

4/12/2009



GROVELAND
POLICE
DEPARTMENT

INTERNAL AFFAIRS REPORT 030309IA

Case Report on Officer Aaron Yeo by: | Deputy Chief Jeffrey T. Gillen

On March 3, 2009 I delivered marked cruiser #12 to Lawrence, MA to have a GPS installed. I was instructed to do so by Chief Kirmelewicz as part of an internal investigation he assigned me to conduct. The installation of the GPS initiated my investigation into Officer Aaron Yeo's activities and would be restricted to only his activities.

Officer Yeo is assigned to shift "A", 11:00 pm to 7:00 am to patrol in marked cruiser #12. For all the dates referenced, the shift begins one hour prior to the date mentioned, (at 11:00 pm). The information I have documented was gathered from the GPS, the 911 system, the department's Micro Systems Prov IV by CrimeTrak computer program, Spector Soft computer tracking software which is attached to the squad room computers and a covert camera.

Friday, March 6, 2009, this was the first date I monitored Officer Yeo's activity. Officer Yeo worked with Officer Eric Ryan and Officer Edwin Fournier who was assigned to dispatch. Officer Yeo left the Station at 12:05. During his time in the station Officer Yeo spend most of his time on the computer, checking his department e-mail for 10 minutes before spending the remainder of his time on the internet site YouTube and the North Shore Community College website. Officer Yeo left the station for 20 minutes before returning to the station to log back on to the computer for over 30 minutes while he searched various NH Police Department websites. His computer activity ended when he was called away at 1:03 to back up car 11.

At 2:30 Officer Yeo returned to the station and logged on to the computer. Officer Yeo was logged on to the computer from 2:33 until 3:55. During this time he visited the YouTube website and various NH Police Department websites. Officer Yeo then left the station and traveled to 184 Lawrence Rd. in Bradford (Officer Ryan's residence) where he stayed from 4:01 until 4:37. Officer Yeo was then back at the station, parked at 181 Main St. (on the Fire Department side near Main St.) from 4:44 until 6:07. Officer Yeo returned to the station at 6:44 at which time he was on the computer from 6:50 until 7:00 when he printed an 8 page application from the Manchester, NH Police Department. He also visited the YouTube website during this time.

During the required hourly radio checks to determine the officers location Officer Yeo was untruthful. These radio checks are documented in the Police Department's computer files by the dispatcher. For the 3:00 radio check Officer Yeo responded to the dispatcher by giving his location as Main St. when he was on the department's computer in the squad room. Also, the radio check which was conducted at 5:59; Officer Yeo responded to the dispatcher by giving his location as Marjorie St. when he was parked and had not moved from 181 Main St. from 4:44 to 6:07. Officer Yeo was at the station for 4 hours and 47 minutes, he traveled 32 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*

Saturday, March 7, 2009 was the second date I monitored Officer Yeo's activity. Officer Yeo worked with Officer Steve Sargent and Dispatcher Andrew Carrier. Officer Yeo left the station at 11:36 at which time he traveled to 243 Lincoln St. in Haverhill before clearing that location at 11:42 to begin his patrol. At 12:43 until 1:54 he was at the station. 1:21 to 1:24 he was on the computer for police business. From 1:24 to 1:48 he was logged on to MySpace at which time he was searching for females between the ages of 25 to 27 years old within 5 mile of the zip code 01834. He then drove to the Getty where he stayed from 1:55 until 3:28. From 3:46 until 4:02 the vehicle was turned off at 57 S. Main St. in Bradford, Heavenly Donuts. Officer Yeo then traveled to his residence at 110 Center St. stopping from 4:18 until 4:40. He then ended his patrol as he was off at the station from 4:43 until the end of shift. During this time at the station, from 5:01 to 7:00 Officer Yeo was on the computer checking various NH Police Departments and home searches.

The untruthful radio transmissions given by Officer Yeo during the radio checks include the following: at 3:00 he gives his location as Elm Park while he was parked at the Getty which he previously called Main St. and he had not moved. At 3:58 he tells the dispatcher his location is "Salem" when the GPS shows the vehicle turned off at 57 S. Main St. in Bradford. The vehicle did not start moving until 4:02 and did not enter Groveland on Salem St. until 4:06. At 4:42 Officer Yeo radioed dispatch which was logged at 4:45 that he checked the Bagnall and the Highway Garage. However, when he left his residence the GPS shows he did not travel near those locations. Officer Yeo was at the station for 2 hours and 53 minutes, he traveled 37 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (3 counts)*
- *Rule 13.1 Filing Reports (3 counts)*
- *Rule 13.2 Falsifying Records (3 counts)*
- *Rule 10.7 Leaving the Community*

Tuesday, March 10, 2009 was the third date I monitored Officer Yeo's activity. Officer Yeo worked with Officer Traister and Dispatcher Vicky Ladd. Officer Yeo left the station at 11:47. During his time in the station he was on the computer from 11:00 to 11:15 conducting police business, checking his e-mail and time module. From 11:15 until 11:20 he was doing North Shore Community College work. From 11:20 until 11:44 he was he was on newspaper websites and looking up info on HGH.

Officer Yeo parked at the Getty from 12:03 until 2:29. At 3:02 Officer Yeo was at the station until 4:37. During this time he was on the computer from 3:06 until 4:27 searching for homes in NH, looking up NH Police salaries and other NH websites. From 4:27 until 4:35 he was on the YouTube/Facebook websites looking up a Jennifer Nicole Dagri and other activity. Once leaving the station Officer Yeo then traveled to his residence at 110 Center St. where he stayed from 4:42 to 5:07 and left the vehicle running. Officer Yeo was back at the station at 5:24 where he stayed until the end of his shift. From 6:02 until 6:20 Officer Yeo was on a website for the

Manchester, NH Police Department looking at an application. From 6:38 to 6:45 he was on the computer for police business.

The untruthful radio transmissions include the following: At 12:00 Officer Yeo said he checked the Tea Garden, Nicoles and the Vets. The GPS shows he traveled too fast past those areas to conduct a building check. At 2:00 he gave his location as School St. when he never left the Getty since 12:03 and he gave his 1:00 location check as Main. Officer Yeo was at the station for 3 hours and 58 minutes. He traveled 35 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*

Wednesday, March 11, 2009 was the fourth date I monitored Officer Yeo's activity. Officer Yeo worked with Officer Traister and Dispatcher Ladd. Officer Yeo left the station at 11:52. During his time in the station he was on the computer, from 10:58 until 11:00 he conducted police business. From 11:00 until 11:19 he performed a job search with Nashua and Salem, NH Police Departments. From 11:19 until 11:41 he was on the Biggest Loser's web site. At 12:23 until 2:24 Officer Yeo was parked at the Getty. He then left the Getty and traveled to his residence at 110 Center St. from 2:27 until 2:58 at which time he left the vehicle running.

After a short patrol, 25 minutes, he went to University Lane which is the basketball court behind the Bagnall School where he stayed parked from 3:23 to 6:08. Officer Yeo then headed back to the station where he stayed from 6:15 until the end of his shift. The vehicle was shown to be running until 6:49. From 6:23 until 7:00 Officer Yeo was on the computer doing general web surfing.

The untruthful radio transmissions include the following: The 2:00 radio check Officer Yeo said "Elm Park" when he had not left the Getty since 12:03 and the 1:00 radio check he gave his location as Main St. The 4:00 radio check he said "School St." when he was parked behind the Bagnall School since 3:23. The 5:00 radio check he said "Salem St." when he was parked behind the Bagnall School since the last radio check. For the 6:00 radio check at 6:03 he said "Salem St.", again he was still parked behind the Bagnall School since 3:23. Officer Yeo was at the station for 1 hour and 37 minutes. He traveled 31 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (4 counts)*
- *Rule 13.1 Filing Reports (4 counts)*
- *Rule 13.2 Falsifying Records (4 counts)*

Thursday, March 12, 2009 was the fifth date I monitored Officer Yeo's activity. Officer Yeo left the station at 11:37. During this time he was on the computer from 10:58 until 11:00 for Police business. From 11:00 until 11:28 Officer Yeo was on the YouTube website. At 11:47 he was parked at the Getty until 1:27. Officer Yeo left the Getty and headed to the station from 1:31

until 3:00. During this time he was on the computer from 1:48 until 2:20 conducting home searches in NH. From 2:20 until 3:00 he conducted home and school searches with some time on YouTube.

At 3:04 Officer Yeo was off at his residence at 110 Center St., he shut the vehicle off until he left at 3:28. At 3:58 he was off at the Getty until 4:25. He then headed to University Lane, behind the Bagnall School where he stayed from 4:35 until 6:01. Office Yeo then went to the station at 6:14 where he stayed until the end of his shift. Officer Yeo was on the computer from 6:29 to 7:00 conducting home searches.

The untruthful radio transmissions include the following: The 12:00 radio check he said "Chestnut St." while he was parked at the Getty. Officer Yeo did this same thing for the 1:00 check. The 2:00 radio check was logged as "Main St." while he was on the computer in the station; there was no radio transmission for this entry. For the 4:00 radio check he said "Chestnut St." while parked at the Getty. The 5:00 radio check conducted at 5:05 Officer Yeo said "School St." while he was parked behind the Bagnall School. On the 6:00 radio check Officer Yeo said "Bagnall" when he had not moved from the previous check. Officer Yeo was at the station for 2 hours 56 minutes. He traveled 34 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (5 counts)*
- *Rule 13.1 Filing Reports (5 counts)*
- *Rule 13.2 Falsifying Records (5 counts)*

Friday, March 13, 2009 was the sixth date I monitored Officer Yeo's activity. Officer Yeo left the station at 12:29. During this time he was on the computer from 11:00 until 12:10 watching dog videos and conducting home searches in NH. At 1:01 to 1:35 he was off at his residence at 110 Center St. At 1:42 Officer Yeo was back at the station until 3:42. From 2:19 until 3:41 the vehicle was turned off. Prior to shutting the vehicle off he was parked in the parking lot. From 2:23 until 3:21 he was on the computer logged on to the North Shore Community College website doing his homework. From 3:21 until 3:40 he was logged onto music videos. At 4:16 Officer Yeo returned to the station until 6:03. Officer Yeo left the station and returned 15 minutes later at 6:18 to not leave again.

Untruthful radio transmissions include the following: the 12:00 radio check Officer Yeo said "Main" when he had not left the station as of this time. The 2:00 radio check he said "Marjorie" while parked at 181 Main St. (the fire department side of the building). Officer Yeo was at the station for 5 hours and 58 minutes. He traveled 46 miles during his shift.

During two of Officer Ryan's motor vehicle stops Officer Yeo was in the station on the computer. One being at 12:05 and the other at 6:00.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*

➤ *Rule 13.2 Falsifying Records (2 counts)*

Monday, March 16, 2009 was the seventh date I monitored Officer Yeo's activity. Officer Yeo left the station at 12:17. During this time he was on the computer from 11:00 to 11:13 checking his police e-mail. From 11:13 to 11:35 he was looking at the Salem, NH Town Reports. At 2:02 until 2:55 Officer Yeo was at the station. During this time he was on the computer from 2:04 until 2:20 logged on to MySpace looking up Crystal Kamberalis. From 2:20 until 2:56 he was doing school work, looking at newspaper websites and looking at state salary sites. At 4:11 Officer Yeo was off at University Lane behind the Bagnall School until 6:02. He then traveled to the station at 6:07 until the end of his shift. During this time he was on the computer from 6:17 until 6:52 doing home searches and viewing various other NH Police websites.

Untruthful radio transmissions include the following: At 12:01 for the 12:00 radio check he said "Elm Park" when he had not left the station as of this time. At 1:01 for the 1:00 radio check he said "King St.", he was at the station at this time. The 5:00 radio check he said "School St." while parked behind the Bagnall School. The 6:00 radio check he said "School St." while parked behind the Bagnall School. Officer Yeo was in the station for 3 hours and 3 minutes. He traveled 34 mile during his shift.

Violations:

- *Rule 7.7 Truthfulness (4 counts)*
- *Rule 13.1 Filing Reports (4 counts)*
- *Rule 13.2 Falsifying Records (4 counts)*

Tuesday, March 17, 2009 was the eighth date I monitored Officer Yeo's activity. Officer Yeo left the station at 11:34. During this time he was on the computer from 11:03 to 11:22 checking his e-mail and doing home searches. At 12:05 he was back at the station until 1:53. During this time he was on the computer from 12:08 until 1:28 viewing the Atkins nutrition websites. At 2:06 until 2:33 he was off at his residence at 110 Center St.. Officer Yeo then headed to the station where he stayed from 2:38 until 3:55. During this time he was on the computer from 2:39 to 3:49 on the YouTube, Hulu and Family Guy websites. From 3:50 until 3:54 he was on MySpace lookup of Ashley Abrizzese and Nicole Pero.

At 4:30 until 5:41 Officer Yeo was parked at University Lane, behind the Bagnall School. At 5:48 he was back at the station until the end of his shift. The vehicle was not shut off until 6:26.

Untruthful radio transmissions include the following: The 5:00 radio check conducted at 4:59, Officer Yeo said his location was "Center St." when he was parked behind the Bagnall School since 4:30. The 6:00 radio check conducted at 6:03 Officer Yeo said his location was "Main" while still parked behind the Bagnall School. Officer Yeo was at the station for 4 hours and 50 minutes. He traveled 34 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*

➤ *Rule 13.2 Falsifying Records (2 counts)*

Wednesday, March 18, 2009 was the ninth date I monitored Officer Yeo's activity. Officer Yeo left the station at 11:26 for a call. During this time he was on the computer from 11:00 – 11:04 for personal and department e-mail. From 11:04 until 11:26 he was on the YouTube and WAAF websites. At 11:44 Officer Yeo returned to the station until 1:02. During this time he was on the computer from 11:49 until 12:42 when he looked up his time off for 1 minute then went to the YouTube and Atkins websites.

Officer Yeo returned to the station at 2:16 until 4:14. The vehicle was turned off. He then headed to his residence at 110 Center St. where he stayed from 4:21 until 5:10, leaving the vehicle running. He then headed back to the station where he stayed from 5:19 until the end of his shift. The vehicle was left running until 6:43. From 6:56 until 7:00 he was on the computer looking at department logs, this is the first time I have seen any evidence of Officer Yeo reviewing the department logs.

Untruthful radio transmissions include the following: 12:01 for the 12:00 radio check Officer Yeo said "Main" when the vehicle was turned off and parked at the station. There was a radio check at 1:07 at which time Officer Yeo said "Pecker Lane" when he was on the Bates Bridge then traveled straight onto Rt. 97. At 5:59 for the 6:00 radio check he said "Main" when he was parked behind the station.

It should also be noted the other officer on the shift had an arrest and he still traveled 32 miles while Officer Yeo traveled 16 miles during his shift. Officer Yeo was in the station for 5 hours and 23 minutes.

Violations:

- *Rule 7.7 Truthfulness (3 counts)*
- *Rule 13.1 Filing Reports (3 counts)*
- *Rule 13.2 Falsifying Records(3 counts)*

Thursday, March 19, 2009 was the tenth date I monitored Officer Yeo's activity. Officer Yeo left the station at 11:29 for a call. During this time he was on the computer from 11:07 until 11:29 on the YouTube website. Officer Yeo cleared the call at 11:37, at 11:38 he was off at the Richdale Store in Haverhill for 13 minutes. He then went to the station from 11:59 to 1:08. During this time he was on the computer from 12:43 until 1:07, he was on the YouTube and Atkins websites.

At 1:11 until 1:56 Officer Yeo was off at his residence at 110 Center St. From 2:41 until 3:08 he was parked at the Getty. He then headed to University Lane where he parked behind the school from 3:11 until 5:52. He then headed to the station at 5:57 until the end of his shift. During this time he was on the computer from 6:22 to 6:51 logged on to the Atkins website.

Untruthful radio transmissions include the following: For the 4:00 radio check Officer Yeo said "Main St." when he was parked on University Lane (behind the Bagnall School) since 3:11. At

4:59 for the 5:00 radio check Officer Yeo said "School St." when he was still parked at University Lane since before the last radio check.

The other officer had a motor vehicle stop at 12:52 while Officer Yeo remained in the station on the computer conducting personal business. Officer Yeo was at the station for 2 hours and 41 minutes. He traveled 32 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*

Sunday, March 22, 2009 was the eleventh date I monitored Officer Yeo's activity. Officer Yeo left the station at 11:32 for a call. During this time he was on the computer reading the Policy & Procedures and the Rules & Regulations. From 12:30 to 1:37 Officer Yeo was parked at the Getty. Officer Yeo then traveled to the Price Rite Garage on Salem St. where he stayed from 1:42 until 4:46.

At 5:35 until the end of the shift Officer Yeo was at the station, the vehicle was turned off at 6:53. During this time Officer Yeo was on the computer from 5:40 until 6:26 searching various NH Police Departments and home searching. From 6:26 until 6:48 he was on the FBI website searching employment opportunities. It should be noted on this date at approximately 6:47 when I was reporting for duty I noticed car 12 parked near the rear entrance to the Police Station with the engine running while unoccupied. When I entered the building I noticed Officer Yeo and Officer Traister on the computers in the squad room. I said "good morning", Officer Traister replied while Officer Yeo did not. I left the area and returned approximately five minutes later. I noticed car 12 was still running and Officer Yeo was still in the squad room. I asked Officer Yeo why was car 12 running and he replied "I'm keeping it warm". I related to him that it was not that cold (35 degrees) and the car should not be running. Officer Yeo informed me he had to remove his items anyways. I advised him to shut the vehicle off and park same. I thanked him and he replied with "you're welcome". I now know the vehicle was running since 5:35 while Officer Yeo was in the station on the computer while same was left running, only to be shut off at the end of his shift.

Untruthful radio transmissions include the following: The radio checks conducted at 2:01, 3:00 and 4:00 Officer Yeo said "Salem St., Washington St. and Salem St." respectively. He was parked at Price Rite Garage this entire time and had not moved. At 4:48 Officer Yeo called in that he checked the Light Department, Pumping Station, Water Department and the Highway Department. He did not travel the route to pass those locations and he had just left the Price Rite Garage two minutes earlier where he was parked since 1:42.

At 4:54 the GPS shows him traveling 50 mph at 110 School St., a 40 mph zone as he traveled back and forth on Rt. 97 to Rt. 113 and back again. This occurred soon after he left the Price Rite Garage which allowed him to gain mileage on the cruiser. Officer Yeo was at the station for 1 hour and 57 minutes. He traveled 34 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*
- *MGL Chapter: 90 – Section: 17 Speeding (1 count)*

Monday, March 23, 2009 was the twelfth date I monitored Officer Yeo's activity. He left the station at 11:46. At 12:22 until 1:29 Officer Yeo was parked at the Getty. He then left the Getty and traveled to his residence at 110 Center St. where he stayed from 1:31 until 2:15. At 2:48 until 3:54 Office Yeo was at the station. During this time he was on the computer from 2:54 until 3:52 doing home work for North Shore Community College. At 4:19 Officer Yeo was back at the station with the vehicle running until it was shut off at 6:40.

Untruthful radio transmissions include the following: At 4:59 for the 5:00 radio check Officer Yeo said "Main" when he was parked behind the station. The GPS shows Officer Yeo traveling 60 mph in a 40 mph zone at 217 School St. at 11:52. Officer Yeo was at the station for 4 hours and 33 minutes. He traveled 45 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (1 count)*
- *Rule 13.1 Filing Reports (1 count)*
- *Rule 13.2 Falsifying Records (1 count)*
- *Policy & Procedure 415.4 Operation of Police Vehicles (1 count)*
- *MGL Chapter: 90 – Section: 17 Speeding (1 count)*

Tuesday, March 24, 2009 was the thirteenth date I monitored Officer Yeo's activity. Officer Yeo left the station at 12:42. During this time he was on the computer from 11:01 until 11:03 checking his department e-mail. From 11:03 until 11:43 he was doing his North Shore Community College homework and surfing Boston websites.

At 12:49 until 12:55 Officer Yeo was at 53 S. Main St. in Bradford, Wendy's. He then returned to the station from 12:59 until 1:57. He next stopped at the Getty from 2:22 until 3:44. At 4:07 he was back at the station until 5:34. The vehicle was left running during this time while he was in the station on the computer. At 4:10 until 4:21 he was on the FBI website. From 4:22 until 4:29 he searched anabolic steroids. From 4:29 until 5:16 he was on the following websites, US Customs, Marshalls, Department of Justice, FBI, Secret Service and the ATF. At 5:17 until 5:34 he was searching NH lodging.

When Officer Yeo left the station he went to his residence at 110 Center St. where he stayed from 5:39 until 5:52. At 6:02 he was off at the station until 6:24. He left and then returned to the station at 6:33 to end his shift. During this time he was on the computer from 6:45 until 6:52 on the e-bay website.

Untruthful log entries include the following: For the 12:00 radio check Officer Yeo was listed as "Main St." when he was in the station and there was no radio transmission. Again, for the 5:00

radio check Officer Yeo was listed as "Main St." when he was in the station and on the computer, there was no radio transmission for this entry.

When Officer Yeo was traveling to Wendy's in Bradford the GPS showed he reached 57 mph while traveling on Salem St., a 35 mph zone in Bradford. This speed was registered traveling both ways, to and from Wendy's. A speed of 56 mph was also registered at 1:59 at 149 School St. in Groveland, a 40 mph zone. Officer Yeo was at the station for 4 hours and 56 minutes. He traveled 46 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*
- *Rule 10.7 Leaving the Community*
- *Policy & Procedure 415.4 Operation of Police Vehicles*
- *MGL Chapter: 90 – Section: 17 Speeding (3 counts)*

Wednesday, March 25, 2009 was the fourteenth date I monitored Officer Yeo's activity. He left the station at 12:57. During this time he was on the computer from 10:57 until 11:00 checking his department e-mail. From 11:00 until 11:45 he was on the YouTube and Atkins Diet videos website. From 12:35 until 12:55 he was on the YouTube and Andrew Dice Clay videos websites.

Officer Yeo returned to the station at 2:02 and stayed until 3:11. During this time he was on the YouTube websites and he viewed an inappropriate video of a female body builder. From 2:40 until 3:04 he was conducting home searches and music videos.

Officer Yeo left the station for a few minutes and returned at 3:32 until 6:02, parking with the engine running on the Fire Department side of the building. At 6:09 Officer Yeo was back at the station to end his shift. During this time he was on the computer from 6:13 until 7:00 at which time he was on Facebook, YouTube and MySpace websites.

Untruthful radio transmissions include the following: For the 12:00 radio check he is listed as "Main St." when he had not left the station until 12:57, there was no radio transmission for this entry. The 3:00 radio check he said "Main St." when he was on the computer until 3:04. At 3:16 Officer Yeo called in a check of the Water Department and the Pumping Station when he wasn't near those locations. At 5:00 Officer Yeo responded to the radio check as being on Seven Star Rd. when he was parked at the station from 3:32 until 6:02.

Officer Yeo was at the station for 6 hours and 27 minutes. He traveled 32 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (4 counts)*
- *Rule 13.1 Filing Reports (4 counts)*
- *Rule 13.2 Falsifying Records (4 counts)*

Sunday, March 28, 2009 was the fifteenth date I monitored Officer Yeo's activity. He left the station at 11:58. During this time he was on the computer from 10:59 until 11:01 checking his department e-mail. From 11:07 until 11:57 he was watching dog videos on YouTube and he was logged on to Live.com.

At 12:01 until 12:54 he was parked at the Getty. He left and came back to the Getty at 1:23 until 4:08. The GPS shows Officer Yeo parked behind the building at the Getty, alongside a stockade fence. At 4:48 Officer Yeo is at the station until 5:30. During this time he is on the computer from 5:00 until 5:23 logged on to MySpace searching for females.

At 5:39 Officer Yeo is parked at 249 School St., the entrance to the Bagnall School until 6:31. He then returns to the station at 6:33 until the end of his shift.

Untruthful radio transmissions include the following: For the 3:00 radio check he said "King St." when he was parked behind the Getty since 1:23 (the 2:00 and 4:00 radio checks he said "Main St.". The 6:00 radio check he said "Salem St." when he was parked on School St. since 5:39.

The GPS shows Officer Yeo traveling 54 mph at 201 School St. at 1:04 am. Officer Yeo was at the station for 2 hours and 7 minutes. He traveled 32 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*
- *Rule 10.4 Sleeping*
- *Policy & Procedure 415.4 Operation of Police Vehicles*
- *MGL Chapter: 90 – Section: 17 Speeding (3 counts)*

Sunday, March 29, 2009 was the sixteenth date I monitored Officer Yeo's activity. He left the station at 11:13. At 11:18 until 11:35 he was parked at 138 Center St., the entrance to Strawberry Fields. At 11:44 until 12:32 he was parked at the Getty. At 1:35 until 2:53 Officer Yeo was at the station until 2:52 at which time he left the engine running. During this time he was on the computer from 1:37 until 1:44, he checked his department e-mail and read one log entry. From 1:44 until 2:23 he was doing his North Shore Community College homework. From 2:24 until 2:52 he was looking up health supplements.

From 3:04 to 3:35 Officer Yeo was parked at the Getty. From 3:40 until 4:20 he was off at his residence at 110 Center St.

From 4:42 until 6:15 Officer Yeo was parked on University Lane, behind the Bagnall School. At 6:26 he was at the station until the end of his shift. During this time he was on the computer from 6:51 to 7:00 looking at newspaper websites and looking at supplements.

Untruthful radio transmissions include the following: The 5:00 radio check conducted at 5:11 Officer Yeo said "School St." while parked behind the Bagnall School since 4:42. For the 6:00 radio check he said "Salem St." while he was still parked behind the Bagnall School.

Officer Yeo was at the station for 2 hours and 5 minutes. He traveled 44 miles during his shift.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*
- *Rule 10.4 Sleeping*

Monday, March 30, 2009 was the seventeenth and final date I monitored Officer Yeo's activity. He left the station at 1:18. During this time he was on the computer from 10:59 checking his department e-mail and the bulletin board. From 10:59 until 11:08 he was conducting personal business. From 11:08 until 12:20 he was watching body building videos.

At 2:29 until 3:37 he was parked at 138 Center St. At 3:58 until 4:59 he was at the station. During this time he was on the computer from 4:19 until 4:39 viewing the Atkins website and searching for diet supplements.

At 5:04 until 6:02 Officer Yeo was off at his residence at 110 Center St. At 6:05 until 6:35 he was off at 24 School St. (Light Department) drinking coffee and speaking with Officer Ryan in car 11. At 6:46 Officer Yeo was at the station until the end of his shift.

The following log entries are untruthful: For the 12:10 radio check Officer Yeo is listed as Main St. when he is on the computer, there is no radio transmission for this entry. Again at 1:00 Officer Yeo is listed as Main St. when he is in the station, there is no radio transmission for this entry.

Officer Yeo was at the station for 3 hours and 32 minutes. He traveled 34 miles.

Violations:

- *Rule 7.7 Truthfulness (2 counts)*
- *Rule 13.1 Filing Reports (2 counts)*
- *Rule 13.2 Falsifying Records (2 counts)*

Friday, March 27, 2009 I had a covert camera attached to a VCR installed in car 12. The camera recorded in black and white and was not infrared. As a result of this camera I observed the following: On March 28, 2009 as mentioned above Officer Yeo drove behind the Getty at 1:23 and parked until 4:08. The camera confirmed the vehicle was parked behind the Getty. The picture soon went dark as the vehicle was parked. After a period of time a light source flashed across Officer Yeo's face which showed him in a sleeping position as he sat in the driver's seat. At 4:08 as he was driving away it was clear on the video he was exiting the area behind the Getty and he was driving between the Getty and the Post Office.

On March 29, 2009 at 11:18 until 11:35 the video showed Officer Yeo park at 138 Center St., the entrance to Strawberry Fields. He exited the vehicle while talking on his cellular telephone. The picture was black until 13 minutes later when he opened the door, still talking on his

telephone and exited the area. Also on this date at 3:40 Officer Yeo went off at his residence at 110 Center St. and exit the vehicle while it was left running unattended with an AR-15 inside for 39 minutes.

On March 30, 2009 the video shows Officer Yeo park the vehicle at 138 Center St., the entrance to Strawberry Fields and park in complete darkness for 1 hour and 7 minutes.

The video also shows Officer Yeo drive behind the Bagnall School at 4:42 and park until 6:15. The picture soon went dark once he was parked on the basketball court. However, as soon as 6:15 approached the skies started to brighten. I was able to observe Officer Yeo in a sleeping position as he sat in the driver's seat. He woke up at one point and then put his head back again. He stretched and woke up a second time. When he left the area he drove alongside the left side of the Bagnall School. The entire time looking straight ahead, not once did he even glance at the building as he passed by.

March 13, 2009 Sgt. Dwight McDonald and I performed a test of the GPS system. The purpose of this test was to insure the accuracy of the equipment relative to the time on the GPS time clock being synchronized to the 911 times. We also wanted to confirm the accuracy relative to the given locations. I drove car 12 as Sgt. McDonald recorded the times on the 911 computer. We found the times to be synchronized and the location listed was accurate. Sgt. McDonald also made sure the in-house computers were synchronized to the 911 computer. I performed a test which included starting the vehicle, shutting it off and confirming specific locations as shown on the GPS.

On March 29, 2009 Sgt. McDonald produced documents which showed Officer Yeo had one self initiated motor vehicle stop from 01/01/09 thru 3/29/09 while Officer Ryan during the same time at 107 traffic stops and Officer Traister had 99 traffic stops.

On March 30, 2009 Sgt. McDonald and I conducted a test of the GPS. I drove car 12 to locations Officer Yeo is known to frequent. I positioned the vehicle in the locations until Sgt. McDonald viewed the location on the GPS map which matched the same location Officer Yeo had parked in the past. I then photographed the location with the vehicle parked. The areas I drove to and matched to the past locations shown on the GPS included University Lane, which is behind the Bagnall School on the basketball court, in front of the Price Rite Garage, behind the Getty on the inside of the stockade fence and the areas alongside the Fire Department, specifically 181 Main St. and Groveland Commons.. We also checked the accuracy of the speed recorded by the GPS and the times the vehicle was started and turned off. We also showed the times are accurate as compared to the 911 computer. Sgt. McDonald completed a report on this test at my request and he created a disc for the radio transmissions of the test and a disc with the pictures.

Sgt. McDonald also created compact discs with the radio transmission for everyday I monitored Officer Yeo's activity. Sgt. McDonald also created a disc for all the untruthful radio transmissions. In addition Sgt. McDonald created a disc which shows "snap shots" of the computer screen when Officer Yeo was logged on to certain sites

On March 31, 2009 at 6:42 AM Chief Kirmelewicz and I met with Officer Yeo and at the Groveland Police Station to interview him regarding his job performance. Officer Yeo brought Officer Kevin Woodman along with him to this scheduled meeting. The interview was audio recorded per department policy.

The Chief related that if Officer Yeo doesn't answer our questions he will be in violation of our department policy. We also discussed with Officer Yeo that he doesn't have a right to have an attorney present at this time. Officer Woodman interrupted several times as he questioned the purpose of the meeting. I explained to Officer Woodman we wanted to question Officer Yeo about his job performance. I addressed this question as did the Chief as Officer Woodman continued to interrupt. At one point I was forced to advise Officer Woodman he would be asked to leave if he didn't stop interrupting. At this point the Chief was allowed to state the date and time to commence the interview. Officer Woodman also questioned the purpose of covering the camera. I explained to Officer Woodman we only wanted to audio record the meeting as the camera would only be able to view one person at a time. I offered to un-cover the camera which was directed at Officer Woodman but he refused to acknowledge this offer. Officer Woodman eventually stopped questioning the purpose of the camera being covered.

We then allowed Officer Yeo to leave the room at his request to speak with Officer Woodman. At 6:53 Officer Yeo returned to the conference room with Officer Woodman. I first explained to Officer Yeo I would like to question him regarding what he is doing with his time when he is working.

I first asked him what time he left the station two nights ago. Officer Yeo told me he didn't know what time he left the station (he left the station at 1:18, he was not being truthful). I then asked Officer Yeo why it is that he cannot be found for an hour or two at a time. He responded by telling me *"he didn't know how he couldn't be found, that there are hourly checks done"*(he was not being truthful with this response) I then asked Officer Yeo if he would ever be parked at one location and give a different location during his hourly check and he said *"no"* (this was also an untruthful response) Next, I asked if he would be parked in areas where people would not be able to see him when they go by. He asked *"what people"*, I explained the traffic and other officers and he said *"no"* (this was an untruthful response). I asked Officer Yeo if he ever goes behind buildings or sleeps on duty and he said *"no"* (this response was untruthful). I asked if he ever puts his head back and rests for an hour, two hours, two and a half hours or if he puts his head back during his down time that it would appear he is sleeping and he replied *"I'm not going to answer that"*. I then stated *"you know you're required to answer the questions right?"* Officer Yeo refused to acknowledge this question. I confirmed he said he never parks behind buildings, and I asked if he is ever hiding behind buildings, tucking away and he said *"no"*(this was an untruthful response). I then explained I was aware he is on the computer a lot as I asked if his computer use is personal or business. He replied *"I'm not going to answer that"*. When I tried to confirm that he said he wasn't going to answer my question he refused to answer me.

I asked Officer Yeo if he made it a habit to scan the logs to see what is going on in the department and he said *"yes"*, I asked if he does this everyday and he said *"yes"* (both these

responses are untruthful). I asked Officer Yeo if he ever goes on any inappropriate websites when he is on the computer and he said "no"(this was an untruthful response). I asked Officer Yeo where he goes at night for 1 hour or more and he explained "*there are some nights he puts 35 miles on the cruiser in the first 2 hours*" (this is untruthful, he does not travel many miles at the beginning of his shift, this is more consistent with his total miles) He further explained, "*there is only so much patrol you can do with the 50 mile limit, that he has to sit at times or come into the station, that there is nothing else he can do*". I asked Officer Yeo what he is doing at the Getty that he spends a lot of time at the Getty. He told me "*he is observing traffic*". I then asked Officer Yeo if he ever parks behind the Getty and he said "no"(this is untruthful, I have evidence of him behind the Getty), I confirmed this answer with him. I asked Officer Yeo what is he doing at the Bagnall that he has been seen going into the Bagnall and not coming out for an hour or an extended period of time. Officer Yeo replied "*I'm not going to answer that*". I asked if he ever goes to the Bagnall and he explained "*he does to do a building check*". I then asked if he goes down to the School for an extended period of time and he said "*I'm not going to answer that*". I asked if he knows he is in violation for not answering these simply questions and he related "he does" and I said "*okay you do*".

Violations:

- Rule 7.7 Truthfulness (10 counts) for answers he gave to questions that we not true
- Rule 8.2 Obedience to Rules and Orders, for failing to cooperate with my interview
- Rule 8.7 Insubordination (4) counts when he refused to answer my questions
- Rule 10.10 Cooperation with Investigations

I then informed the Chief Officer Yeo is being too uncooperative for me to continue. The Chief then informed Officer Yeo he has been the focus of an internal investigation and he is being placed on un-paid suspension as he supplied him with a list of offenses. The meeting ended at 7:04 am.

As a result of my investigation a preponderance of the evidence shows Officer Yeo committed the following violations over the 17 days his activities were monitored as explained above. The violations listed for the interview with Officer Yeo on March 31, 2009 are not included in the list below:

Violations:

Department Rules and Regulations

- Rule 4.02 Conduct Unbecoming of an Officer
- Rule 5.1 Neglect of Duty (17 counts)
- Rule 6.01 Incompetence (17 counts)
- *Rule 7.7 Truthfulness (44 counts)*
- *Rule 8.2 Obedience to Rules and Orders (17 counts)*
- *Rule 10.1 Professional Image (17 counts)*
- *Rule 10.2 Devotion to Duty (17 counts)*
- *Rule 10.4 Sleeping (2 counts)*

- *Rule 10.6 Awareness of activities (17 counts)*
- *Rule 10.7 Leaving the Community (2 counts)*
- *Rule 10.8 Duty Status (17 counts)*
- *Rule 13.1 Filing Reports (44 counts)*
- *Rule 13.2 Falsifying Records (44 counts)*

Department Policy & Procedures

- P&P 3.0 Oath of Office
- P&P 12.1 Code of Ethics Required
- P&P 81.1 Employees Conduct
- P&P 415.4 Operation of Police Vehicles (3 counts)
- P&P 860.6.2 Unacceptable Use of the Internet (17 counts)
- P&P 860.6.4 Employee responsibilities (use of internet) (17 counts)

Town Policy

- Computer Use Policy (date 08/11/04)

Department Directive

- Directive #08-08-25 Patrol Radio Checks

Officer Yeo, while sleeping on duty placed himself and his partner at great risk. At any time he could have been confronted by an assailant. Officer Yeo would have been at a greater disadvantage due to his state of mind. Also, the times Officer Yeo left his cruiser running while unattended caused a high risk of danger to not only him but the public in general. Officer Yeo's cruiser is equipped with an assault rifle. The security mechanism in place does not consider the vehicle would be left running, unlocked and unattended for extended periods of time which could allow a suspect to override the security measures in place to prevent the theft of the cruiser, rifle or both.

Additionally, Officer Yeo's disregard for other officers being involved in stops while he conducted personal business on the computer also placed officers at risk.

DESCRIPTION OF OFFENSES TAKEN FROM THE GROVELAND POLICE DEPARTMENT RULES AND REGULATIONS AND THE POLICY AND PROCEDURES:

RULE 4.02 - CONDUCT UNBECOMING AN EMPLOYEE/OFFICER

Employees shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the employees, upon other employees or upon the police 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 of an employee 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 of an employee shall also include off-duty conduct where there is a nexus or connection between the act or acts committed by the employee and that individual's continued fitness or ability to effectively perform his or her required duties and responsibilities. Other factors include the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and ability of the employee not involved in said act to effectively perform their required duties and responsibilities.

RULE 5.1 - NEGLIGENCE OF DUTY

Employees shall not be absent from work without permission or abstain wholly or in part from the full performance of their duties in the normal manner without permission. Employees shall not: be absent from their assigned duty without leave; leave their post, sector, community, or assignment without being properly detailed or relieved, or without making required notifications; fail to take suitable and appropriate police action when any crime, medical emergency, public disorder, or other incident requiring police attention mandates such police action; fail to render medical assistance consistent with the employee's training; fail to promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the employee's normal assignment of duties and responsibilities.

Rule 6.1 – INCOMPETENCE

Employees shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetence may be demonstrated by, but is not limited to, the following:

- a. a lack of knowledge of the application of laws required to be enforced;*
- b. an unwillingness or inability to perform assigned tasks;*
- c. the failure to conform to work standards established for the employee's rank, grade, or position; and*
- d. repeated poor evaluations or repeated infractions of the rules and regulations, job descriptions, or policies and procedures.*

RULE 7.7 - TRUTHFULNESS

Employee shall speak the truth at all times when on duty or when discussing a matter arising out of or related to the employee's duties or the operation, organization or business of the department. In cases in which an employee is not allowed by the regulations of the department to divulge facts within his or her knowledge, the employee will decline to speak on the subject.

Employees shall not fabricate, withhold, or destroy any evidence of any kind.

RULE 8.2 - OBEDIENCE TO RULES AND ORDERS

All employees shall be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the Department.

RULE 10.1 - PROFESSIONAL IMAGE

Employees shall not act in a manner which is not consistent with the image of a professional police employee, which shall include but not be necessarily limited to:

- a. Smoking in uniform when in plain view of the public;*
- b. Unnecessary shouting or using obscene language;*
- c. Leaning on walls, posts, cars, etc.;*
- d. Tardiness in reporting for work;*
- e. Conducting personal business while on duty;*
- f. Taking excessively long meals or refreshment breaks;*
- g. Failure to respond promptly to a request for police service;*
- h. Failure to return promptly to service after finishing handling a call for police service;*
- i. Lack of courtesy to an individual, either on the phone or in person.*

- j. *Gambling, except when off-duty and at licensed premises, and*

- k. *Loitering or otherwise "hanging around" a business, residence or other location longer than is reasonably required for an employee's police purposes.*

RULE 10.2 - DEVOTION TO DUTY

Employees, while on duty, shall devote their full time and attention to the service of the department and to the citizens of the community. They shall remain alert at all times while on duty. Recreational reading, watching television or movies, playing games, using computers for personal or recreational purposes, and/or any other similar type activities which would tend to detract from the proper performance of duty will not be permitted while on duty.

Employees shall not, while on duty, loiter in cafes, saloons, restaurants, theaters, service stations or other public places, except for the purpose of police business.

Employees shall not shop while on duty nor devote any of their on- duty time to any activity other than that which relates to police work and shall not perform any police duty in uniform for the purpose of private gain, unless properly authorized.

RULE 10.4 - SLEEPING

Employees shall not sleep while on duty.

RULE 10.6 - AWARENESS OF ACTIVITIES

Employees shall acquaint themselves before or at the beginning of their tour of duty with all important matters affecting their duties that have occurred since their last tour. Upon returning to duty from any period of absence, employees shall inform themselves about all new orders, regulations, memoranda, and all other important matters governing their assignments. Employees shall familiarize themselves with all of the laws, statutes, by-laws/ordinances, and regulations necessary for the proficient execution of their duty as police Employee.

RULE 10.7 - LEAVING THE COMMUNITY

Employees shall not leave the limits of the community and enter another city or town unless it is necessary in the performance of duty. Employees shall inform the Officer-in Charge or Senior Officer or the dispatcher prior to leaving and again upon returning. If an emergency prevents following this procedure, the employee must contact the Officer-in Charge or Senior Officer as soon as possible. In all such cases, a subsequent report will be submitted, in writing, for the attention of the Chief of Police, to include the circumstances, the reasons for leaving the community and the period of absence.

RULE 10.8 - DUTY STATUS

Employees shall be considered on duty or available for duty at all times (whether during assigned hours or while off-duty) for the preservation of the public peace and the protection of life and property, and shall be prepared to take all reasonable police action to accomplish this purpose.

All serious matters of public concern shall receive appropriate attention, consistent with an employee's physical and mental condition, even though an employee is not on duty at the time. Off-duty employees shall not consume alcoholic beverages while carrying a firearm, nor shall they carry a firearm while under the influence of alcohol or any prescription medicine that may interfere with judgment or reasoning.

RULE 13.1 - FILING REPORTS

Employees shall promptly, accurately and truthfully complete all reports and forms required by the Department. Before leaving the station at the end of his/her tour, an employee shall attempt to complete all reports and forms which pertain to events occurring during the concluded tour. If there is not sufficient time to complete a report during the employee's normal duty hours, the report is not needed for Court the next day, and the employee is scheduled to work the next day, the employee may complete the report during his next tour of duty.

RULE 13.2 - FALSIFYING RECORDS

Employees shall not knowingly enter or cause to be entered upon a police report or police record any inaccurate, false or improper information.

3.0 Appointments

Before entering on the discharge of their duties, persons appointed to the Groveland Police Department shall take and subscribe to the following oath before the Town Clerk:

"I _____ do solemnly swear that I will support the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts, and that I will faithfully discharge the duties of the office of _____, during the term for which I have been appointed, so help me god.

12.1 CODE OF ETHICS REQUIRED

All officers shall abide by the following code of ethics:

As a Law Enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deceptions, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all individuals 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 will be kept forever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless persecution 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 those objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

81.1 Employee Conduct:

All Groveland Police Department employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner which credits the Town, public officials and fellow employees. Town of Groveland employees are prohibited from engaging in any conduct which could reflect unfavorably upon the town service to include unnecessary use of force. Town employees must avoid any action which might result in, or create the impression of using public office for private gain or giving preferential treatment to any person. All employees of the Town shall adhere to the following rules of conduct:

415.4 Operation of Police Vehicles

All police vehicles shall be operated in a safe manner at all times. Whenever a cruiser is engaged in an emergency response or traffic enforcement action the appropriate warning devices such as roof lights and siren shall be utilized when necessary. All officers shall obey the traffic laws at all times while patrolling. There will be no eating, drinking, or smoking permitted at any time in any cruiser.

860.6.2 Unacceptable Use

Employees must not use the Internet for purposes that are illegal, unethical, harmful to the department, or nonproductive. Examples of unacceptable use are:

- Sending or forwarding chain e-mail, i.e., messages containing instructions to forward the message to others.
- Broadcasting e-mail, i.e., sending the same message to more than 10 recipients or more than one distribution list.
- Transmitting any content that is offensive, harassing, or fraudulent.

860.6.4 Employee Responsibilities

An employee who uses the Internet or Internet e-mail shall:

1. Ensure that all communications are for professional reasons and that they do not interfere with his/her productivity.
2. Be responsible for the content of all text, audio, or images that (s)he places or sends over the Internet. All communications should have the employee's name attached.

3. Not transmit copyrighted materials without permission.
4. Know and abide by all applicable department policies dealing with security and State and Federal CORI laws.
5. Run a virus scan on any executable file(s) received through the Internet.
6. Avoid transmission of nonpublic personal information. If it is necessary to transmit nonpublic information, employees are required to take steps reasonably intended to ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use.

Jeffrey Gillen
Deputy Chief