDACTED]. (Interview of [REDACTED]).

d. Chief Gibbons said that he was not involved as a decision-maker or stakeholder in [REDACTED]. He stated that he was asked to deliver [REDACTED] on his first day as a Lieutenant and asked to sit in on [REDACTED] interview with Chief Swanick, as a witness. Chief Gibbons said he was later directed to deliver [REDACTED] but he did not know it was a [REDACTED] until after he had delivered it. He characterized himself as an “observer” who did not have direct knowledge about the situation. (Interview of Chief Gibbons).

e. [REDACTED] claimed that [REDACTED] was “continually targeted” after [REDACTED]. [REDACTED] said that Chief Gibbons scrutinized and questioned everything [REDACTED] did. [REDACTED] said that the Town Manager at that time, Louise Miller (“Ms. Miller”), attempted to speak to Chief Swanick about his treatment of [REDACTED]. Ms. Miller recalled that she spoke with [REDACTED] about [REDACTED] concerns about returning to the Department and Ms. Miller also met with Chief Swanick to communicate [REDACTED] expectations [REDACTED]. (Interviews of [REDACTED] and Ms. Miller).

f. Ms. Miller stated that the night shift employees expressed concerns that they were treated more harshly than other shifts, particularly by Chief Gibbons. Ms. Miller came in during an 11 p.m. to 7 a.m. shift to speak to [REDACTED], Chief Gibbons and the other evening shift officers and she counselled Chief Gibbons about the tone of his emails, his communication style, and the importance of face-to-face meetings with his subordinates. Chief Gibbons and Ms. Miller believed that it was a productive meeting. (Interviews of Ms. Miller and Chief Gibbons).

54. Shortly before Chief Swanick resigned in October of 2020, he submitted paperwork placing [REDACTED]² [REDACTED]. [REDACTED] stated that [REDACTED] attempted to apply to other Departments while [REDACTED], but [REDACTED] “can’t go anywhere else” because [REDACTED] stated that, as part of the [REDACTED], Ms. Miller was going to assist with getting [REDACTED], but those efforts have not been successful. Ms. Miller believes that she sent correspondence to the District Attorney’s Office saying the information that was initially provided was part of [REDACTED]. [REDACTED] did not allege that Chief Gibbons had any involvement in [REDACTED] and Chief Gibbons said he had no knowledge of it until after the fact. (Interviews of [REDACTED], Ms. Miller, and Chief Gibbons).

55. During [REDACTED] investigatory interview, [REDACTED] was asked what caused [REDACTED] to bring forward these allegations now, as they had occurred several years prior. [REDACTED] said that on December 20, 2021, [REDACTED] went to Chief Gibbons’ swearing in ceremony “against [REDACTED] better judgment” because other Department employees said it would “look bad” if [REDACTED] did not attend. There was a reception at Lavender Restaurant in Sudbury after the

ceremony. [REDACTED] said that [REDACTED] was one of the last five (5) people at the reception and was going to bring the leftover food to the Station. (Interview of [REDACTED]).

56. According to [REDACTED], Chief Gibbons approached [REDACTED] and asked if [REDACTED] wanted a Bomb Pop, which was the drink they had on the night that they had sexual intercourse. [REDACTED] responded that [REDACTED] was "all set." Chief Gibbons then reportedly referenced their sexual encounter, saying it had been a "good night" and that he could not believe [REDACTED] never told anyone about it. [REDACTED] said that Chief Gibbons then told [REDACTED] that he knew [REDACTED] and he would help [REDACTED] get there. [REDACTED] then responded, "That's not what I want, I wanted to be Lieutenant." Chief Gibbons' wife then walked over to them and the conversation ended. (Interview of [REDACTED]).

57. Chief Gibbons stated that he had approximately four (4) or five (5) drinks while at Lavender Restaurant. He did not know how many drinks [REDACTED] had, but reported that [REDACTED] was "very angry, as if [REDACTED] was intoxicated." Chief Gibbons said that he was at the bar when [REDACTED] sat next to him and initiated a conversation about "moving the Department forward." [REDACTED] reportedly said, "This place sucks. This place fucked me over. I got fucked over by Irving, I got fucked over by Swanick." According to Chief Gibbons, [REDACTED] kept saying that [REDACTED] got "fucked over" and "someone needs to pay because [REDACTED] lost [REDACTED] house," [REDACTED]. Chief Gibbons reportedly told [REDACTED] that he was "not here to fuck anyone over" and he wanted to make the Department better. He said he eventually had to walk away and that [REDACTED] was "not normally that angry," so he assumed it was because [REDACTED] had been drinking. (Interview of Chief Gibbons).

58. Chief Gibbons stated that he did not ask [REDACTED] whether [REDACTED] wanted a Bomb Pop. He denied referencing their prior sexual encounter and denied saying, "I can't believe you never told anyone." He did not recall making any comments about [REDACTED] wanting to work in [REDACTED]. When asked if anyone would have overheard their conversation, Chief Gibbons said he could not recall, as they had their backs toward the rest of the room. (Interview of Chief Gibbons).

59. During the course of this investigation, a Wayland citizen named John Maccini ("Mr. Maccini") contacted the Town stating that he had information relevant to the investigation and was referred to this investigator. Mr. Maccini was present at Chief Gibbons' swearing in reception at Lavender Restaurant. He alleged that [REDACTED] was intoxicated at the reception and then went to "sleep it off" on a couch in Fire Station 2.

a. Mr. Maccini stated that he is a friend of Chief Gibbons and has "known him forever." He stated that he "pushed for [Chief Gibbons] to get the Chief job" and is friends with other former Wayland Police Chiefs. Mr. Maccini said that he built an addition at Chief Gibbons' house and is friends with Chief Gibbons' father-in-law. Mr. Maccini also stated that he was also friends with [REDACTED], but [REDACTED] has "changed a bit" and "wants to get ranked." (Interview of Mr. Maccini).

b. Mr. Maccini said that he saw Chief Gibbons and [REDACTED] interacting at the reception and that [REDACTED] "used the F word a lot, saying [REDACTED] was getting f'd." Mr. Maccini said that he walked away because [REDACTED] was "politicking." Mr. Maccini indicated that a Sudbury Police Officer told him that "[REDACTED]"

█" went with █ to Fire Station 2 to ask the Firefighters on duty if █ could "sleep it off" there. He believed █ "bypassed Station 1" because █ would have to use █ keycard to get in. Mr. Maccini would not provide the name of the Sudbury Police Officer. Mr. Maccini stated that he could not confirm that █ was intoxicated and did not know if █ drove █ to Fire Station 2. He said, "Unfortunately, the cameras at Station 2 only go forty (40) days," meaning that the footage had already been erased. (Interview of Mr. Maccini).

- c. Firefighters Jack Stafford ("FF Stafford") and John Bonalewicz ("FF Bonalewicz") were on duty at Station 2 on the night of December 20, 2021. FF Stafford recalled that he and FF Bonalewicz were returning from a call after midnight when Officer Wilkins asked them if they minded if someone from the Police Department rested on the couch for a few hours. █ was already in the day room at that time. According to FF Stafford, Officer Wilkins did not say why █ needed to sleep on the couch and they did not ask him. FF Stafford asked Officer Wilkins if █ needed any medical assistance, and he said no, █ was just tired. FF Stafford assumed that █ was working later and did not want to make the drive home, which was not abnormal. (Interview of FF Stafford).
- d. FF Stafford saw █ in the day room and said, "How are you? Let me know if you need anything," and █ said that █ was ok and just needed to rest for a few hours. FF Stafford was asked if he observed any signs of intoxication, such as slurred speech, glassy eyes, or the odor of alcohol, and he said he did not. He stated that neither Officer Wilkins nor █ said anything to indicate that █ was intoxicated. FF Stafford did not see whether █ had a car at the station. He recalled that █ left before he woke up at approximately 6:45 a.m. FF Stafford said that he has met Officer Wilkins, █ and Chief Gibbons in passing but does not have a personal friendship with any of them. (Interview of FF Stafford).
- e. FF Bonalewicz recalled Officer Wilkins coming to Station 2 but did not recall the details of their conversation. He recalled that █ stayed on the couch in the day room and that he noticed █ was gone when he returned from an early morning call. FF Bonalewicz stated that it was not uncommon to find someone on the couch to avoid a long commute, traffic or to rest between shifts. He said, "It didn't seem out of the ordinary." He did not recall Officer Wilkins saying anything to indicate that █ was intoxicated. FF Bonalewicz was asked if he observed any signs of intoxication, such as slurred speech, glassy eyes, or the odor of alcohol, and he said he did not. FF Bonalewicz said that he saw █ on the couch when he was going to get water or walk to the bathroom but did not speak to █. He did not know if █ car was at Station 2 because he does not know what kind of car █ drives. FF Bonalewicz said that he has met Officer Wilkins, █, and Chief Gibbons in passing but does not have a personal friendship with any of them. (Interview of FF Bonalewicz).
- f. █, which is approximately two (2) hours away from the Town of Wayland.

- g. [REDACTED] indicated that [REDACTED] spoke with Officer Wilkins soon after [REDACTED] interaction with Chief Gibbons at the reception. [REDACTED] told Officer Wilkins that [REDACTED] was upset but did not tell him why at the time. (3/31/22 Meeting Notes).
- h. This investigator notes that Mr. Maccini appeared to be attempting to obtain confidential, non-public information regarding this investigation. During the first phone call with Mr. Maccini, he speculated about the allegations under investigation and the identity of the complainants. He also shared that he was aware of certain witnesses who had already been interviewed, which was not public information. Mr. Maccini declined to share the source of the information that he provided. He said, "You know [REDACTED], right?" and referenced [REDACTED]. It appeared that Mr. Maccini was attempting to discredit [REDACTED]. Mr. Maccini made a second call to the investigator's associate requesting an update on the status of the investigation. He was again informed that he was not entitled to information related to an ongoing personnel investigation, but said he was "asked to call" by his "spies." He would not identify who his "spies" were but said they had "nothing to do with the Chief or [Mr.] Crane." Ultimately, the information provided by Mr. Maccini was not credible, as he would not provide information regarding the source and the two (2) Firefighters on duty did not witness any conduct to show that [REDACTED] was intoxicated on that night. (Interview of Mr. Maccini).

60. On or about February of 2022, [REDACTED] and Chief Gibbons had a conversation that ended with Chief Gibbons yelling at [REDACTED], and [REDACTED] yelling back at him. [REDACTED] said that "things had become bad" in the Department and [REDACTED] was having the same feelings that [REDACTED], meaning that [REDACTED] felt [REDACTED] was being targeted.

- a. [REDACTED] and [REDACTED] described an incident where Chief Gibbons was on the phone with [REDACTED] and referred to [REDACTED] as "useless."³ Chief Gibbons was not aware that [REDACTED] had the call on speaker phone, nor was he aware that [REDACTED] was nearby. [REDACTED] later called [REDACTED] and informed him that [REDACTED] was upset by Chief Gibbons' comment. Chief Gibbons said that he made the comment "jokingly," and spoke to [REDACTED] to tell [REDACTED] that it was a joke and not meant to be derogatory. [REDACTED] stated that their call ended on a "friendly note." (Interviews of [REDACTED], [REDACTED], and Chief Gibbons).

- b. [REDACTED] stated that Chief Gibbons had told [REDACTED] was "not doing [REDACTED] job." Chief Gibbons had reportedly told [REDACTED] that none of the Sergeants were helping him. [REDACTED] stated that [REDACTED] asked Chief Gibbons why he said that to [REDACTED] and Chief Gibbons reportedly replied, "Because none of you do your fucking job." [REDACTED] said that Chief Gibbons was yelling at that point, and [REDACTED] raised [REDACTED] voice to "match his tone." Chief Gibbons then said he would end the meeting if [REDACTED] did not change [REDACTED] tone. Chief Gibbons started yelling again shortly after, and [REDACTED] said, "this meeting is over" and started to walk out. He then said, "If you walk out that door," to which [REDACTED]

³ According to [REDACTED], this incident was reported separately to the Town and is still pending.

replied, "What?" and he responded, "Nothing." [REDACTED] then said, "Do what you have to do" before leaving his office. (Interview of [REDACTED]).

61. In early 2022, the Department accepted applications for the Lieutenant position. [REDACTED], [REDACTED], and other internal candidates applied, but the position was ultimately filled by someone outside of the Wayland Police Department. Chief Gibbons stated that many people in the Department were upset by this decision.⁴
- a. Chief Gibbons explained the hiring process for the Lieutenant position in detail. First, the Human Resources Director reviewed the applications and narrowed the group of candidates. Chief Gibbons said that he worked with other area Police Chiefs to develop essay questions. Candidates sent their essay responses to the Human Resources Director. The Human Resources Director redacted names and identifying information from the essay responses before sending to two (2) area Chiefs and the Board of Selectmen to rank the remaining candidates. Chief Gibbons said that he was aware of the top seven (7) candidates within the process. The top four (4) candidates went to an oral interview board, which consisted of two (2) different area Chiefs and one non-Department-member. The oral interview board then interviewed the final candidates and presented their recommendation to Chief Gibbons. The individual who was ultimately hired had been ranked number one (1) by all the interview panelists. (Interview of Chief Gibbons).
 - b. [REDACTED] said that Chief Gibbons "basically excluded" all of the internal candidates for Lieutenant, including [REDACTED]. [REDACTED] claimed that all internal candidates were intentionally excluded by the essay questions and that Chief Gibbons was biased against [REDACTED]. Chief Gibbons stated that [REDACTED] was not selected because [REDACTED] was ranked below the top four (4) candidates." (Interviews of [REDACTED], [REDACTED], and Chief Gibbons).
62. [REDACTED] alleged that Chief Gibbons made an inappropriate comment referencing the religion of a Department Intern in late December of 2021. According to [REDACTED] Chief Gibbons said the Intern was a "nice Jewish boy," which [REDACTED] understood to be a "joke" in reference to the Intern's Irish-sounding name. [REDACTED] said that [REDACTED] was offended by the comment, [REDACTED]. Chief Gibbons said he did not recall making this comment. (Interviews of [REDACTED] and Chief Gibbons).
63. Following his interview, [REDACTED] submitted eighteen (18) written allegations against Chief Gibbons related to conduct or events that occurred within the past year and a half. This investigator notes that several of these allegations are the subject of ongoing grievances and/or are outside of the scope of this investigation and as such, were not investigated.

⁴ The hiring process for the Lieutenant position is the subject of a grievance submitted by the Union. This grievance is outside of the scope of the investigation, but the hiring process is relevant to the relationship between Chief Gibbons and other Department staff at that time.

- a. [REDACTED] generally alleged that [REDACTED] has been subject to "disparaging treatment" by Chief Gibbons. [REDACTED] also alleged that Chief Gibbons has "created a hostile work environment" for [REDACTED]. This investigator contacted [REDACTED] and attempted to schedule an investigatory interview, but [REDACTED] declined to participate and would not provide any further information. (Interview of [REDACTED]).
- b. [REDACTED] alleged that Chief Gibbons has taken away [REDACTED] authority and several of [REDACTED] duties. [REDACTED] said that Chief Gibbons has refused to communicate with [REDACTED] and has directed [REDACTED] subordinates to bypass [REDACTED] and go directly to the Chief. Chief Gibbons said [REDACTED] has expressed that [REDACTED] feels they "don't communicate well" and they had a conversation about [REDACTED] being left "out of the loop." Chief Gibbons said that [REDACTED] tried to counsel [REDACTED] about working with [REDACTED] subordinates. Chief Gibbons also stated that he has told [REDACTED] subordinates that they should first speak to their direct supervisor when an issue arises, but they may come to Chief Gibbons directly if they "can't get through to [REDACTED]." Chief Gibbons said that [REDACTED] can be "unapproachable" and has yelled at [REDACTED] staff. ([REDACTED]; Interview of Chief Gibbons).
- c. [REDACTED] stated that [REDACTED] was once responsible for conducting background investigations and Chief Gibbons gave the responsibility to two (2) other officers. [REDACTED] claimed that two (2) individuals were hired by the Department without background checks. Chief Gibbons stated that [REDACTED] has "made it known" that [REDACTED] is looking to leave the Department, so Chief Gibbons sent two (2) Detectives to a training class on conducting background investigations. Chief Gibbons felt it was best to give this duty to the two (2) officers who were most recently trained. In reference to the allegation that Department employees were hired without background checks, Chief Gibbons stated that one (1) individual had received a background check as a Dispatcher and was later promoted to full-time Officer by former Chief Swanick, so Chief Gibbons was not aware if he received an additional background check, as he would not have been involved in it. The other individual was hired as a Dispatcher, and Chief Gibbons said that a background check was conducted. ([REDACTED]; Interview of Chief Gibbons).
- d. [REDACTED] stated that [REDACTED] was previously one (1) of three (3) administrators for the Department's Facebook page, but Chief Gibbons took away [REDACTED] access. Chief Gibbons said that the Town Manager had a discussion with Department Heads about limiting Facebook pages and access rights to Department Heads and their second-in-command. As a result, only Chief Swanick and then-Lt. Gibbons were permitted to be administrators for the Department's Facebook page. ([REDACTED]; Interview of Chief Gibbons).
- e. [REDACTED] stated that Chief Gibbons prevented [REDACTED] from being involved in Community Policing Initiatives, including teaching the Rape Aggression Defense (RAD) Training. Chief Gibbons said that he had received complaints from the Union that Community Policing opportunities were only being given to Detectives, so he has attempted to spread those duties out among Department

employees. Chief Gibbons said that he asked all Department employees if they wanted to volunteer to teach RAD training, which is a multi-session course. [REDACTED] did volunteer for some of the sessions. Ultimately the Chief chose to select three (3) Officers who were available to teach all of the sessions, as that would provide continuity for the trainers and trainees. ([REDACTED]; Interview of Chief Gibbons).

f. [REDACTED] stated that [REDACTED] was denied the opportunity to attend an FBI Training called "Shoot Day" while on duty. [REDACTED] said that [REDACTED] was permitted to attend this training in the past and was paid for that time. Chief Gibbons said that he would not approve it as a paid training day, as it was more of a "social event" rather than an educational or training-focused event. Chief Gibbons stated that [REDACTED] was free to go "on [REDACTED] own time," meaning [REDACTED] could go when [REDACTED] was off-duty or take personal time off. ([REDACTED]; Interview of Chief Gibbons).

g. [REDACTED] complaint also described instances in which [REDACTED] disagreed with the Chief's decisions regarding the Detective Division budget, as well as caseload and case management. Chief Gibbons explained that ultimate authority over the budget and all divisions of the Department lies with the Chief. This investigator notes that [REDACTED] did not allege that Chief Gibbons violated a policy or acted outside of his authority, however, [REDACTED] did not agree with Chief Gibbons' managerial decisions. ([REDACTED]; Interview of Chief Gibbons).

h. [REDACTED] also alleged that Chief Gibbons asked [REDACTED] to remind [REDACTED] of Policy 4.0 – Public Statements and Free Speech, as the Chief had believed [REDACTED] had been publicly making "disparaging" remarks about Chief Gibbons and the Department. [REDACTED] believed that the Chief should have addressed this with [REDACTED] directly, rather than asking the Union President to remind [REDACTED] and re-issue the policy. Chief Gibbons said that [REDACTED] was telling people that Chief Gibbons was "clueless, didn't deserve the job, doesn't know what he's doing, and that the Department is a sinking ship and I'm the captain of the sinking ship." Chief Gibbons said that he did not address it with [REDACTED] directly because they were "third person comments." ([REDACTED]; Interview of Chief Gibbons).

64. On July 13, 2022, [REDACTED] emailed this investigator alleging that there were witnesses with allegations against Chief Gibbons who had not been interviewed by this investigator. [REDACTED] told [REDACTED] that Chief Gibbons had been "inappropriate" with [REDACTED]. [REDACTED] also alleged that "no female working for the Public Safety Department or the Police Department has been interviewed." This investigator informed [REDACTED] that all allegations that have been brought forth by members of the Department have been investigated, and the investigator was not aware of any alleged complaint by [REDACTED]. This investigator attempted to contact and schedule an investigatory interview with [REDACTED] but received no response. On August 4, 2022, this investigator received letters from [REDACTED] stating that they did not want to provide any information or participate in the investigation. Both cited concerns about retaliation. [REDACTED] were each sent a letter reminding them about

the Department's policy against retaliation and they were informed that the Town would not compel them to participate in the investigation. (7/13/22 Email from [REDACTED]; 8/4/22 Emails to [REDACTED]).

VII. Conclusion

Based on the findings of this investigation, I conclude the following:

Allegations Regarding [REDACTED]

There is sufficient credible evidence to find that Chief Gibbons violated Department Policy 4.02 by engaging in an inappropriate sexual relationship with [REDACTED] in 2003. Department Policy 4.02 and M.G.L. ch. 151B, s.1 (18) define sexual harassment as "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment..." (emphasis added in underlined font).

[REDACTED] was [REDACTED] and Chief Gibbons was a Patrol Officer who was responsible, at least in part, for [REDACTED] training and supervision. Chief Gibbons admitted that he had sexual intercourse with [REDACTED]. [REDACTED] stated that [REDACTED] did not verbally or physically communicate to Chief Gibbons that [REDACTED] did not consent to their sexual contact. However, [REDACTED] was under the influence of alcohol and believes that Chief Gibbons had "groomed" [REDACTED] and taken advantage of his position of power. Although Chief Gibbons maintains that their sexual contact was consensual, there is an inherent power disparity between a [REDACTED] and a thirty-three (33) year old Patrol Officer who is supervising and training [REDACTED]. The Sexual Harassment Policy prohibits advances and conduct of a sexual nature when the submission or rejection to such advances or conduct is an explicit or implicit term of employment. [REDACTED] was [REDACTED] who hoped to become a full-time Wayland Police Officer in the future. As a supervising Patrol Officer, it was extremely inappropriate for Chief Gibbons to make comments about [REDACTED] appearance and initiate a sexual relationship.

This investigator notes that the sexual contact and inappropriate relationship between Chief Gibbons and [REDACTED] took place in 2003, approximately nineteen (19) years ago. This investigator credits [REDACTED] statements and finds that the alleged conduct did in fact occur, however, the remoteness of the conduct must be given due consideration.

There is sufficient credible evidence that Chief Gibbons yelled at [REDACTED] and subjected [REDACTED] to a higher level of scrutiny than other [REDACTED] after they had sexual intercourse. [REDACTED] alleged that [REDACTED] has been verbally reprimanded for small infractions when [REDACTED] colleagues have committed the same infractions without recourse from Chief Gibbons. Chief Gibbons maintained that he did not recall disciplining [REDACTED] and described [REDACTED] as a competent [REDACTED]. However, other employees noticed conflict between the two and that Chief Gibbons seemed to be displeased with [REDACTED] job performance at times. One employee noted that Chief Gibbons has a "temper," and it was not uncommon for him to yell at employees.

Allegations Regarding [REDACTED]

There is sufficient credible evidence to find that Chief Gibbons violated Department Policy 4.02 on December 20, 2021 by referencing his prior sexual encounter with [REDACTED] following his swearing-in ceremony.

Department Policy 4.02 – Sexual Harassment defines sexual harassment as “sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when... Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.” This investigator credits [REDACTED] statements regarding Chief Gibbons' conduct on December 20, 2021 and finds that he made direct, intentional references to their sexual encounter. Although the sexual encounter took place in 2010, Chief Gibbons' reference to it was recent, and had the effect of interfering with [REDACTED] work performance and created an intimidating, hostile, humiliating and sexually offensive work environment. At the time that Chief Gibbons made the statement, he had just been sworn in as Chief, and was in a direct position of power and influence over [REDACTED] and [REDACTED] future with the Department.

[REDACTED] alleged that the sexual encounter that took place between [REDACTED] and Chief Gibbons in 2010 was not consensual and described it as sexual assault. There is no dispute as to whether a sexual encounter occurred, but there is a dispute regarding consent. [REDACTED] recalled specific details of the encounter and stated that [REDACTED] did try to push Chief Gibbons away at certain points, but eventually gave in so that the encounter would end. Chief Gibbons recalled few details but said it was “completely consensual.” [REDACTED] stated that [REDACTED] was intoxicated and Chief Gibbons also said that he had been drinking heavily. Because of the remoteness of this allegation, this investigator is unable to make a specific finding regarding whether or not a reasonable person in Chief Gibbons' position would have known that [REDACTED] did not consent. However, it is relevant that Chief Gibbons was a superior officer to [REDACTED] at the time, as well as the Union President. As the superior officer, it was extremely inappropriate for Chief Gibbons to initiate and engage in a sexual relationship with [REDACTED].

There is insufficient credible evidence that [REDACTED] was subjected to disparate treatment based on [REDACTED] gender or [REDACTED] previous sexual encounter with Chief Gibbons. Multiple [REDACTED] employees alleged that Chief Gibbons has yelled at them and criticized their job performance. Chief Gibbons told [REDACTED] that [REDACTED] was not doing [REDACTED] job, but he also stated that none of the Sergeants were doing their jobs. Although this investigator does not find that [REDACTED] was subjected to disparate treatment, it is inappropriate and unprofessional for a Police Chief to yell at his staff. As the leader and most senior member of the Department, Chief Gibbons should model appropriate, professional behavior.

Chief Gibbons' Admission to Driving While Intoxicated

There is sufficient credible evidence that Chief Gibbons violated the Professional Conduct Policy Section 1.31(III) – Conduct Unbecoming when he operated a vehicle while intoxicated in 2003 and 2010. The Conduct Unbecoming Policy states the following:

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Conduct unbecoming shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation, morale, integrity, reputation, or effectiveness of the Department or its members. Conduct unbecoming shall also include off-duty conduct where there is a nexus or connection between act or acts committed by the employee and his continued fitness or ability to effectively perform his required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation, or effectiveness of the Department and the ability of the employee(s) not involved in said act to effectively perform their required duties and responsibilities.

Chief Gibbons admitted to driving while intoxicated on the night that he had sexual intercourse with [REDACTED] in 2003 and on the night that he had sexual intercourse with [REDACTED] in 2010. As the commanding officer of the Wayland Police Department, which is charged with enforcing laws, including those regarding the operation of a vehicle while intoxicated, the Chief's conduct reflects very poorly on the integrity and reputation of the Department as a whole and his fitness to act as an officer of law enforcement. However, this investigator notes that these events occurred nineteen (19) and twelve (12) years ago, and the remoteness of the conduct must be given due consideration.

Allegations Made by [REDACTED]

There is sufficient credible evidence that Chief Gibbons violated 4.02a Workplace Harassment Policy by referring to a Department Intern as a "nice Jewish boy" in December of 2021. The Workplace Harassment Policy states that employees are protected from harassment on the basis of religion. Chief Gibbons said that he did not recall making such a comment, however, this investigator credits [REDACTED] statements that the Chief was making a joke that the Intern had a very traditional Irish name, and in the Chief's estimation, was clearly not Jewish. [REDACTED] stated that [REDACTED] is the only [REDACTED] of the Police Department and took offense to the statement. Although Chief Gibbons comment did not have any explicitly negative connotations, it is not appropriate to make jokes about an employee's religion.

As noted above, [REDACTED] submitted an extensive list of written allegations against [REDACTED]. This investigator has not re-investigated the allegations that are subject to ongoing grievances, as they are outside of the scope of this investigation. Aside from the incident noted in the paragraph above, this investigator finds no policy violations occurred stemming from [REDACTED] remaining allegations. It is clear that [REDACTED] does not agree with many of Chief Gibbons' managerial decisions and generally has a negative opinion of him. However, there is no evidence that Chief Gibbons acted outside of his authority or in violation of Department policy. [REDACTED] alleged that Chief Gibbons took away several of [REDACTED] duties and diminished [REDACTED] authorities. There is no evidence that Chief Gibbons acted in violation of Department policy or took action against [REDACTED] on any legally-protected basis.

Respectfully submitted,
/s/Jaime Kenny, Esq.
Jaime Kenny
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