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IN BOARD OF SELECTMEN  
WEDNESDAY, AUGUST 1, 1990

Present: Chairman Judith A. Cope, David A. Wallace, and John C. Drobinski.

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Chairman Cope at 7:30 p.m., in Room 26 of the Flynn Building.

Police Personnel Matter

Present: Sgt. Bruce Noah.

Vice Chairman Wallace made a brief introductory statement to the subject involving disciplinary action of Officers Quinn and Noah and read the findings addressed to each officer, which are contained in the decisions attached to and made a part of these minutes.

Chairman Cope at this time for the record made a public apology on behalf of the Town to the Ohri and Verni families. Chairman Cope stated that the Board would be sending an apology in writing and requested that Officers Noah and Quinn do likewise.

Hazardous Waste Sites - Joint Meeting

Present: Lael M. Meixsell, Planning Board; Conservation Coordinator Deborah Montemerlo; Chairman Lee H. Goodstone and Superintendent Richard Carroll, Sudbury Water District; Frank Vana, Chamber of Commerce; Health Director Robert Leupold and Hugh Caspe, Board of Health; Gerald Spiller, Sudbury Fire Department; Dr. Edward T. T. Chiang, Water District Consultant; Ralph Tyler.

Chairman Cope welcomed everyone to the meeting to discuss hazardous waste sites in the Town of Sudbury, and requested those present to introduce themselves for the record. Chairman Cope remarked in a brief introduction as to the serious nature of the subject and the Selectmen's purpose in having an open forum.

Health Director Robert Leupold made a lengthy presentation concerning his handout, dated August 1, 1990, entitled, "Review/Update of DEP Hazardous Waste Sites", copies of which are available in the offices of the Board of Health and Board of Selectmen. During Mr. Leupold's presentation there was an exchange of questions and answers involving the sites.

On the subject of possible future sites not listed, Chairman Cope asked that the Regional Construction site on Union Avenue be reviewed by the Board of Health for possible inclusion. Mr. Leupold responded that the Board of Health is on top of the issue and that site may or may not be listed in the future, but it is definitely not a priority site.

Chairman Cope announced the formation of a new group, the MetroWest Water Supply Management Committee and commended its recently published report to the group.

On the question from Chairman Cope concerning the ultimate density of Town growth that may be allowed in relationship to our water supply, Dr. Chiang replied that in the near future he will be updating his past report on the same which he believed had been forwarded to the Board upon its publication.

Chairman Cope thanked everyone for their attendance.

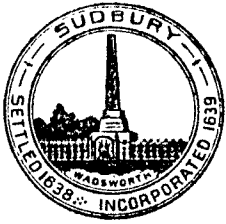
STM - Selectmen's Articles

The Board agreed to submit a zoning article relative to the Research District for inclusion in the Warrant for the September 10, 1990 Special Town Meeting. Mr. Thompson distributed a preliminary draft of same prepared by Town Counsel's Office for the Board's review and comment, and informed that it was his intention to forward a copy to Unisys.

There being no other business to come before the Board the meeting was adjourned at 9:15 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary



443-8891

## TOWN OF SUDBURY

Office of Selectmen

Sudbury, Mass. 01776

August 1, 1990

Sergeant Bruce Noah  
45 Sudbury Road  
Stow, MA 01775

Re: Disciplinary Hearing

Dear Mr. Noah:

The Board of Selectmen held a hearing to determine whether there existed just cause to sustain a five-day suspension imposed by the Police Chief and to determine whether your conduct warranted demotion to Patrolman.

The hearing commenced on March 28, 1990 and continued on July 9, 1990, July 23, 1990 and July 31, 1990 as the result of a complaint received by the Department from Anil Ohri arising out of an incident on November 14, 1989.

You were provided with notice of the hearing in accordance with M.G.L. Chapter 31. By agreement of the parties, the dates for the hearings were rescheduled, and all matters, including those relating to Officer Charles Quinn were heard at the same time.

The complainant and officers testified during the course of the hearings which were heard in open session at your request.

Upon receipt of the complaint, Lieutenant Nix conducted an internal investigation. He received a written statement from the complainant and offered you an opportunity to make a statement. At the conclusion of his investigation he made a report to the Chief of Police.

Upon receipt of the report from Lieutenant Nix, Chief Lembo imposed a five-day suspension. You were provided with the notice of charges, copies of the required sections of M.G.L. Chapter 31, and the right to a hearing. You exercised your right to a hearing before the appointing authority. You were also provided with a notice that the Selectmen would hold a hearing to determine whether or not to demote you from Sergeant to Patrolman.

Based on the evidence presented by the witnesses, the Board found the following facts:

- 1) On Tuesday, November 11, 1989, Mr. Anil Ohri, a resident at 1055 Boston Post Road, called the station at 12:24 a.m. to report someone had just broken into his home.

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- 2) Officer Michael Lucas received the initial call from Mr. Ohri and called the lunch room where Officer Quinn was having coffee.
- 3) Officer Quinn was assigned to investigate the breaking and entering and says he left the station immediately after being told of the housebreak.
- 4) 1055 Boston Post Road is located approximately 3.1 miles from the Police Station and shares a common driveway with 1043 Boston Post Road which is the Verni residence.
- 5) Officer Quinn was the investigating officer of a home invasion which occurred at the Verni residence four days earlier on November 10, 1989.
- 6) Dispatcher Alan Bard received a second call from the Ohri residence at 12:32 a.m., again requesting assistance and stating no officer had arrived yet.
- 7) Officer Lucas testified that duty Sergeant Bruce Noah, the investigating officer Charles Quinn, and himself were in the front desk area with Dispatcher Bard when the second call for assistance came in.
- 8) Dispatcher Bard could recall Sergeant Noah being present when the second call for assistance was received but could not recall if Lucas and Quinn were present.
- 9) It was an additional five minutes after the second call from Mrs. Ohri that Officer Quinn finally signed off at the Ohri residence.
- 10) When the second call came in from the Ohri residence, Sergeant Noah stated in the presence of the Dispatcher, Officer Quinn and Officer Lucas, "Is that the guy....He wants to go to bed. He wants you to run in there, to run around the house...it's not an ax." This statement was recorded on the tape at the Dispatcher's desk and was followed by laughter.
- 11) Sergeant Noah never responded to the scene of the crime.

Based on the foregoing, the Board finds as follows:

1. There is just cause to support the charge of Incompetence as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 10.

Sgt. Noah being on duty and the officer in charge of the shift on the evening of November 14, 1989 did allow the entire shift to remain in the station for an excessive period of time. Sgt. Noah should have caused the men assigned under him to leave the station and assume their respective patrol responsibilities. Evidence and statements indicate Sgt. Noah and the entire shift remained in the station house more than one half hour after the commencement of the shift, resulting in unacceptable and inadequate protection for the Town.

2. There is just cause to support the charge of Neglect of Duty as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 16.

Sgt. Noah being on duty and the officer in charge the evening of November 14, 1989 did fail to take or cause to be taken appropriate police action when a resident reported his home had just been broken into.

Sgt. Noah having knowledge of a reported housebreak at 1055 Boston Post Road failed to ensure the proper dispatch and response of investigating officers.

The Rules and Regulations of the Sudbury Police Department mandate an immediate response to public emergencies. As the commanding officer it was incumbent upon Sgt. Noah to dispatch officers to investigate the burglary.

Sgt. Noah was instrumental in delaying a proper response by engaging the investigating Officer Charles Quinn in frivolous and sarcastic conversation concerning the assignment.

3. There is just cause to support the charge of Conduct Unbecoming an Officer as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 1.

Sgt. Noah having been made aware that a housebreak had taken place at 1055 Boston Post Road and knowing Officer Charles Quinn had been assigned to investigate same made disparaging remarks regarding the assignment after a second call for assistance was received at the station.

The actions of Sgt. Noah reflect discredit upon himself and the Sudbury Police Department.

4. There is just cause to support the charge of Incompetence as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 10.

Sgt. Bruce Noah, the officer in charge and a 19 year veteran of the Sudbury Police Department, having received extensive training in crime scene search, failed to respond at any time to the scene of the home invasion at 1055 Boston Post Road.

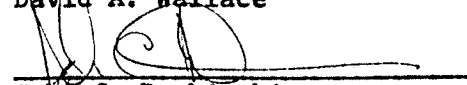
The Daily Log of the Department for the evening of November 14, 1989 reflects no other incidents or priority calls demanding the attention of the duty sergeant.

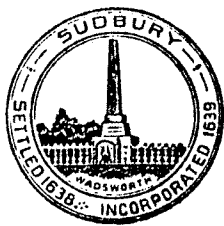
Accordingly, the Board votes to uphold the imposition of the five-day suspension of Sergeant Bruce Noah.

SUDBURY BOARD OF SELECTMEN

  
Judith A. Cope, Chairman

  
David A. Wallace

  
John C. Drobinski



## TOWN OF SUDBURY

Sudbury, Mass. 01776

August 1, 1990

Officer Charles R. Quinn  
8 Lake Boon Drive  
Hudson, MA 01749

Re: Disciplinary Hearing

Dear Mr. Quinn:

The Board of Selectmen held a hearing to determine whether there existed just cause to sustain a five-day suspension imposed by the Police Chief and to determine whether your conduct warranted additional suspension days not to exceed thirty.

The hearing commenced on March 28, 1990 and continued on July 9, 1990, July 23, 1990 and July 31, 1990 as the result of complaints received by the Department from Susan Kelly Verni and Anil Ohri arising out of incidents on November 10, 1989 and November 14, 1989.

You were provided with notice of the hearing in accordance with M.G.L. Chapter 31. By agreement of the parties, the dates for the hearings were rescheduled, and all matters, including those relating to Sergeant Noah were heard at the same time.

The complainants and officers testified during the course of the hearings which were heard in open session at your request.

Upon receipt of the complaints, Lieutenant Nix conducted an internal investigation. He received written statements from the complainants and offered you an opportunity to make a statement. At the conclusion of his investigation he made a report to the Chief of Police.

Upon receipt of the report from Lieutenant Nix, Chief Lembo imposed a five-day suspension. You were provided with the notice of charges, copies of the required sections of M.G.L. Chapter 31, and the right to a hearing. You exercised your right to a hearing before the appointing authority. You were also provided with a notice that the Selectmen would hold a hearing to determine whether or not to impose an additional thirty-day suspension.

Based on the evidence presented by the witnesses, the Board found the following facts:

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- 1) On Friday, November 10, 1989, Mrs. Susan Verni reported that her home at 1043 Boston Post Road had been entered during the night while the family was asleep. According to the Police Log, this occurred at 7:13 a.m.
- 2) Officer Charles Quinn was dispatched to the scene to investigate.
- 3) Approximately ten minutes after the call, Officer Quinn drove to the house, parked the cruiser and finished smoking a cigarette.
- 4) Officer Quinn then went to the house where he was greeted by Mr. and Mrs. Verni who advised him of their belief that a person had entered their home during the night and stolen some of their belongings.
- 5) The Vernis took Officer Quinn through the house, showing him dirt, mud and leaves that had been tracked in. They also showed him the room from which the wallet, cash and jewelry were taken.
- 6) Officer Quinn then was escorted to the basement where he looked around briefly.
- 7) Officer Quinn expressed confusion about how the person had gotten into the house. However, he refused to walk around the house to see where the entry might have occurred, stating to Mrs. Verni that he didn't think it necessary since all agreed someone was here.
- 8) Officer Quinn failed to determine the point of entry and submitted his report stating that all windows on the first floor and basement appeared OK and locked.
- 9) After discussion with her neighbor, Mrs. Verni discovered that a basement window had been removed and was lying on the ground. Officer Quinn could have discovered this fact by walking around the house, and should have observed same during his inspection the basement.
- 10) Prior to Officer Quinn's leaving the Verni residence, Mrs. Verni asked if there would be an increase in neighborhood patrols after a robbery like the one at her home. Officer Quinn responded "no"; there had been budget cuts and there were only two cruisers on the night shift and that the cruiser mileage was too high because the cars had not been traded because of the Town budget cuts.
- 11) Mrs. Verni asked Officer Quinn if she should call the newspaperman to inquire whether or not he had seen anyone leaving the house. Officer Quinn's response was "that the perpetrator would perhaps harm the newspaper man if he did see anything and reported it. That the newspaper man probably wouldn't want to tell the neighbors because he would get his lights shot out."
- 12) Standard police training dictates that the point of entry is very likely to yield crucial evidence in the investigative stage. The detection and preservation of physical evidence is the responsibility of the responding officer as outlined in Standard Operating Procedures #13 entitled "Preliminary Investigations."

- 13) Officer Quinn failed to properly check the windows at the Verni residence and detect the point of entry even though it is stated in his preliminary report that he had done so.
- 14) On Tuesday, November 11, 1989, Mr. Anil Ohri, a resident at 1055 Boston Post Road, called the station at 12:24 a.m. to report someone had just broken into his home.
- 15) Officer Michael Lucas received the initial call from Mr. Ohri and called the lunch room where Officer Quinn was having coffee.
- 16) Officer Quinn was assigned to investigate the breaking and entering and says he left the station immediately after being told of the housebreak.
- 17) 1055 Boston Post Road is located approximately 3.1 miles from the Police Station and shares a common driveway with 1043 Boston Post Road which is the Verni residence.
- 18) Officer Quinn was the investigating officer of a home invasion which occurred at the Verni residence four days earlier on November 10, 1989.
- 19) Dispatcher Alan Bard received a second call from the Ohri residence at 12:32 a.m., again requesting assistance and stating no officer had arrived yet.
- 20) Officer Lucas testified that duty Sergeant Bruce Noah, the investigating officer Charles Quinn, and himself were in the front desk area with Dispatcher Bard when the second call for assistance came in.
- 21) Dispatcher Bard could recall Sergeant Noah being present when the second call for assistance was received but could not recall if Lucas and Quinn were present.
- 22) It was an additional five minutes after the second call from Mrs. Ohri that Officer Quinn finally signed off at the Ohri residence.
- 23) Officer Quinn is an experienced and highly trained officer with regard to investigation having a degree in Criminal Justice with a substantial number of the courses focusing on criminal investigation.

Based on the foregoing, the Board finds as follows:

1. There is just cause to support the charge of Incompetence as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 10.

Officer Charles Quinn, being assigned to investigate a home invasion did fail to follow prescribed police procedures as defined in Standard Operating Procedure #13 titled Preliminary Investigations.

Officer Quinn failed to conduct a thorough preliminary investigation and detect an obvious point of entry in the Verni home even after being requested to do so by the residents.



Failure to discover the point of entry could have resulted in the loss of crucial evidence leading to apprehension and prosecution of the perpetrator.

2. There is just cause to support the charge of Neglect of Duty as found in The Rules and Regulations, Section II, Sub-section G, Paragraph 16.

Officer Charles Quinn being on duty November 14, 1989 and being assigned to investigate a burglary at 1055 Boston Post Road did fail to take suitable and appropriate police action on a timely basis.


Officer Quinn should have responded with much greater urgency to the reported break in at 1055 Boston Post Road in light of the fact that he had investigated a home invasion four days earlier right next door at the Verni residence. This is an excessive amount of time as the Ohri residence is only 3.1 miles from the station and traffic is light at that time of day.

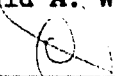
Officer Quinn having previously been assigned to respond to 1055 Boston Post Road for a reported break in, was in fact still in the Police Station when a second call for help is received by Mrs. Ohri, nine minutes after the first request.

Accordingly, the Board votes to uphold the imposition of the five-day suspension of Officer Charles Quinn.

SUDBURY BOARD OF SELECTMEN

  
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Judith A. Cope, Chairman

  
\_\_\_\_\_  
David A. Wallace

  
\_\_\_\_\_  
John C. Drobinski

Received from Officer Conrado  
w/o press reading  
Charles Quinn

DELIVERED IN HAND

ON MORSE ROAD

8-2-90 10:30 AM

Ronald B. Conrado