



RICHARD B. BAILEY
CHIEF OF POLICE

TOWNSEND POLICE DEPARTMENT

70 BROOKLINE STREET
TOWNSEND, MASSACHUSETTS 01469
PHONE (978) 597-6214
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May 22, 2019

Jennifer Jones
81 Brookline Road
Townsend, MA 01469

Dear Ms. Jones,

Pursuant to your records request for information under the Massachusetts Public Records Law, M.G.L c. 66 s. 10, received May 21st, please see the enclosed documents.

Should you have any questions or concerns, do not hesitate to contact us.

Respectfully,

A handwritten signature in blue ink, appearing to read "RBA", is written over a large, faint, light-blue watermark of the Townsend Police Department badge.

Richard Bailey
Chief of Police

Incident/Call #: 19TOW-131-OF

For Date: 05/09/2019 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
19-28470	1606	Initiated - HARASSMENT	REPORT	2	
Call Taker:		DHAAS - DISPATCHER DANIELLE HAAS			
Primary Id:		MG902 - LIEUTENANT MARK GIANCOTTI			
Location/Address:		[TOW P10057] HARBOR AUTO BODY - 98 MAIN ST			
Jurisdiction:		TOWNSEND			
Initiated By:		MG902 - LIEUTENANT MARK GIANCOTTI			
ID:		MG902 - LIEUTENANT MARK GIANCOTTI			
			Arvd-16:06:00 Clrd-16:07:25		
Narrative:		05/09/2019 1609 DISPATCHER DANIELLE HAAS			
		902 requesting an OF.			
Refer To Incident:		<u>19TOW-131-OF</u>			



Townsend Police Department
Incident Report

Page: 1
05/21/2019

Incident #: 19TOW-131-OF
Call #: 19-28470

Date/Time Reported: 05/09/2019 1606
Report Date/Time: 05/09/2019 2129
Status: No Crime Involved

Reporting Officer: LIEUTENANT MARK GIANCOTTI
Approving Officer: DEPUTY CHIEF JAMES SARTELL

Signature: _____

Signature: _____

#	INVOLVED	SEX	RACE	AGE	SSN	PHONE
1	JONES, JENNIFER J 81 BROOKLINE RD TOWNSEND MA 01469	F	W	46	*****	*****

Military Active Duty: *

DOB: *****

PLACE OF BIRTH: *****

LICENSE NUMBER: ***** ETHNICITY: NOT HISPANIC

2	SHANK, JOSEPH [REDACTED]	M	W	64	*****	*****
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Military Active Duty: *

DOB: *****

PLACE OF BIRTH: *****

LICENSE NUMBER: ***** ETHNICITY: NOT HISPANIC

EVENTS(S)

LOCATION TYPE: Other/Unknown
HARBOR AUTO BODY
98 MAIN ST
TOWNSEND MA 01469

Zone: TOWNSEND SOUTHEAST SECTOR

1 CIVIL COMPLAINT/HARASSMENT

PERSONNEL NARRATIVE FOR LIEUTENANT MARK GIANCOTTI

Ref: 19TOW-131-OF

Entered: 05/09/2019 @ 2203	Entry ID: MG902
Modified: 05/09/2019 @ 2218	Modified ID: MG902
Approved: 05/15/2019 @ 0922	Approval ID: JS901

On May 9, 2019, I, Lieutenant Mark GIANCOTTI was working a uniformed patrol in a marked cruiser for the Town of Townsend between the hours of 15:00 and 23:00. Also working this shift was Officer Michael Marchand.

On said date, at approximately 16:00 hours, I was dispatched to Harbor Auto Body, 98 Main Street, to talk with a Joseph Shank for an unknown issue (Call # 19-2847). Upon arrival, I made contact with the reporting party and identified same as a one Joseph Shank. There Mr. Shank stated that she was being harassed and threatened via Social Media pointing to a photograph on his cell phone. The photograph depicting and alluding to Marijuana sale on Joe Shanks's place of business (HARBOR AUTO) with Mr. Shank and others in the picture. Mr. Shank further stated that the post was posted by a Jennifer Jones and that he felt threatened and harassed saying that it was illegal for her to slander him in that way. I replied that slander was a civil matter that I could not enforce it and that furthermore, social media posts generally fall under freedom of speech protection. Mr. Shank replied that this has been ongoing and that this crossed the line saying that the issue was affecting his health and wellbeing. I replied that in some cases, these matters lead up to criminal harassment and that addressing this issue with Ms. Jones was reasonable. I was then advised of another post that displayed Joe Shank's Cellular Number in front of a building depicting "Harbor Pot Shop Mut and Jeff." Mr. Shank was visibly upset to the point I had to tell him to take it easy as I could see his heart rate increase noticing that his hand were shaking and his voice cracking. I advised Mr. Shank that I was going to speak with Ms. Jones and that I would advise on the outcome. Mr. Shank requested for a call back/status update. I cleared at approximately 16:07 hours.

On sad date, at approximately 16:11 hours, I proceeded to 81 Brookline Road, the Jones Residence (Call # 19-28472). I approach the front porch and rang the doorbell. A few seconds later, Ms. Jones comes to the door and steps outside onto her front porch. There I could smell a slight odor of an alcoholic beverage as I was speaking with Ms. Jones. I explain that Mr. Joe Shank had filed a complaint alleging harassment and that I was there to mediate and to try to keep the peace. I then inquired is she had recently posted a picture of Joe Shank, and others, on Social Media, to which Ms. Jones stated that she had. Ms. Jones further stated that she found the picture on line and thought it was funny. I replied that she may think so but that Joe considers it to be harassment. Ms. Jones replied in saying that she did not create it and just forwarded it. I then said that if someone forwarded a photo of child pornography and she posted it, then she would be disseminating child pornography, although she did not create it, trying to make the point that just because something is found on line, it may not be proper to share.

I then inquired if she has posted Joe' phone number calling him "Mutt." Ms. Jones said that she did post the second post as well but that the first post was already deleted because Joe had called her a few minutes prior to my arrival. Ms. Jones saying that Joe told her that if she did not delete the post immediately that he would sue her. I then inquired as to what she was going to do. Ms. Jones replied that she was going to delete the post and no longer get involved.

After a brief interruption, due to Ms. Jones taking a phone call, I explained that my only purpose for being there was to keep the peace and hope that the matter would stop. I further explained that my recourse, should the matter continue, was to pursue criminal charges against her for Criminal Harassment. I explained in detail that although many things are considered free speech, some maybe perceived and considered as harassment. I made several general examples as to what might be criminal harassment and that ultimately, the court would have to decide which was proper.

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Ms. Jones started talking about what Joe and others have said in the past, including my wife. I replied that I was there to talk about the matter at hand and not the past, and that furthermore, my wife was her own person and that I had no control of her. Ms. Jones became upset saying: "go ahead, lock me up" gesturing her hands together in front of her as in preparing to be handcuffed. I again sated to Ms. Jones that my only purpose for me being there was to mediate the matter and hope that it would stop and that I had no intention of doing such thing. In addition, I explained that if someone did not take the better path, then the matter would no doubt escalate causing the court to become involved.

Ms. Jones said that she would delete the last post and to pass along to Joe that they were once friends, although now on the opposite side of the political line. In addition, Ms. Jones apologized and shared the passing of her fifty-two year old sister. I passed my condolences and inquired if she had any questions to which Ms. Jones did not. I then departed the area at approximately 16:29 hours.

Shortly thereafter, I called Mr. Shank, as he had requested, and offered him a brief progress report saying that Ms. Jones had indicated that she would take the post down. Mr. Shank replied that the post had not yet come down and I, in return, replied (reminding him of our earlier conversation) that at this time it was free speech and that we needed to wait and see if the pattern continued.

On said date, at approximately 16:40, I received a telephone call from Chief Bailey on my cell phone. Chief Bailey stated that he had received a telephone call from a concerned citizen and inquired as to the above referenced event. I offered a summary of my interaction between Mr. Shank and Ms. Jones. Chief Bailey then advised me if the matter persisted, to contact Deputy Chief Sartell for assistance.

Based on my observations, and after conducting a threshold investigation, I did not believe the matter amounted to criminal charges. The matter is civil in nature at this time and no further action is required or requested. At no time were any promises or threats made to either party involved. Below is the definition of Criminal Harassment.

Section 43A: Criminal harassment; punishment

Section 43A. (a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

(b) Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent

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such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.

**** Portions of this report have been redacted ****