



Daniel T. Hanavan
Chief of Police

TOWN OF TISBURY
Police Department
32 Water Street • P. O. Box 426
Vineyard Haven, Massachusetts 02568
508-696-4240 • Fax 508-693-5543

Memorandum

June 11, 2014

To: Chief Brian Cioffi

From: Chief Daniel Hanavan

Ref: Investigation

Dear Chief Cioffi,

I am requesting you provide a letter/statement regarding our conversation from June 5, 2014 in reference to Officer Jeff Day. Please include any instances where Officer Day was untruthful with you that you are aware of, specifically regarding his obtaining a handgun which was not disposed of properly and knowledge of a vehicle which he had towed and stated he did not know where the owner resided. Please indicate the date(s) and time(s) of these instances as well as any other issues of untruthfulness you have had with Officer Day.

This investigation is going to be conducted by my designee, Lt. Eerik Meisner.

Tisbury Police Department

Information Request

July 30, 2014

To: Chief Brian Cioffi

From: Lt. Eerik Meisner

Ref: Officer J. Day

Chief Cioffi,

I am formally requesting the following information from your agency in regard to Officer J. Day.

- 1- A written statement from Sgt. J. Klaren in regard to his knowledge of events which transpired at your agency with Officer J. Day regarding untruthfulness. Sgt. Klaren is listed as a witness in your statement as having knowledge of these events.**
- 2- Contact information for Laurie Walker who is listed as a witness in your statement and may have pertinent knowledge in regard to my investigation.**
- 3- Copy of a correspondence issued to you by Attorney Moriarty regarding Officer Day's untruthfulness.**

Respectfully,



Lt. Eerik Meisner



Chief of Police
Brian A. Cioffi

Town of Chilmark
Office of
Police Department
Chilmark, Massachusetts 02535

Station (508) 645-3310
Fax 645-3101
Communications 693-1212

To: Chief Dan Hanavan
From: Chief Brian A Cioffi
Date: June 30, 2014
Re: Internal Investigation

Chief Hanavan,

Per your request dated June 11, 2014, the following is a time line of incidents and relative information to Jeff Day and untruthfulness.

July 15, 2012

At approximately 1200 hrs., I was on a Freight Boat leaving Woods Hole when I was approached by a female identified as Laurie Walker of Abel's Hill Chilmark. Ms. Walker inquired if I was the Chilmark Police Chief. Ms. Walker made small chat and then walked away.

Shortly thereafter Ms. Walker asked me if and when she would get documentation for the handgun that she gave to the police department for destruction. She just wanted to make sure it was destroyed and that it had no ties to her. I asked Ms. Walker what the handgun was and she told me a 25 ca. semi-automatic handgun. I asked her when she turned it in and who she turned it in too. Ms. Walker stated that she gave it to Jeff Day at the station one afternoon. Ms. Walker stated that she gave it to him and that he had taught her the hunter safety course and he did a great job teaching.

I called Sgt. Klaren at the station and asked if he recalled a handgun matching this description and if it was at the station. Sgt. Klaren stated he did not and looked in our evidence room with nothing found matching the above.

Next I called Jeff Day via the phone at his house. I asked him if he was aware of a gun or incident matching this description. Jeff replied yes and that he had taken possession of the gun at the end of the hunter safety course in Edgartown that previous spring. I asked him again if he received the gun at the hunter safety course in Edgartown or if he received information about the gun there and it was turned in at the station. Jeff again stated that he received the gun in Edgartown the last day of the hunter safety course.

I walked back over to Ms. Walker and asked if she remembered giving it to Jeff Day at the hunter safety course and not the station. Both Ms. Walker and her husband were adamant that she delivered it to the station and that Jeff was wearing a uniform when she gave it to him and that it was supposed to be destroyed.

I called Sgt. Klaren and asked him to look one more time. Sgt. Klaren advised me he checked all lockers that contain firearms and looked in the log with negative results. Neither Sgt. Klaren nor I had any recollection of this handgun.

I called Jeff Day back again and asked him if he was positive that he received the handgun at the station or the hunter's education program in Edgartown. Once again Jeff stated that he took possession of it at the hunter's education program in Edgartown. I advised Jeff that I wanted the handgun brought to the station at 1500 hrs. this same date at the start of his shift. I stated there was some discrepancy as to what was supposed to happen with the gun. Jeff stated that the gun was said to have been malfunctioning and was not together. He further said that he was told by the Walker's that he could use it as a visual aid for the hunter safety program. Jeff stated that he didn't feel he needed to bring the gun to the station as it had no nexus to the police as he received it in Edgartown. I advised him to bring it at 1500 hrs., this same date, the start of his shift.

At 1515 hrs., on this same date Jeff arrived at the station. Jeff was 15 minutes late to work. I will point out that this was not a usual occurrence for Jeff. After the initial get in to work routine I asked him where the gun was. Sgt. Klaren was present for this. Jeff stated again that he didn't feel it was a police matter and that he had kids in the room that his safe was located in. Jeff further stated that he didn't feel comfortable getting the gun out with them in the room. (He didn't want them to see the location of the key) I told Jeff that I had been approached by Ms. Walker wanting a letter showing that the police department took possession of the gun and that it was to be destroyed. Again Jeff stated that the gun was turned over at the hunter safety course and not the police department. I then advised Jeff that the gun had better be in the evidence drop box by 0700 hrs. the next day as it was Sunday and both Sgt. Klaren and I were off duty. Jeff stated that he would do this.

At 0700 the gun was located by Sgt. Klaren in the evidence drop box with a tag on the gun that stated it was to be destroyed. The tag was filled out by Det. Jeff Day.

At 1500 hrs., July 16, 2012 at the start of Jeff's shift myself and Sgt. Klaren sat with Jeff in the back room and discussed the situation revolving around the gun. At this point I told Jeff that Ms. Walker was adamant that she delivered the gun to the station, on a day that Jeff was on duty, turned the gun over to Jeff while he was in uniform and asked that it be destroyed. I further stated that Ms. Walker's husband even stated that he remained in the vehicle because from the purchase of the gun he was not happy that his wife had it and he wanted no part of it. I then told Jeff I did not believe he got the gun in Edgartown and that I believe it was turned in at the station. I then told him that I was unsure what the ending decision of Ms. Walker was relative to being destroyed or used as a visual aid, however, at this time she wanted the gun destroyed.

At this point Jeff stated that he had lied and that he did get the gun at the station when Ms. Walker dropped it off. Jeff stated that he lied initially because I caught him off guard and that he didn't want to get into trouble for not logging the gun, filling out appropriate paperwork for the gun or making a police report about turned in property. Jeff stated that he was very sorry about his untruthfulness and no one

is madder than he is about the situation because he stated he is always preaching truthfulness to the summer specials. Jeff apologized for his actions and in the end only blamed himself for lying.

July 20, 2012

A female called the station and reported that a male party named Jason Willoughby had not returned her car after she allowed him to use the vehicle for a couple of hours. The female stated that she had just met Jason and he told her that he could fix her tire. The female was identified as Carolyn Schmidtke. Carolyn stated that she was a Nurse working in Seven Gates off of North Road.

Later this date the vehicle was located in West Tisbury by Cpl. Vieira and subsequently [REDACTED] and a [REDACTED] were arrested for various narcotics violations and motor vehicle use without authority.

July 23, 2012

Carolyn came to the station and thanked us for retrieving her vehicle from Jason. Carolyn asked why her vehicle had to be towed. She stated that the tow bill was in excess of \$200.00. I asked her what she meant that it was towed. She stated that the vehicle was towed by the police and Officer Day advised her that because it was used in a crime (narcotics found inside during search) that it was required to be towed.

I called Chief Rossi of West Tisbury and asked if he knew why the vehicle was towed. Chief Rossi asked Cpl. Vieira why they towed the vehicle. Cpl. Vieira stated that Officer Day advised him that he had no contact information for the owner as her cell phone was in the vehicle.

I apologized to Carolyn and made the appropriate steps to pay for the tow of her vehicle.

Upon Carolyn's departure, Officer Gebo stated that Jeff and Officer Ventura were concerned over the evidence that was located and whether or not it was found correctly. Officer Gebo further stated that she believed that Jeff had given Carolyn a ride home with in the last couple of hours and that it was just up the street. Officer Gebo stated that she felt towing the vehicle wasn't right but she was not the officer in charge.

July 24, 2012

I went to West Tisbury Police Department and spoke with Cpl. Vieira. I asked Cpl. Vieira about the above incident and more relative about the towing of the vehicle. Cpl. Vieira told me that he did not want to tow the vehicle; he asked Jeff if he knew where she lived and did he have anyway to contact her. Jeff replied he did not know where she lived and had no way of contacting her.

July 25, 2012

I requested Jeff come to the station and write a To/From about the above incident and to be as detailed as possible. See Attached.

I reviewed his memo and the following took place:

We talked about why the vehicle was towed and how I was upset that we towed a vehicle that a citizen had asked us for help. I asked Jeff if he was ever asked to go get the owner from her residence and he replied no. I then informed Jeff that both Officer Gebo and Cpl. Vieira had given conflicting stories from his. I told him that Cpl. Vieira asked him if he could contact the owner or if he knew where she lived and at the time Jeff's reply was I don't have any contact information for her and I don't know where she lives. Jeff further stated to Cpl. Vieira that her cell phone was in the vehicle and that was the only contact. After some time and conversation, Jeff stated that he did tell Cpl. Vieira that he couldn't contact Carolyn. Jeff stated that he did this because if West Tisbury towed the vehicle, they could use the tow inventory policy and the narcotics that were located in the vehicle would definitely be covered for purpose of a good search. At the end of the conversation Jeff admitted to lying to me and to Cpl. Vieira. I told Jeff this was twice in the last week that he had been untruthful and that untruthfulness was unacceptable in law enforcement. I advised Jeff that he was being placed on administrative leave pending notification to the selectmen and our towns labor attorney. Jeff agreed to the untruthfulness and stated that he was not opposed to resigning.

The following day Jeff resigned from his position with the department and turned in his equipment.

July 26, 2012

To: Town of Chilmark, Board of Selectmen
Jonathan Mayhew, Chair
Warren Doty, Board Member
Bill Rossi, Board Member

From: Jeffrey O. Day

Re: Letter of Resignation

I resign my position as Police Detective with the Chilmark Police Department effective August 9, 2012. I am grateful to have had the opportunity to serve the Town of Chilmark in this capacity.

Jeff O Day

WITNESSED THAT I RECEIVED THIS
[Signature] CHIEF BRIAN A. CIOFFI



Chief of Police
Timothy S. Rich

Town of Chilmark
Office of
Police Department
Chilmark, Massachusetts 02535

Station (508) 645-3310
Fax 645-3101
Communications 693-1212

To: Officer Jeffrey O. Day
From: Chief Timothy S. Rich
Date: June 26, 2009
Re: Letter of Discipline

I response to your recent conversation with Officer Cioffi about incident #2008000507 on 06/15/2008, and your agreement that the incident report was not in chronological order, coupled with Officer Gebo's report not being a chronological account of the incident, you will attend a pre-approved report writing class offered by an educational institution related to law enforcement.

In response to your recent conversation with Officer Cioffi relative to proper conduct of a supervisor during an incident and after an incident, you will attend a pre-approved supervisor training class at an educational institution related to law enforcement.

Both of these recommendations for discipline shall be completed within six months of acceptance of this letter. Your signature is required for acceptance. This letter will also be placed in your personnel file.

Should you have any questions, feel free to speak with me.

Chief Timothy S. Rich

Officer Jeffrey O. Day

YES.

Memo

To: C-10 Chief Cioffi
From: C-12 Jeffrey Day
Date: 7/25/2012
Re: Willoughby Incident 7/20/2012

On July 20, 2012 at 16:00 HRS I reported for duty. Officer Slavin advised me of a situation involving a possible use of a motor vehicle without authority that originated in Chilmark. Officer Slavin advised me that a Caroline Schmidtke had called the station to report that Jason Willoughby had not yet returned her Hyundai Elantra as per their verbal agreement. Willoughby had agreed to fix a bad tire on the vehicle and return it fixed by 10:00 am on July 20, 2012. [REDACTED]

[REDACTED] was turned advised that a vehicle fitting the description of Schmidtke's was possibly involved in drug transactions earlier this week. Officer Slavin advised me that he had issued a GBC with a Stop and Hold for questioning regarding the possible use without authority.

At ¹⁶~~15~~:14 HRS Schmidtke telephoned the Chilmark Police. I spoke to her and she advised me that Willoughby had telephoned her and said that he was on his way to her home at 35 Harlocks Pond Road to return the vehicle. Via radio I requested a WTPD officer contact the Chilmark Police Station. I then asked Officer Slavin to tell the WTPD that [REDACTED] and possibly traveling along North Rd through West Tisbury in order to return the vehicle.

Myself and Officer Durawa responded to North Rd and Chilmark Road intersection. Upon arrival I stationed the cruiser on the side of the road as if running radar. Detective Ventura, WTPD, and I spoke regarding the details of the incident. I gave him the vehicle description and he left to patrol for the vehicle.

At 16:35 HRS I texted Officer Slavin to see if he could give me Schmidtke's phone number? I called Off. Hyde at the station and received her number. At this same time I observed a female walking towards the cruiser from West Tisbury on North Road. She came up to my cruiser and introduced herself as Caroline Schmidtke. She explained that she had gotten a ride to North Road by a friend in order to meet Willoughby here instead of at her place of work, the Wilke's residence at 35 Harlock Pond Road. At this time I asked her if she was interested in pursuing use without authority charges against Willoughby. She told me that she was mad that he was late but at this time did not want him charged.

At 17:36 HRS Schmidtke approached me and stated that she was fed up with waiting for Willoughby. She had been rained on. I asked her again if she would like to pursue use without authority charges. She told me that she wanted to give Willoughby some more time but if the car was not returned tonight then she would speak to us about the charges. I asked her if she still wanted us and the other police to actively look for her vehicle. She told me yes. I then gave Schmidtke a ride back to 35 Harlocks Pond Road.

At 18:00 HRS Officer Elwell came on duty. I requested her to respond to my location on North Road. Officer Elwell advised that she was not familiar with Willoughby. I had Officer Durawa stand by with her. I informed her of the circumstances and then I traveled to Cpl. Viera's location at North Road near State Rd intersection.

I then traveled to Menemsha to fuel the cruiser. I then traveled to the Police Station to retrieve a photo of Willoughby.

At 19:13 HRS Cpl. Vieira reported that he has stopped Schmidtke's vehicle. I responded to the West Tisbury entrance to Seven Gates Farm. Upon arrival I observed that the Elantra was there. There were two suspects in custody, one in each of the West Tisbury cruisers. I observed [REDACTED] in the WTPD SUV. I then asked Cpl. Viera what were the circumstances of the stop. He advised me that [REDACTED] was operating the vehicle and so he stopped him for operating after suspension. He stated that he found drugs in the vehicle and removed both occupants.

I turned my attention to [REDACTED]. I read him his Miranda and he agreed to speak with me. I asked him why he had not returned the car by 10:00 am. ? He told me that he had called her and told her he would bring it back at 4:00PM. He told me that he had been busy working today and could not bring the vehicle back. I then asked him why he waited until 7:00 pm to bring it back instead of 4:00 like he had told her? He stated that the car was left on a side road near the Old Humphrey's bakery in WT.

I then spoke to [REDACTED] who was seated in the WTPD sedan. I asked her how she was involved? She told me that Willoughby had picked up the car last night from this girl who [REDACTED] did not know. Willoughby picked her up at his dad's house in VH and they went to spend the night on a boat in Lagoon. Today she asked Willoughby to get her back to the boat to return to Falmouth. He kept wasting time and did not bring her back to the boat like she wanted. Then he finally drove here and got arrested.

I returned to Cpl Vieira and explained that I thought [REDACTED] and [REDACTED]. His eyes were bloodshot and red rimmed. He had an agitated manner about him. His hands were shaking. He was stuttering. His pupils looked like they were fixed.

Cpl Viera administered SFST's and [REDACTED] passed these tests. [REDACTED] was returned to the WTPD cruiser by Cpl. Viera. [REDACTED] Ventura. Then we discussed the towing of the vehicle. Cpl. Viera called for a tow.

Det. Ventura transported [REDACTED] to jail. Officers Elwell and Durawa transported [REDACTED] to jail. I stood by with Cpl. Viera.

I left when Bay State arrived. I then called Schmidtke and told her that her vehicle was recovered. I would bring her cell phone to her. I responded to 35 Harlock's Pond Rd. I delivered her cell phone. I told her the vehicle had been towed by Bay State and gave her the contact info. I explained that [REDACTED] had been arrested while driving the vehicle and that there were drugs found inside her vehicle. I then asked her if she was aware of [REDACTED] involvement with drugs? She told me she had met him just two weeks earlier and had no idea what type of person he was. I told her that I was concerned about the possibility of [REDACTED] coming back to this residence and attempting to acquire drugs? She advised that there were no drugs here and that he was not welcome to come around any more. She further stated that there were no drugs in the car when [REDACTED] got it from her.



**CHILMARK POLICE DEPARTMENT
CHILMARK, MA**

INCIDENT # / REPORT #
2012000592 / 2

OFFICER
DAY, J

RANK
INV

REVIEW STATUS
APPROVED

INCIDENT #2012000592 DATA

As Of 07/21/2012 15:14:50

BASIC INFORMATION

<u>CASE TITLE</u>	<u>LOCATION</u>	<u>APT/UNIT #</u>
WILLOUGHBY USE W/OUT AUTH	35 HARLOCK POND RD	
<u>DATE/TIME REPORTED</u>	<u>DATE/TIME OCCURRED</u>	
07/20/2012 14:47:40	On or about 07/20/2012 14:47	
<u>INCIDENT TYPE/OFFENSE</u>		
MOTOR VEHICLE COMPLAINT		

PERSONS

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>
REPORTING PERSON	SCHMIDTKE, CAROLYN	FEMALE	
INVOLVED PARTY	WILLOUGHBY, JASON	MALE	WHITE
PASSENGER	FRANCIS, SIOBHAN	FEMALE	WHITE

[NO OFFENDERS]

VEHICLES

<u>ROLE</u>	<u>TYPE</u>	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>COLOR</u>	<u>REG #</u>	<u>STATE</u>
INVOLVED VEHICLE		2005	HYUND	ELANTRA HATCH		172GG5	MA
<u>STOLEN \$</u>	<u>REC CODE</u>	<u>DATE REC</u>	<u>REC \$</u>	<u>REC BY</u>			

[NO PROPERTY]

OFFICER REPORT: 2012000592 - 2 / DAY, J (INV)

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
07/20/2012 14:47:40	SUPPLEMENT	APPROVED

NARRATIVE

On July 20, 2012 at 16:14 HRS Caroline Schmidtke telephoned the Chilmark Police

Department and advised that Jason Willoughby had just contacted her and told her he was heading to Harlock Pond Road now to return her vehicle. I was advised by Officer Slavin that [REDACTED] I responded to the Chilmark/West Tisbury Town line on North Road. I also requested a West Tisbury officer stand by at North Road and State Rd to make sure that the vehicle was being returned.

At approximately 16:30 HRS I was contacted at the Town line by Caroline Schmidtke. She told me that she had been given a ride to North road in order to wait for Willoughby but now was on foot and without a car. I told her if she needed a ride back to her residence I would gladly give her one. She told me she would like to give him a little more time. At this time it started to rain.

At 17:36 HRS Mrs. Schmidtke stated that she was fed up with waiting for Willoughby and would like a ride home. I asked Schmidtke if she was interested in pursuing use of a motor vehicle without authority charges against [REDACTED] Schmidtke stated that she did not want to have him charged but if the vehicle was not returned tonight she would call us to pursue the charges.

At 19:13 HRS Cpl. Vieira stopped Schmidtke's vehicle at the West Tisbury entrance to Seven Gates Farm. The operator was identified as Jason Willoughby. There was also a passenger, [REDACTED] I responded to the motor vehicle stop. Upon my arrival both parties were in police cruisers. I read Mr. [REDACTED] his Miranda Rights. He wished to talk to me. At this time he stated that he had been allowed to take Caroline's car in order to get the tire replaced. He then stated that he ad called her and told her he was returning it around 4:00 PM. today. I asked him why he had not brought it back by 10:00 am as per their agreement? He told me that he had been working all day. I then asked him why he did not bring it back at 4:00 PM when he had called her instead of waiting until 7:00 PM like he did? He didn't have an answer. I asked him why the tire was not replaced? He stated that he just left the car on a side road in West Tisbury.

I then spoke with [REDACTED]. She told me that [REDACTED] had gotten the car from the girl last night. He then drove it from Chilmark to Vineyard Haven. He picked her up at his fathers house in Vineyard Haven. They spent the night on a boat in the Lagoon. Then she told him she wanted to go home in the morning. She told me that [REDACTED] was wasting time all day and did not bring her to the boat like she wanted him to. Then he drove it up here tonight with a friend following in a another vehicle. That is when they got pulled over and arrested.

[REDACTED] was placed under arrest for Operating a motor vehicle with a Revoked license. [REDACTED] was arrested for possession of Class A drugs; Ecstasy. Officer Elwell agreed to transport [REDACTED] to Dukes County Jail for WTPD.

I contacted Caroline Schmidtke at the Wilkes residence at 35 Harlock Pond Road. I met her at the residence. I returned her cell phone and advised her that the vehicle had been towed by Baystate Tow company. She agreed that it was a good thing since the tire had not been fixed and she wouldn't have to deal with Willoughby again. I questioned her regarding her knowledge of [REDACTED] drug issues? She stated that she had met him only two weeks ago and had no idea of what kind of person he was. She agreed that she would not see him again and that if he showed up at the residence she would report it to the Police.

The GBC was cancelled.

Detective Jeffrey Day

OFFICER SIGNATURES

Reporting Officer: _____ Date: _____
DAY, J INV
Approving Officer: _____ Date: _____

KLAREN, J

SGT