

## MEMORANDUM

To: The Honorable Kim Janey, Mayor  
Chris Osgood, Chief of Staff

From: Henry C. Luthin, Corporation Counsel

Re: Internal Affairs File of Police Officer Patrick Rose, Sr.

Date: April 20, 2021

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You have asked the Law Department to review and redact the Internal Affairs file of former Boston Police Officer Patrick Rose, Sr. concerning allegations of sexual assault on a minor in 1995. The review focuses on the way the Department handled the matter at that time. Documents related to the identity of the victim or witnesses have been withheld or redacted. Attached are those documents that relate to how the results of this investigation were handled.

A review of the file shows that the Internal Affairs Division (IAD) investigated this matter and concluded in 1996 that the IAD complaint against Officer Rose was sustained. This information was sent in memo form to the Commissioner, Officer Rose's District Commander, and Officer Rose. Officer Rose had been relieved of his weapon and placed on administrative duty. In October of 1997, the attorney of the Boston Police Patrolmen's Association wrote to the Commissioner informing him that the BPPA was considering filing a grievance concerning Officer Rose's continued restriction to administrative duty; Rose was returned to full duty.

While those documents related to the actions above are attached, much of the Internal Affairs (IA) file consists of the investigation conducted by Internal Affairs into the allegations of sexual assault. Massachusetts General Laws Chapter 40, Section 97D requires that all complaints of sexual assault and all interviews with victims be kept confidential. It is important to protect the identities of victims of sexual assault, as well as the identities of those who had the courage to report the assault to the authorities. The trust these people showed in the system must be repaid. Not to do so would be to discourage others from coming forward.

# Boston

June 17, 1996

To: Paul F. Evans  
Police Commissioner

From: Captain Detective Melbert J. Ahearn  
Commander, Internal Affairs Division

Subject: Internal Affairs Recommendations

Sir:

I respectfully submit the recommendations of the Internal Affairs Division in reference to:  
Case #281-95

Complainant(s) Sgt. Eileen Vanderwood  
Bureau of Internal Investigations

Employee(s): P.O. Patrick M. Rose  
I.D. #11126 - Area C-11  
Violation of Criminal Laws

- Sustained: (Investigation disclosed sufficient evidence to support allegations in the complaint.)  
 Disciplinary Hearing  
 Reprimand:  Written  Oral  
 Not Sustained: (Investigation failed to prove or disprove the allegations.)  
 Exonerated: (The action complained of did occur, but investigation revealed that action was proper, legal and reasonable.)  
 Unfounded: (The investigation revealed that conduct did not occur.)  
 Filed

Respectfully submitted,

Melbert J. Ahearn  
Commander, Internal Affairs

Previous Complaint(s): see attached sheet

Reviewed by Chief, Office of Internal Investigations and forwarded to Legal Advisor *And 7-3-96*

Reviewed by Legal Advisor and Forwarded to Police Commissioner *USA 8-20-96*



THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116

Previous Complaint(s) re:  
Date: 06-17-96

P.O. Patrick Rose  
I.D. #11126 - Area C-11

1. Violation of Criminal Laws (Case #0281-95) Sustained. Current Case.

**CONFIDENTIAL IAD ASSESSMENT**

**IAD Case #** 281-95 **IAD Complaint #** 3911 **Date of Incident** 06/01/95

**Complainant** Sergeant Eileen Vanderwood **Race 1** **Age** **Sex** F  
**Complainant** **Race** **Age** **Sex**

**Employee** Patrick Rose **ID#** 11126 **Race 1** **Age** 07/22/54  
**Rank** Police Officer **Date of Appointment** 06/22/94 **Assignment** Area  
C-11

**Suspension Under Five Day Rule For This Incident** **# of days**

**Prior Discipline**

**Current Status:**

**Active Duty**  **Admin Duty**  **Weapon Restricted**   
**Admin. Leave**  **Suspended w/o Pay**  **M.I.S.**

(Prior IAD History, if any, attached)

**Facts:**

Sexual Assault Unit notified Sgt. Vanderwood, of the Internal Affairs Division, that a Complaint was issued in West Roxbury Court against Police Officer Patrick Rose for Indecent Assault and Battery on a Child Under Fourteen.

**Mitigating Circumstances:**

Victim(s) unwilling to cooperate with investigation.

**IAD Recommendation:**

Violation Rule 102 Section 35  
Non-Conformance to Law - Sustained

**Training Need Identified?**

**Concurred,** **Commander, Internal Affairs** Captain Melbert L. Ahearn *[Signature]*  
**Chief, Office of Internal Investigations** Supt. Anne Marie Doherty *[Signature]*  
**Legal Advisor** LaDonna Hatton *[Signature]*

**Range of Disciplinary Options:**

*- try to settle*  
*- prior to hearing*

# Boston

**To:** Police Officer Patrick M. Rose  
I.D. #11126 Area C-11

**From:** Captain Detective Melbert J. Ahearn *mj 10/22/96*  
Commander, Internal Affairs Division

**Date:** October 18, 1996

**Re:** Disposition of Complaint of Boston Police Department  
Complaint #3911 I.A.D. Case #281-95

This is to inform you that the Internal Affairs Division has completed its inquiry into the above mentioned complaint. After a thorough investigation, the Internal Affairs Division has determined that this complaint be classified as Sustained.

MJA/dl



THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116

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# Boston

To: Captain Robert P. Dunford  
Commander, Area C-11

From: Captain Detective Melbert J. Ahearn *mja 10/22/96*  
Commander, Internal Affairs Division

Date: October 18, 1996

Re: Disposition of Complaint of Boston Police Department  
Complaint #3911 I.A.D. Case #281-95  
Police Officer Patrick M. Rose I.D. #11126  
Violation of Criminal Laws

In reference to the above mentioned subject matter, please be advised that the Internal Affairs Division has completed its inquiry. After a thorough investigation, the Internal Affairs Division has determined that this complaint be classified as Sustained.

MJA/rl



THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116

01101

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**I.A.D. INVESTIGATIVE CHECKLIST**

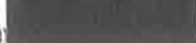
Complaint # 3911 L.A.D. Case # 28195  
 Date of Complaint 12/19/95 W/I  Dist  Other  Sexual Assault Unit

Investigated By: Dist  L.A.D.  Other   
 Employee's Name  
 a.) PATRICK ROSE Carney #1  Carney #2  Admin. Waiv.  T.I.   
 b.) \_\_\_\_\_ Carney #1  Carney #2  Admin. Waiv.  T.I.   
 c.) \_\_\_\_\_ Carney #1  Carney #2  Admin. Waiv.  T.I.   
 d.) \_\_\_\_\_ Carney #1  Carney #2  Admin. Waiv.  T.I.   
 e.) \_\_\_\_\_ Carney #1  Carney #2  Admin. Waiv.  T.I.

Written Report and/or Tape of Subject/Witness Employee:  
 a.) Sgt FEWELL   
 b.) Sgt/DET McLEOD   
 c.) Lt DANAHUE   
 d.) \_\_\_\_\_   
 e.) \_\_\_\_\_

Subject Employee(s) to be Interrogated  Yes  No  
 If yes: Commander notified to have employee report to I.A.D.   
 Employee signed off regarding rights

Additional Police Reports:  
 I.I Report   
 Booking Sheet   
 Log Sheet   
 Operations Tape   
 Other  

Complainant  Vandenberg I.A.D. History Check

Date of Initial Contact \_\_\_\_\_ phone  mail  w/I

Date of Request for Interview 6.4.96 phone  mail  cert. mail   
 \_\_\_\_\_ phone  mail  cert. mail   
 \_\_\_\_\_ phone  mail  cert. mail

Date of Interview 6-4-96 Taped?  Yes  No

Status Update(s) (if necessary)      phone      mail      cert.mail  
 \_\_\_\_\_      [ ]      [ ]      [ ]  
 \_\_\_\_\_      [ ]      [ ]      [ ]  
 \_\_\_\_\_      [ ]      [ ]      [ ]

Civilian Witnesses for Interview	Date of request	phone	mail	cert.mail	Date of interview
_____	_____	[ ]	[ ]	[ ]	_____
2) _____	_____	[ ]	[ ]	[ ]	_____
3) _____	_____	[ ]	[ ]	[ ]	_____
_____	_____	[ ]	[ ]	[ ]	_____
_____	_____	[ ]	[ ]	[ ]	_____

- Additional Investigative Steps (if applicable)
- \* Visit scene of incident/check neighborhood [ ]
  - \* Medical Records Release [ ]
  - \* BOP Check
  - \* Certified Copies of Convictions
  - \* Court Documents (i.e. tapes, transcripts) [ ]
  - \* Photo Array [ ]
  - \* Line-Up [ ]
  - \* Other \_\_\_\_\_

District Investigator's Report      [ ] Yes      [ ] No  
 District/Unit Commander's Report      [ ] Yes      [ ] No  
 I.A.D. Investigator's Report       Yes      [ ] No

Lieutenant Review      Date 6/12/96       OK      [ ] Ret.      Date \_\_\_\_\_      [ ] OK  
 Captain Review      Date 6/18/96       OK      [ ] Ret.      Date \_\_\_\_\_      [ ] OK  
 Superintendent Review      Date \_\_\_\_\_      [ ] OK      [ ] Ret.      Date \_\_\_\_\_      [ ] OK  
 Legal Review      Date \_\_\_\_\_      [ ] OK      [ ] Ret.      Date \_\_\_\_\_      [ ] OK  
 Commissioner Review      Date \_\_\_\_\_      [ ] OK      [ ] Ret.      Date \_\_\_\_\_      [ ] OK

Complainant Notified of Results of Investigation      [ ] Yes      [ ] No  
 Employee Notified of Results of Investigation      [ ] Yes      [ ] No



# Boston

To: Police Officer Patrick Rose, ID # 11126  
From: Captain Detective Melbert J. Ahearn  
Commander, Internal Affairs Division  
Date: June 04, 1996,  
Regarding: IAD Case #281-95 Complaint Control #3911

Attached you will find a copy of BPD Complaint Control Form 1920. You are hereby ordered in accordance with Rule 102 § 8, to complete a report detailing your knowledge of the allegations.

Invocation of your rights against self-incrimination under the 5th Amendment to the US Constitution and Art. 12 of the Massachusetts Declaration of Rights is sufficient to comply with the rule. This may be accomplished by checking off the appropriate box at the bottom of this page. You cannot be disciplined for asserting your rights. However, the investigation will continue and a recommendation made on the basis of available information.

You may also comply by asserting your 5th Amendment privilege against self-incrimination and waiving your Article 12 (Mass. Declaration of Rights) privilege. If you choose this option, you are waiving your right to transactional immunity and you are required to submit a report. However, the answers you provide to the allegations of the complaint and any evidence derived from those answers cannot be used against you in a criminal proceeding. Criminal proceedings may be based upon evidence obtained from other independent sources.

Failure to submit a report, absent an assertion by you of your constitutional privilege(s), is considered failure to obey and comply with an order and could result in your receiving disciplinary action including termination.


Please READ, CHECK THE APPROPRIATE BOX, SIGN and DATE this statement. I have read the above statement:

- I wish to claim my constitutional protections under the US Constitution's 5th Amendment and the Massachusetts Declaration of Rights Article 12.
- I assert my 5th Amendment privilege against self-incrimination, but agree to waive my Article 12 privilege. I will submit a report within five (5) days, but the contents of that report cannot be used against me in a criminal proceeding. However, I understand that criminal proceedings can be instituted against me based upon evidence obtained from other sources.

EMPLOYEE'S SIGNATURE:

 Date: 6/04/96

SIGNED IN THE PRESENCE OF:

 Date: 6/4/96  
Superior Officer

THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116



SEXUAL ASSAULT UNIT - CASE UPDATE

VICTIM [REDACTED]

DATE ASSIGNED [REDACTED] /95

CC# [REDACTED]

DATE OF THIS REPORT [REDACTED] /95

DETECTIVE McLean

At about 9:00AM on 11/20/95 Sgt McLean accompanied by Lieut Donahue applied and received a complaint for [REDACTED] at West Rox Ct against the defedent in above captioned case.

11/20 Summons was served by Sgt McLean to the law office of defedent's atty, Thomas Dreschler, 50 Redfield St, Dorch. Arraignment set for 11/22/95 at 2:00PM. Summons returned to West Rox. Ct on 11/21/95

CASE STATUS: ACTIVE  INACTIVE  CLOSED

CONTENTS NOTED - SUPERVISOR: [Signature]

DESTROY EVIDENCE 1) CRIME LAB  2) SAU

# Boston

To: Captain Robert P. Dunford  
Commander, Area C-11

From: Captain/Detective Melbert J. Ahearn  
Commander, Internal Affairs Division

Subject: Employee To Report For Interview

Date: April 16, 1996

Please order the following employee to report to the Internal Affairs Division, fourth floor, Police Headquarters, 154 Berkeley St., on the date and time indicated.

Name: Patrick Ruse Rank: Police Officer ID: #11126  
Area/Unit Area C-11  
Date May 08, 1996 Time 7:30 A.M.

This interview is being conducted in reference to IAD #281-95, Complaint #3911. In conformance with Rule 109, section 51, of the Department Rules and Procedures, sufficient notice is hereby given in order that the employee may consult with an attorney prior to the interview. It is the responsibility of the employee to appear at the appointed time and date. If for any reason he cannot appear, it is his responsibility to notify their Commanding Officer. The Commanding Officer will immediately notify the Internal Affairs Division of the reason given by the employee for not appearing.

If there is any conflict please notify the Internal Affairs Division at once. Please confirm this notification by having the employee sign this form in the presence of a superior officer.

EMPLOYEE'S SIGNATURE: Patrick Ruse DATE: 4/23/96

SIGNED IN PRESENCE OF: [Signature] DATE: 4-23-96

Respectfully,  
[Signature]  
Captain-Detective Melbert J. Ahearn  
Commander, Internal Affairs Division



**Boston Police**

Date: 10/22/97

From: **Paul F. Evans**  
Police Commissioner

To: Superintendent Ann Marie Doherty, Chief, BII

- F.Y.I.
- Please Handle
- See Me On This
- Call Me On This
- Prepare For My Signature
- Prepared for P.C.

- Your Comments
- File
- Please Advise
- Forward To \_\_\_\_\_
- Other (See Below)
- As Requested

Comments/Reply:

Please see me on this.

\_\_\_\_\_

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\_\_\_\_\_

SANDULLI, GRACE, SHAPIRO, HORWITZ & DAVIDSON, P.C.

40 BROAD STREET  
SUITE 830  
BOSTON, MASSACHUSETTS 02109

JOSEPH G. SANDULLI  
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AMY LAURA DAVIDSON  
JOHN M. BECKER

(617) 338-0400

FAX (617) 338-0405

October 20, 1997

Paul Evans, Commissioner  
Boston Police Department  
154 Berkeley Street  
Boston, MA 02116

RE: Patrol Officer Patrick M. Rose -- Information Request

Dear Commissioner Evans:

This letter is written on behalf of the Boston Police Patrolmen's Association, which represents Officer Patrick M. Rose, ID # 11126.

For approximately two years, Officer Rose has been assigned to administrative duty, denied his firearm; not permitted to work paid details or street duty (thereby depriving him of court overtime) and received only limited station overtime.

The BPPA is considering whether to file a grievance over this issue. In order to properly assess the merits of such a grievance, I am requesting certain information. The Labor Relations Commission has held that an employer must supply a collective bargaining agent with information that is reasonably relevant and necessary to it in the fulfillment of its representational function. Whittier Regional School Committee, 19 MLC 1183, 1185 (1992). Please therefore supply me with the following information:

1. Any documents pertaining to, relevant to, or bearing upon Officer Rose's assignment to administrative duty.
2. Any documents pertaining to, relevant to, or bearing upon any discipline or investigation of Officer Rose over any matter(s) which have affected his assignment to administrative duty.

3. The reason that Officer Rose has been reassigned from full duty.

Because of the financial hardship visited upon Officer Rose by his present assignment, I must ask that your response to this information request be received no later than Wednesday, October 29. If this does not give you sufficient time for a response, please let me know what progress is being made and we can then discuss a mutually agreeable timetable.

Thank you in advance for your anticipated cooperation.

Very truly yours,



Alan H. Shapiro

c: Christopher Groll, Esq.  
Florastine Creed, Deputy Supt.  
Thomas Nee, BPPA  
Thomas Drechsler, Esq.  
Patrick Rose