



TOWNSEND POLICE DEPARTMENT

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Erving M. Marshall, Jr.
Chief of Police

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To: Board of Selectmen

From: Erving M. Marshall, Jr., Chief of Police

Re: Officer Thaddeus Rochette/Inappropriate Conduct

Date: January 9, 2013-February 15, 2013

CONFIDENTIAL

On January 8, 2013 at approximately 1:30 pm, I ran into [REDACTED] in the center of town and had a general conversation with him. [REDACTED] is a prior member of the Townsend Police Department, being a [REDACTED] upon his retirement.

During the conversation, [REDACTED] asked me how things were going, which he usually does, and in particular asked how "Tad" Thaddeus Rochette was doing, to which I replied that he was OK. [REDACTED] went on to say that he had heard that Tad had been banned from Duncan Donuts and upon further inquiry told me that [REDACTED] had told him that Tad had been hanging out a lot at Duncan Donuts both on and off duty, that he had been bothering the girls that work there and had spent as much as four hours at a time, leaving his cruiser running outside. I asked [REDACTED] why [REDACTED] hadn't come to me personally and he stated that [REDACTED] didn't want any retaliation from Tad, knowing that he was a Townsend Police Officer and asked [REDACTED] to let me know what was going on.

After Speaking to [REDACTED] I returned to the station and spoke to Lieutenant David Profit, advising him of the conversation that I had just had with [REDACTED]. Lt. Profit advised me that he would contact the General Manager, [REDACTED] who he knew personally, and ask her if she was aware of anything.

On January 9, 2013 at approximately 12:00 noon I spoke to Lieutenant Profit who advised me that he had in fact spoken to [REDACTED] and thought that she was going to tell him that it was no big deal, but on the contrary, stated that this had been an issue that had been going on for quite some time and that she had even spoken to Tad about his behavior, especially one incident in which she was told by one of her employees, [REDACTED] that she had been approached by Tad who had a laptop with him and was showing her pictures of his house and that the conversation had turned sexual in nature. Profit advised me at this time that he had told [REDACTED] that she should speak to me.

Statement:

On January 9, 2013 at approximately 2:30 PM, [REDACTED] came to the police station at my invitation and spoke to me. [REDACTED] stated that she has been [REDACTED] for Duncan Donuts since March of 2012 but had worked as the [REDACTED] the Duncan Donuts on Elm Street prior to that time since 2007.

[REDACTED] told me that Tad coming in the store and bothering the girls has been something that has been going on for a couple of years, however, the situation has become worse since Tad's [REDACTED]. She stated that Tad's behavior basically involves hanging around the stores both on and off duty but she doesn't like it because the girls have a hard time getting their work done. [REDACTED] stated that she has witnessed this behavior both first hand and has also gotten complaints from the other girls that work there. She stated that it is standard practice when a new girl comes to work for Duncan Donuts in Townsend, especially the younger girls, that they are "warned" about Tad and that it is general knowledge by the girls that work there as well as the regular customers that Tad "targets" younger girls. She also stated that Tad gives out his phone number to all the girls and tells them to call him if they have a problem.

[REDACTED] stated that the problem got bad enough that she spoke to [REDACTED], a relative of Tad's this past summer and asked her to speak to Tad about his behavior. She also stated that she spoke to Tad herself sometime this past October after the incident with [REDACTED] and told him that his behavior was highly inappropriate. She stated that [REDACTED] told her that Tad had approached her subsequent to this and apologized to her if she felt that his behavior was inappropriate.

[REDACTED] stated that on December 16, 2012 she got a call from [REDACTED] one of the regulars at the Duncan Donuts on Elm Street, who told her that Tad was hanging around the store, that he had been in there for about two hours, and that during this whole time he had left his cruiser running outside the store. She stated that [REDACTED] was aware of the issues that she was having with Tad and told her that Tad got there at 7:44 AM, left at 10:27 AM and then returned again and stayed another 7 mins. She further stated that it is the general consensus of the girls that Tad's actions are "Creepy" but not threatening although she does feel strongly that Tad's behavior has risen to the level of conduct unbecoming a police officer.

I asked [REDACTED] why she has never reported any of this activity to me personally and she stated that she didn't feel that Tad was a threat although she was also concerned about retaliation by Tad due to his position as a police officer concerning the incident involving [REDACTED].

[REDACTED] provided this writer a list of names and phone numbers of girls that work at Duncan's that she thought could provide further information.

After speaking to [REDACTED] this writer ran a Track Star idle vehicle summary report for December 16, 2013 which confirmed that the cruiser that Tad Rochette was operating that day was located a 21 Elm Street (Duncan Donuts) from 7:43:44 AM to 9:48:42 AM, a total of 2:04:58, leaves Duncan Donuts at this time and then returns at 10:27:22 and leaves again at 10:35:51 which confirms the statement made by [REDACTED] and the phone call that she received from [REDACTED] on this date. (See Track Star Idling Vehicle Summary for 12/16/13).

Statement:

On January 10, 2013, at approximately 10:00 AM, I spoke to [REDACTED] via phone. [REDACTED] is the mother of [REDACTED], one of the employees at Duncan Donuts whose name was supplied to me by [REDACTED]. [REDACTED] advised me during the time that I spoke to her that [REDACTED] was aware what was going on between her daughter and Officer Rochette and was very upset and concerned.

[REDACTED] advised me that she has a close relationship with her daughter and that her daughter confides in her. She stated that her daughter is [REDACTED] years old and [REDACTED] and also works part-time at Duncan Donuts. She stated that she found out last year about her daughter (who was [REDACTED] years old at the time) having contact with Tad Rochette. She stated that her daughter would tell her that she spoke to Rochette at the high school football games and that he would talk to her about his personal life. She stated that she found Rochette's business card in her daughter's room with his personal cell phone number on the back which made her feel uncomfortable. She stated that her daughter told her that Rochette had contacted her and wanted him to call her, telling her that he had a book on astrology that he wanted to give her, however, she told her daughter not to call him as he would then have her cell phone number. She stated around Christmas she was with her other daughter who is [REDACTED] years old and that she drove to Duncan Donuts and that Rochette was inside. She stated that her daughter went in to get a coffee as she sat outside and waited and she watched Rochette staring at her [REDACTED] year old daughter that made her uncomfortable, creepy, and unnerving. [REDACTED] further advised me that the last incident that she knew about was the past snowstorm that we had over the weekend. She stated that her daughter was driving on Bayberry Hill Road, Rochette was out on an accident and said "Hey beautiful" as her daughter passed by.

Statement:

On January 10, 2013 at approximately 11:25 AM, [REDACTED] came to the Townsend Police station at my invitation and spoke to me. [REDACTED] is [REDACTED] years of age, lives in N. Chelmsford and is [REDACTED].

[REDACTED] stated that she was approached by Tad Rochette outside of the Duncan Donuts on Main Street about two months ago. She stated that she was familiar with him as she had seen him in the store before, both on and off duty. [REDACTED] stated that Rochette approached her and started a conversation. She stated that he had a laptop with him and showed her pictures of his house and was talking about his recent divorce and his kids. [REDACTED] stated that this conversation turned to a sexual nature when Rochette started talking to her about being single and making women orgasm and how long he could last. She stated that during the conversation Rochette hugged her. She stated that Rochette also talked about astrology and about compatibility and when the right time to date was and other general conversation. She stated that this conversation made her feel awkward and uncomfortable although she wasn't afraid of him. She stated that there are other customers that come into Duncan Donuts that are weird and say things but that it was different with Rochette because he's a police officer. She stated that she told [REDACTED] about this conversation because she thought it was weird. She stated that Rochette apologized to her about a week after the conversation took place and hasn't bothered

her since, although she stated that she takes measures to avoid him and goes into the back room when he comes in.

██████████ estimated that Rochette comes into Duncan Donuts once or twice a day both on duty and off duty. She stated that he spends a lot of time in there when he's not working and sits in the corner with his laptop.

██████████ stated that she feels bad for Rochette and feels that he's lonely. She stated that she thought that he needs help and that he needs to talk to someone on a professional level.

██████████ Statement:

On January 11, 2013 at approximately 1:25 PM, ██████████ came to the police station at my request and spoke to me. ██████████ is ██████████ years old and is currently employed at ██████████ however, was employed at Duncan Donuts ██████████ in ██████████

██████████ stated that Rochette made her feel uncomfortable quite a few times and that he would come into Duncan Donuts at least once a day, most of the time twice a day. She stated that he would come in both on and off duty and would sometimes "hit on her" but she was working so she would just brush him off. She stated that he would talk about his personal life and about his divorce. She stated that he would make inappropriate comments but couldn't be specific about what he said, only that it made her feel uncomfortable by the way he talked and the way he looked at her, although she didn't feel threatened. She stated that Rochette tried to give her his cell phone number once by writing it on a receipt but she didn't take it. She said that he made some of her coworkers feel uncomfortable but some wouldn't. She stated that she got to the point of when she saw a cruiser pull into the parking lot that she would go to the back room to avoid facing Rochette.

██████████ Statement:

On January 11, 2013 at approximately 2:30 PM, ██████████ came to the police station and spoke to me after I had called him and advised him that I would like to speak to him. ██████████ confirmed what ██████████ had told me and stated that he had called her after seeing Tad at Duncan Donuts for an extended period of time. ██████████ stated that he knew that ██████████ had concerns about Tad and thought she should know about him being at the store. He stated that Tad was sitting at a table for two hours with ██████████ and that his cruiser was running the whole time that he was there. He stated that Tad left just prior to him and as he was leaving only a short time after Tad, that he couldn't believe it when he saw him return to the store.

Administrative Leave:

On January 11, 2013, Officer Rochette was served noticed that he was being placed on administrative leave with pay until further notice and pending the outcome of an internal investigation being conducted regarding his performance as a police officer. This noticed advised Rochette that he was being relieved of all his duties and that he was to have no active or passive

role in police operations. He was directed to turn over his police equipment including but not limited to his department firearm, ID's, badges, and keys. He was further directed not to enter the police station without my prior approval and to have no contact with any member of the department. He was also advised at this time to stay away from Duncan Donuts in Townsend and not to have contact with any of its employees. (See Notice of Administrative leave dated January 11, 2013).

On January 11, 2013, I contacted [REDACTED] a [REDACTED] who we have been using for [REDACTED] and set-up an appointment for Rochette to come in and see him after explaining to [REDACTED] my concerns about Rochette and what my investigation had thus far revealed. [REDACTED] stated that he could see Rochette on January 24, 2013 at 9:00 am.

On January 16, 2013 Rochette was served notice that I would be conducting an investigative interview with him on Friday, January 18, 2013 at 2 pm, concerning his alleged conversations advising him of his pertinent rights and behavior both on and off duty that could be construed to be offensive and which could lead to violations of Townsend Police Department Rules and Regulations involving conduct unbecoming, professional image, and devotion to duty and that these violations involved conversations and behavior involving girls as young as seventeen years of age who worked for Duncan Donuts as well as him spending excessive amounts of time there while on duty. I also advised Rochette of his pertinent rights pertaining to this interview and what was expected of him. Additionally, I advised Rochette that he was being required to attend a [REDACTED] on the date and time mentioned above (See notice of investigative interview dated January 16, 2013).

On the morning of Thursday, January 17, 2013, I received a phone call from Lt. David Profit who was on a cruise vacationing in the Caribbean. Profit advised me that he had his cell phone locked in the ships safe, however, he had taken it out that morning and noticed that there was a text message from Rochette dated January 16, 2013 at 6:47 pm, asking him if the union did a no confidence would against me, if he would be on their side. After speaking to Profit I approached several members of the department including Sgt. Mark Giancotti, Officer Mark Francis, Officer Randy Girard and Officer George Reidy and asked each of them if they had had any contact with Rochette either in person, by e-mail, or text message since he had been placed on administrative leave. Each denied any communication with Rochette with the exception of George Reidy, Union President, who stated that Rochette had contacted him to go to his interview on January 18th. I asked Reidy if Rochette had mentioned anything to him about filing a vote of no confidence against me and he stated that he had, but thought that he was just feeling things out and that the union had not discussed this formally. (See e-mail copy of text message sent to Lieutenant Profit)

Investigative Interview:

On Friday, January 18, 2013 at approximately 2:00 pm I held an investigative interview with Officer Rochette as planned. Accompanying Officer Rochette was Attorney [REDACTED] who came in with Rochette as his representative. Prior to the interview starting, I met with [REDACTED] in private and explained the situation surrounding the interview and briefed him on my investigation.

During the interview, which was tape recorded, Rochette was asked the following:

Q. Do you know why you are here?

A. Not really.

Q. An overview of the allegations was then explained to Rochette.

Q. On or about December 16, 2012 did you go to Duncan Donuts and have a lengthy conversation with [REDACTED] or were you at Duncan Donuts for an extended period of time?

A. I Don't remember.

Q. Do you recall being there for a two hour period of time and having your cruiser running outside while you were there?

A. Yes

Q. Were you having a conversation with [REDACTED]?

A. Inaudible

Q. Do you know why or do you have a reason why you were there for two hours?

A. I Lost track of time.

Q. Showed copy of "track star" idling summary which indicated that he was there for two hours and four minutes, from 7:44:44 to 9:48:42, a total of 2 hrs. 4 min and 58 sec.

A. Admitted that he was there and that he left vehicle idling for that period of time.

Q. Were you in there conducting business or just in there talking to people.

A. I talked to some people and somebody asked me a question, can't remember what that conversation was.

Q. Were any incidents logged or did you go there on a call?

A. No, mentioned running radar across the street.

Q. Advised that I had independent witnesses that were making complaint about him being there all that time.

A. And I'm not debating that, I don't remember all the details.

Q. That's part of this investigation.

A. I apologize.

Q. Do you know [REDACTED]?

A. I do.

Q. She's the District Manager for Duncan Donuts.

Q. Do you remember having a conversation with her about your behavior or concerns that she might have had about conversations that you were having with her employees?

A. I do.

Q. And what did she say?

A. She said that inaudible.

Q. And as a result of that conversation with [REDACTED] did you apologize to [REDACTED] about comments that you had made to her?

A. I did.

Q. What did you say to [REDACTED] that you found it necessary to apologize to her?

A. I said to her I'm sorry that I made her feel uncomfortable and that it was never my intention, that it was never my intention to date her or anything (inaudible) for herself, it was never for me (inaudible) nobody down there that I'm interested in dating, I have a girlfriend (inaudible) so that she would end up in another bad relationship.

Q. How well do you know her?

A. I know her like I know the rest of the girls that work there.

Q. Do you remember having a conversation with her about having orgasms and about how long you could last?

A. No

Q. You don't remember that?

A. I don't remember that (inaudible)

Q. What was it that you apologized to her for?

A. The conversation was that she found offensive that I never meant, that I took out the book, I showed her the website, I explained to her that the book sometimes puts you in an older category yet there are certain signs that are better fitting to yours, somebody that was older

and more in tune to you. I didn't say that it was going to be me, cause were're not even on the same plane. It was never my intention.

Q. But you don't recall ever discussing having orgasms or how long you could last with her.

A. No

Q. And that wasn't one of the reasons that you apologized to her?

A. No

Q. Have you ever given any of these girls your personal phone number?

A. Have I? Yes.

Q. And for what purpose was that?

A. If anyone was at a party and drinking or somebody else was drinking not to get in a car with somebody alone. If they were drinking, I told them I would rather come and get you them than to have somebody call me from that station and tell me that they had been arrested.

Q. So you have been offering your services to come and pick them up?

A. And that's it, not because I want to date them.

Q. How often do you frequent Duncan Donuts and how long do you usually stay there?

A. (Inaudible) and I use their internet, cause I don't have internet at home.

Q. Is this on-duty or off-duty or both?

A. Usually I'm off duty. I get coffee several, three times a day sometimes depending on how many hours I've worked.

Q. Do you go in or do you go to the drive-up?

A. Most, 99% of the time I go in.

Q. And what's the average amount of time you usually spend in there?

A. (Inaudible) brief conversations.

Q. Well you understand that working here you have a fifteen minute break in the morning, a half hour break for lunch and fifteen minute break in the afternoon? Right? Do you spend more time than that in there?

A. I don't believe so.

Q. Well, I mean you said that you lost track of time and you didn't realize that you had spent two hours in there.

A. One day.

Q. Well I don't know, I don't know Tad if it's one day or more than one day or, that's why I'm asking.

A. And the thing with [REDACTED] you're saying that offended, offended by what I, she invited me Christmas morning to the Main Street store to visit with her. And I went down there and had a brief conversation, I had coffee with a couple other guys that were there and that was the end of it.

Q. But you found it necessary to apologize to her?

A. Cause [REDACTED] told me that she was offended.

Q. Well, do you think she got offended about you talking about astrology with her?

A. I don't know why she was offended, and I don't know if she was thinking that I was trying to come on to her, but I wasn't, that was never my intention.

Q. Do you know that when new girls are hired at Duncan Donuts that they are warned about you?

A. No, I didn't.

Q. Did you know that when you show up at Duncan Donuts or when they see a cruiser pulling in that several of the girls that work there go into the back room to avoid contact with you?"

A. No.

Q. Are you friends on social media with any of these girls that work at Duncan Donuts or do you use text messaging to contact them?

A. No

Q. Did you know that several of these girls that work at Duncan Donuts consider your conduct and contact with them to be "Creepy."

A. No, I did not.

Q. Did you receive a letter from me on January 13, 2013 indicating that you were being placed on administrative leave.

A. Yes.

Q. In that letter were you aware that you were directed not to have any contact with any member of the police department?

A. Yes

Q. Other than Officer Reidy who you contacted requesting that he come with you to this interview today, have you had any contact with any other member of the department since you've been on administrative leave?

A. Yes, Sgt. Johnson.

Q. What was the reason that you contacted John Johnson?

A. He gave me the letters.

Q. You haven't, other than me sending him over house?

A. Right.

Q. Did you contact Lt. Profit by text message to ask him if he would support you if you filed a "no confidence" charge against me?

A. Yes

Q. After you were put on administrative leave?

A. I don't remember the timeframe.

Q. Well, he said it was the day before yesterday, that's what he told me.

A.(Inaudible).

Q. Well, understanding that you were put on administrative leave and that I ordered you not to have any contact with any member of the department you texted Lt. Profit, who was in the Caribbean, and asked him if he would support you if you filed a no confidence vote against me?

A.(Inaudible).

Q. Are you familiar with the Townsend Police Department's rules and regulations concerning Conduct Unbecoming a Police Officer, Professional Image, Devotion to duty, and Insubordination?

A. Yes

Q. Anything else related to this matter that you want to add or that you think might be relevant to this investigation, or anything important about this investigation that I have not asked you?

A. No.

Q. Do you have any questions of me?

A. No.

Q. Do you understand my concerns about what's been alleged?

A. If I had known anything, my heart has always been to help people and I've never asked for anything in return, ever.

Q. Do you remember when you had this conversation with [REDACTED]?

A. I don't remember the timeframe, it's not something that I (inaudible).

Q. Do you think it might have been around last October? Would that be fair to say?

A. Somewhere around there.

Q. The conversation that you had with her, did she relay to you that she was concerned about the conversations and your behavior with her employees?

A. I never had another conversation related to anything of the book or anything since and (inaudible).

Q. That's all I have, that's all I've got for now, I do have some concerns about well being that I'm going to be addressing.

Q. Knock on the door advising that Officer Reidy stated that he was on his way. Tell Officer Reidy that he's about fifteen minutes to late.

Q. Tad I don't know where this is going to end up, I got to take this, I want you to [REDACTED] and I've discussed my concerns [REDACTED] that I have. I just don't feel, from the information that I've gotten from these girls that you've been conducting yourself in a very positive light (inaudible).

A. I wasn't trying to date them.

Q. I didn't say you were trying to date them.

A. I wasn't trying to sleep with them either.

Q. Right

A. My intentions were purely for their benefit, not mine and however this turned out, and however it got to where it is I will never understand. I would never ever put myself in a position where (inaudible).

Q. I'll tell you exactly how this started and I've already explained it to [REDACTED]. This started with an innocent conversation that I had with [REDACTED] last week in the center of town and as usual we talk chit chat and then he asked me how things were going and I told him that things were going OK and then he asked me specifically how you were doing which I thought was

odd. I asked him, I said you're doing OK, why do you ask? He said, well I heard that he got banned from Duncan Donuts and I said, I don't know anything about that. So I contacted [REDACTED] to find out what was going on and she basically told me that she's had concerns for over a year with things, with concerns about you and conversations that you were having with her employees. I then contacted them and I had them come in and I interviewed them.

A. I would like for anyone of those girls to say that I asked them, that I actual asked them to date them, sleep with them, or any of the above. It never happened.

Q. None of them are accusing you of that. None of them are accusing you of trying to date them or anything like that, but I've got mothers of seventeen year-old girls concerned about their daughters having your card in their rooms with your personal cell phone on it.

A. (Inaudible)

Q. Well I don't think you're going about it the right way, Tad. They've all got this "creepy" feeling about you and it goes beyond you trying to do your job.

A. (Inaudible)

Q. It's the perception that they have that I think you're putting yourself in a situation that they have nowhere else to think but that you're creeping them out ya know, and they have concerns.

A. If I'm sending them in a different direction, how can....

Q. They all said that they're not threatened by you but their concerned about the comments and stuff that you're making, about you hanging around...

A. Again, the only reason that I'm there, there the library, and McDonalds, is the only place that I have internet access, because I have a thirty-eight thousand dollar bill....

Q. Well, I don't have any complaints about you going in there after work and sitting there on your computer, it's just these conversations that you've been having with these younger girls.

A. Ever since [REDACTED] mentioned that I have not had another conversation that even bridges that book or anything else. Ya know, it was never my intention to make anyone feel uncomfortable or even think that I wanted to date them, cause I don't, I treat them like I treat my [REDACTED]. My [REDACTED] has been using the book because she's having issues in her relationship and this book has helped me a lot to find somebody that I actually can, um that we're really compatible and that things are going well and I'm finally at the point where I'm piecing my life back together and then this happen.

Q. Well, I think it's rather unusual for a fifty year old man having some of the conversations that you're alleged to be having with these girls that are anywhere from seventeen to twenty-three years old.

Q. I'm all set. All set Tad.

On February 6, 2013 I spoke to [REDACTED] [REDACTED] that was conducted on January 24, 2013. [REDACTED] stated that he had some concerns as Officer Rochette was denying any culpability in the accusations against him and did not seem to grasp the seriousness of the complaints being made against him. He stated that Officer Rochette [REDACTED]

On February 7, 2013 I contacted Rochette by phone and confirmed with him that his appointment was on February 16th. I also told him that he should check with his [REDACTED] about what his [REDACTED] was saying as it wasn't coming from this office, in fact, everything that was being done thus far was being done in confidence and that I couldn't tell him why [REDACTED] was making those comments. I also advised Rochette that I found it rather unusual that he would tell [REDACTED] that his [REDACTED] and I were having weekly conversations and that he thought that [REDACTED] and I were trying to get him fired. I advised him that this sounded rather paranoid to me and that I was also concerned about him trying to turn the tables and make this about me and not taking any responsibility for his own actions. Rochette again reiterated to me that his conduct was not intentional and that if he thought that he was making anyone uncomfortable that he wouldn't have done what he was being accused of. He again stated that what he was doing had been for the

benefit of others and that he had no intentions of dating or sleeping with anyone. He did admit that he had been having troubles with his [REDACTED] which had affected him but that his life was back on track until this situation came up. I advised Rochette that I was well aware that his [REDACTED] had caused problems for him and that is what I had tried to work with him in the past and had directed him [REDACTED] which didn't seem to have a positive effect. I advised Rochette that as a police officer, people needed to respect him both personally and professionally and even if he hadn't been aware of the effects of his comments or actions and it wasn't his intention to do anything wrong, that he should have been aware of this and that his personal situation should not be discussed due to the perception that people have and that this is something that he should have discussed with his councilor instead.

Findings:

While Officer Rochette's [REDACTED] is still in question, I have found through this investigation and by statements made to me that Officer Rochette has violated the Townsend Police Department Rules and Regulations under Rule #4.02 the Conduct Unbecoming an Officer provision when on or about October-November 2012 he approached [REDACTED] and made statements to her about orgasms and how long he could last, which made her feel awkward and uncomfortable to the point where she related this incident to her boss, [REDACTED] and additionally, subsequent to this conversation, takes steps to avoid Officer Rochette when he comes in to Duncan Donuts and that [REDACTED] feels that Officer Rochette needs help on a professional level.

That [REDACTED] mother of [REDACTED] found that Officer Rochette had been having conversations with her then seventeen year-old daughter about his personal life and that Officer Rochette had given his personal cell phone number to her daughter which made her feel uncomfortable and that the way that Officer Rochette looked at her sixteen year-old daughter made her feel uncomfortable, creepy, and unnerving.

That [REDACTED] year old female employee of Duncan Donuts stated that Officer Rochette made her feel uncomfortable by the way that he talked and looked at her and that he would talk about his personal life and "hit on her." That he had tried to give her his cell phone number by writing it on a receipt and that when she saw a cruiser pull into the parking lot that she would go into the back room to avoid facing Officer Rochette.

That [REDACTED] for Duncan Donuts indicated that the situation with Officer Rochette "bothering the girls" is something that has been going on for a couple of years but has gotten worse since his [REDACTED]. That Officer Rochette hangs around and keeps the girls from getting their work done and that she stated that it is "common practice" when a new girl starts working at Duncan Donuts, especially a younger girl, that they are warned about Officer Rochette and that it is common knowledge by the girls that work there as well as the regular customers, that Officer Rochette "targets" younger girls.

Rule # 4.02 Conduct Unbecoming an Officer:

Officers shall not commit any act or acts of improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s), discredit or reflect(s) unfavorably upon the officer, other officers or upon the police department. Officers 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 an Officer shall include that which tends to indicate that the officer 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 an Officer shall also include off-duty conduct where there is a nexus or connection between the act or acts committed by the officer and the individual's continued fitness or ability to effectively perform his or her required duties and responsibilities and/or impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and the ability of the officers not involved in said act to effectively perform their required duties and responsibilities. (See copy of Townsend Police Department Rules and Regulations Rule #4.02)

I have found by the evidence gathered during this investigation and the statements made to me that Officer Rochette has also violated Rule #10.1, Professional Image, as he has been frequenting Duncan Donuts and "hanging around" this business both on and off duty, especially in the case where on December 16, 2012, he is alleged to have spent two hours and four minutes at Duncan Donuts with his cruiser running outside and stated in his investigative interview that "he had lost track of time."

Rule #10.1 Professional Image:

In part states: Officers shall not act in a manner which is inconsistent with the image of a professional police officer, which shall include but not necessarily be limited to:

Loitering or otherwise "hanging around" a business, residence or other location longer than is reasonably required for an officer's police purposes. (See copy of Townsend Police Department Rules and Regulations #10.1 Professional Image)

I have found by the evidence gathered during this investigation and the statements made to me that Officer Rochette has violated Rule 10.2, the Devotion to Duty, where he has been spending considerable amounts of time at Duncan Donuts (twice a day) while on duty for purposes of conducting other than police-related activities.

Rule #10.2 Devotion to Duty:

In part states: Officers shall not, while on duty, loiter in cafes, saloons, restaurants, theaters, service stations or other public places, except for the purpose of police business. (See copy of Townsend Police Department Rules and Regulations #10.2 Devotion to Duty).

Lastly, I have found through this investigation by evidence gathered and statements made to me that Officer Rochette has violated Rule #8.02 Insubordination whereby after receiving a written directive from the Chief of Police on January 11, 2013 advising him that he was being placed on administrative leave and further directing him not to have any contact with any member of the police department, sent a text message to Lieutenant David Profit on January 16, 2013 at 6:47

pm, which stated: Please don't share this..If the union did vote no confidence..would you be on our side?

Rule #8.02 Insubordination:

Rule 8.02 Insubordination states: Officers shall not be insubordinate. Insubordination shall include: any failure or deliberate refusal to obey a lawful order (written or oral) given by a superior officer or relayed from a superior officer by another officer (regardless of rank) or a dispatcher or as otherwise specified.

Officers shall follow the procedures specified above when given what they believe to be an unlawful, conflicting unjust or improper order. (See copy of Townsend Police Department Rules and Regulations 8.02 Insubordination).

It has also been learned through this investigation during his investigative interview, that Officer Rochette was familiar with the above indicated rules and regulations and that he answered in the affirmative during his investigative interview that he was. In addition, Officer Rochette signed for receipt of a copy of the Rules and Regulations Manual of the Townsend Police Department on March 24, 2013. (See receipt of Rules and Regulations Manual signed by Officer Rochette).

Submitted by:

Erving M. Marshall, Jr.
Chief of Police

Cc: Townsend Police Department IA file # 2013-01