

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS

SUPERIOR COURT DEPARTMENT  
C.A. NO: 1780CV00033

PATRICK BUCHANAN AND	)
TODD DODGE,	)
Plaintiffs,	)
	)
v.	)
	)
TOWN OF GREENFIELD	)
and	)
ROBERT HAIGH,	)
Defendants	)

**TODD DODGE’S OPPOSITION TO DEFENDANTS’ MOTION TO UNSEAL THE  
APRIL 25, 2022 VOIR DIRE SESSION**

**Introduction**

Lieutenant Todd Dodge hereby respectfully opposes Defendants’ Motion to unseal and obtain the sealed record from the April 25, 2022 *voir dire* session. Defendant City of Greenfield and Defendant Police Chief Robert Haigh have cited no reasons to unseal this portion of the record, which this Court kept sealed pursuant to Mass. Guide to Evidence, § 408. Indeed, the facts that have unfolded *after the verdict* reveal that the Defendants do not accept the jury verdict and intend to unlawfully retaliate against Lieutenant Dodge for speaking up on behalf of Officer Buchanan and opposing racism, which retaliation violates Massachusetts law under G.L. c. 151B, §§ 4(4), 4(4A) and 4(5) and also G.L. c. 149, § 185 (all four statutes are designed to *protect* witnesses who speak out against racism and violations of the law). Because Defendants have cited no *lawful* reason for their Motion, Lieutenant Dodge requests that the Court deny the Motion at this time.

## Facts

**A. *The Jury found that Defendant Chief Haigh and the City of Greenfield (under Mayors Martin and Wedegartner) racially discriminated against Buchanan.***

1. On May 6, 2022, after over six years of litigation and four weeks of trial, including five days of jury deliberations, a Hampshire County verdict rendered a decision against Defendant City of Greenfield and Defendant Police Chief Robert Haigh, that from 2014 through 2021 they had committed multiple acts against the Greenfield Police Department's only black officer, Officer Patrick Buchanan, which were racially motivated and discriminatory. See Docket Entry 111 (Special Jury Verdict).

2. In Question 1, the jury found that the City of Greenfield (then under the leadership of Mayor Martin) discriminated against Officer Buchanan in its promotional process that occurred between September 2014 through October 2015; in Question 2, the jury found that the City of Greenfield's failure to promote him from the "short list" in 2014 was motivated by racial animus; in Question 4, the jury found that Defendant Haigh's three-day suspension of Officer Buchanan was motivated by racial animus; in Question 5, the jury found that Chief Haigh's 2018 letter of reprimand of Officer Buchanan was the result of racial animus or retaliation; and, in Questions 6 and 7, the jury found that during the 2020-2021 promotional process, Defendant City of Greenfield (then under the leadership of Mayor Wedegartner) and Defendant Haigh discriminated against Officer Buchanan again. See Docket Entry 111 (Special Jury Verdict), pp. 1-2.

3. The jury awarded Officer Buchanan \$92,930 in back wages and \$350,000 in emotional distress. See Docket Entry 111 (Special Jury Verdict), pp. 2-3.

4. Defendant City of Greenfield and Defendant Haigh are additionally liable to pay interest on those amounts dating back to the commencement of the lawsuit.

5. Defendant City of Greenfield and Defendant Haigh are further liable to pay Officer Buchanan's attorneys' fees and costs dating back to 2015 pursuant to the fee-shifting nature of G.L. c. 151B.

***B. Lieutenant Dodge was the only Greenfield police officer or employee to speak out against racism and testify on behalf of Officer Buchanan.***

6. Lieutenant Dodge was the only member of the Greenfield Police Department to speak out against racism and testify on behalf of Officer Buchanan.

7. Lieutenant Dodge opposed Defendants' violations of the law on many occasions, at great risk to his own career in law enforcement, such as:

- a. In October 2014 by refusing Defendant Haigh's unlawful request to find a "work-around" to promoting Buchanan, whom Haigh said "did not fit the bill;"
- b. In January 2015, by providing a statement in Buchanan's favor during Defendant Haigh's investigation of Buchanan for giving a minor motorist (now police officer) a warning;
- c. Later in January 2015, by filing a grievance against what the jury has determined to be Defendant Haigh's racially motivated three-day suspension of Buchanan for the traffic stop warning;
- d. From January through October of 2015, by serving as Buchanan's union representative throughout Buchanan's successful arbitration and overturning of the Defendant Haigh's racially-motivated suspension of Buchanan; and
- e. By providing information and assistance throughout this litigation from 2015 through May of 2022, such as testifying in two depositions and during at least three days of the jury trial. This included testimony by Lieutenant Dodge that he believed Defendant Haigh's and the City of Greenfield's multi-year mistreatment

of Officer Buchanan was racially motivated, amid other violations of G.L. c. 151B, G.L. c. 31, and other laws, regulations, and policies by the Defendants.

***C. After receiving the Jury's verdict, the Defendants retaliated against Officer Buchanan's lead supporter and witness, Lieutenant Dodge.***

8. Mere hours after the verdict was announced on May 6, 2022, Defendant City of Greenfield, through Mayor Wedegartner, directed Deputy Police Chief Gordon to serve Lieutenant Dodge with papers in person on a Friday afternoon at Lieutenant Dodge's house. See Ex. A (Two letters from Mayor Wedegartner taking action against Lieutenant Dodge for his trial testimony).

9. In those Documents, the City of Greenfield (acting through Mayor Wedegartner) placed Lieutenant Dodge on indefinite administrative leave, informed him that he is being investigated for his trial testimony, and ordered him on house arrest during his normal shift hours for an indefinite and undisclosed period of time.

10. The City's retaliatory actions against Lieutenant Dodge just hours after the jury verdict unlawfully retaliated against Lieutenant Dodge under the following Massachusetts laws, which are all designed to protect witnesses who are brave enough to come forward and testify against racism and violations of the law: G.L. c. 151B, §§ 4(4), 4(4A) and 4(5) and also G.L. c. 149, § 185.

11. The retaliatory actions also violated Lieutenant Dodge's rights to due process by failing to articulate which statements during his three days of trial testimony were allegedly "false" so that he can be on notice of what he is accused of and have a meaningful opportunity to present a defense. Further, the City has no legal right to require that Lieutenant Dodge remain on indefinite "house arrest" during his normal shift times as he is available at all times of the day via cellular telephone and electronic mail.

12. Despite unanswered requests (see Exhibit B), in eleven days and counting since the retaliatory action, investigation and house-arrest, the City of Greenfield (Mayor Wedegartner) has still refused to inform Lieutenant Dodge what statements at trial, if any, are suspected of being “false” when he was testifying against racial discrimination and violations of the law and in support of fellow officer Patrick Buchanan.

### Law

The decision to impound is “always the exception<sup>1</sup> to the rule [of publicity],” and “must be born of the particular facts and circumstances of a given case.” New Eng. Internet Café, LLC v. Clerk of the Superior Court for Criminal Business in Suffolk County, 462 Mass. 76, 85 (2012) (citing Republican Co. v. Appeals Court, 442 Mass. 218, 223 (2004); Newspapers of New England, Inc. v. Clerk-Magistrate of the Ware Div. of the Dist. Court Dep’t, 403 Mass. 628, 638, 531 N.E.2d 1261 (1988) (Wilkins, J., concurring) (“judge confronted with a motion to impound or to lift an impoundment order must consider and decide the case on its particular facts”), cert. denied, 490 U.S. 1066, 109 S. Ct. 2064, 104 L. Ed. 2d 629 (1989)). Decisions to impound, seal, or release records, “like the very balancing test employed to determine whether initial or continued impoundment is proper, must take shape around the facts at hand and respond to the unique needs of the parties.” New Eng. Internet Café, LLC, 462 Mass. at 85. As a result, the Supreme Judicial Court has “never saddled judges with a rigid process for reviewing impoundment orders, but rather freed them to expedite the process as needed and to employ useful steps out of the normal course.” Id., 85-86 (internal citations omitted). “Judges enjoy a similar flexibility in crafting remedies appropriate to the parties’ particular interests and needs,” especially “[g]iven the malleable nature of impoundment proceedings[.]” Id., 86.

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<sup>1</sup> The exception at play in this case was the Court’s April 25, 2022 finding that the material under seal had no place at trial based on Mass. Guide to Evid, § 408.

### Argument

At trial, it was *the Defendants* who, on April 24 and 25, 2022, unsuccessfully tried to improperly weaponize a confidential compromise discussion and inject disputed statements from that confidential compromise discussion into the record of trial in violation of the Mass. Guide to Evidence, § 408. Before doing so, it was again the *Defendants* (City of Greenfield and Police Chief Haigh) who requested that the April 25 *voir dire* session on this very topic be placed under seal and the courtroom cleared.

After the sealed *voir dire* session was complete, the Court correctly ruled that the Defendants' proffered evidence would be inappropriate, it had no place in the trial, it was deemed off-limits thereafter, and the brief *voir dire* session remained sealed. That is because, as the Court determined, "[e]vidence of the following is not admissible – on behalf of any party – either to prove or disprove the validity or amount of a disputed claim," including:

- (1) furnishing, promising, or offering – or accepting, promising to accept, or offering to accept – a valuable consideration in compromising or attempting to compromise the claim or any other claim, and
- (2) conduct or a statement made during compromise negotiations about the claim.

Mass. Guide to Evidence, § 408 (emphasis added) (citing Morea v. Cosco, Inc., 422 Mass. 601, 601 (1996)).

Now, after the jury has rendered a verdict against the Defendants, the Defendant City and Defendant Haigh, by this Motion, have requested access to the same *voir dire* session that in April they requested be sealed, and which was heard only by the judge, attorneys, and litigants on April 25, 2022, and not the jury.

For what purpose could this Motion be aimed? Prior to filing the instant Motion, the Defendants did not contact and provided no basis to Plaintiffs' counsel, and they indeed violated

Superior Court Rules 9A and 9C in bringing this Motion by failing to first confer with opposing counsel. In the Motion itself, the only given reason for unsealing and allowing access to the sealed *voir dire* session is unavailing:

In support thereof, the defendants state that the City of Greenfield wishes to review the testimony of Chief Haigh and Sgt. [sic] Dodge.

Motion, p. 1, ¶ 2.

Nor have the Defendants offered evidence to change the Court's earlier determination that sealing was appropriate. To the extent that the instant Motion constitutes a request for reconsideration, the Motion would still fail because there are no changed circumstances such as newly discovered evidence or information, or a development of relevant law, or a particular and demonstrable error in the original decision. Audibon Hill S. Condo. Ass'n v. Community Ass'n Underwriters of Am., 82 Mass.App.Ct. 461, 470 (2012) (citing Peterson v. Hopson, 306 Mass. 597,600 (1940); Barbosa v. Hopper Feeds, Inc., 404 Mass. 610, 622 (1989)).

Plaintiff maintains that the only reason Defendants seek access to the brief *voir dire* session is to use it in violation of Mass. Guide to Evidence, § 408, as part of the Defendants' ongoing retaliations against Lieutenant Dodge in violation of Massachusetts law. As the Court is aware, in addition to forbidding racial discrimination in the workplace, G.L. c. 151B, §§ 4(4), 4(4A) and 4(5) make it unlawful for the Defendants as Lieutenant Dodge's employer to (1) retaliate against Lieutenant Dodge based upon his objections to racial discrimination and testimony in support of Officer Buchanan, (2) interfere with any person such as Lieutenant Dodge who has aided or encouraged any other person, such as Officer Buchanan, in the exercise or enjoyment of any right under G.L. c. 151B, or (3) aid, abet or incite any acts forbidden under G.L. c. 151B. Moreover, the Defendants' post-verdict actions against Lieutenant Dodge also violate G.L. c. 149, § 185 based upon Lieutenant Dodge's prior court activity, disclosures,

testimony, and provision of information at the trial on topics of unlawful conduct by the Defendant City of Greenfield and its Police Chief, Defendant Haigh.

Defendants have refused to reveal if the *voir dire* session is related to the vague accusations made by the Defendants against Lieutenant Dodge in Exhibit A. The Defendants to date have declined to articulate which statements among Lieutenant Dodge's multiple days of testimony are alleged to be false. In the meantime, for eleven days and counting, Lieutenant Dodge has been humiliatingly side-lined by the Defendants, his employer, in violation of the anti-retaliation laws, simply because he testified against racially-motivated mistreatment of his co-worker and other violations of the law by the Defendants. In response to the retaliatory letters he received hours after the verdict (Exhibit A), Lieutenant Dodge specifically requested (Exhibit B) that Mayor Wedegartner clarify what statements he made at trial that are alleged to be false. Lieutenant Dodge stands by all of his testimony at trial regardless of whether it is popular with the Mayor or the Chief, because, as he said at trial, it was his duty to speak up. Lieutenant Dodge desires nothing more than to return to his life's passion of serving in the Greenfield Police Department with honor and distinction. However, in the eleven days since the jury verdict and the Defendants' immediately subsequent retaliation against Lieutenant Dodge, the Defendants have failed to specify why they are punishing Lieutenant Dodge other than the vague claim that his trial testimony was "false." See Exhibit A; see also Exhibit B, to which there has been no reply.

Every word that Lieutenant Dodge said on the stand at this trial was truthful. This includes his three separate days of testimony in open court accessible to the public and also the one short *voir dire* session that was sealed at the request of Defendants City of Greenfield and



Defendant Haigh. Lieutenant Dodge testified against racial discrimination because, as he said at trial, what the Defendants did to Officer Buchanan was “wrong” and “racially motivated.”

Immediately after the verdict against the Defendants, the Defendants took the case to the media through public statements by Mayor Wedegartner and Chief Haigh suggesting disagreement with the Jury’s verdict and appeal.<sup>2</sup> Additionally, the Defendants took the brazen step of punishing Officer Buchanan’s lead witness and supporter, Lieutenant Dodge, in retaliation for his trial testimony, by placing him on administrative leave and “house arrest” based on Defendants’ own self-serving description of his trial testimony as allegedly “false,” while untransparently refusing to disclose upon which statements they have based this accusation. As to this Motion, Lieutenant Dodge respectfully requests that such retaliation cannot be a basis to grant Defendants’ request. Further, this Court should not accede to anything that would assist the Defendants in their violation of anti-retaliation statutes such as G.L. c. 151B, §§ 4(4), 4(4A) and 4(5) and also G.L. c. 149, § 185, which are all designed to *protect* witnesses like Lieutenant Dodge, who speak out against racism and violations of the law. Considering that the Defendants had no good basis to pursue the information reviewed in the private *voir dire* session in the first place, and have provided no good reason in this motion, other than to further their ongoing unlawful retaliation, the Motion should be denied at this time.

FOR THE PLAINTIFF,  
TODD DODGE,  
By His Attorney,

*/s/ Michael G. McDonough*

Michael G. McDonough, Esq. – BBO 682128  
EGAN, FLANAGAN AND COHEN, P.C.  
67 Market St. - P.O. Box 9035

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<sup>2</sup> An example appears at:

<https://www.recorder.com/Jury-finds-Greenfield-PD-discriminated-against-former-officer-46263093>

Springfield, MA 01102-9035  
(413) 737-0260; Fax: (413) 737-0121  
[mgm@efclaw.com](mailto:mgm@efclaw.com)

Dated: May 17, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party via email at [lkesten@bhpklaw.com](mailto:lkesten@bhpklaw.com) and [ebrody@bhpklaw.com](mailto:ebrody@bhpklaw.com) on May 17, 2022.

*/s/ Michael G. McDonough*

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Michael G. McDonough

Enclosures: Exs. A and B

16354-150792\447980

## **Exhibit A:**

Two Letters from Mayor Wedegartner to  
Lieutenant Dodge after the Jury Verdict on May 6, 2022

ROXANN WEDEGARTNER  
Mayor



City Hall  
14 Court Square  
Greenfield, MA 01301  
Phone 413-772-1560 • Fax 413-772-1519  
mayor@greenfield-ma.gov  
www.greenfield-ma.gov

City of  
**GREENFIELD, MASSACHUSETTS**  
**OFFICE OF THE MAYOR**  
**INTERNAL INVESTIGATION**  
**NOTICE OF CHARGES/ALLEGATIONS**

Date: May 6, 2022.

To: Lieutenant Todd Dodge

Pursuant to departmental Internal Affairs policy, I must notify you that a complaint has been made in which you are named as possibly being involved. The complaint involves Untruthfulness and specifically alleges violation of departmental Rule 7.7 Truthfulness this may also involve other related policy issues and other Rule and Regulation violations.

The complaint has been assigned to this office for further investigation. You may be asked and/or ordered to be interviewed by investigators assigned by the Mayor's office as well as write a report concerning your knowledge of issues, if any, which are uncovered. According to the Internal Affairs policy, "All department employees, when requested by the Chief, or by a superior officer designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct which affects their fitness or ability to remain in the police service, and any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, including dismissal from the department." Should you be asked or compelled to submit to questioning and/or write any report, you will be afforded and advised of your rights, pursuant to policy 4.01, at that time and you will be afforded the opportunity to have Union accompaniment with you at the time of any interview.

I must also notify you that according to the same policy "Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his/her complaint, is prohibited and will be treated most severely."

You will be notified of the next steps in this matter as soon as possible.

Signed,

Handwritten signature of Roxann Wedegartner in cursive.

MAYOR ROXANN WEDEGARTNER



TREE CITY USA

The City of Greenfield is an Affirmative Action/Equal Opportunity Employer, a designated Green Community and a recipient of the "Leading by Example" Award.



ROXANN WEDEGARTNER  
Mayor



City Hall  
14 Court Square  
Greenfield, MA 01301  
Phone 413-772-1560 • Fax 413-772-1519  
mayor@greenfield-ma.gov  
www.greenfield-ma.gov

**GREENFIELD, MASSACHUSETTS  
OFFICE OF THE MAYOR  
NOTICE OF ADMINISTRATIVE LEAVE**

To: Lieutenant Todd Dodge  
From: Mayor Roxann Wedegartner  
Date: May 6, 2022  
Effective: Immediately

The City has initiated an investigation into allegations concerning the performance of your duties and your fitness to perform your duties. The allegations include that you recently made false allegations while under oath concerning Chief Haigh's past conduct during testimony at the Hampshire County Superior Court. As a result of these allegations, I am taking the following actions concerning your status.

You are advised that upon service of this notice you are being placed on paid administrative leave. You will remain on paid administrative leave status until I have notified you that the investigation is completed or I have rendered a decision of whether to impose discipline after you have been afforded a hearing on the matters under investigation.

During the time that you are on paid administrative leave you are not authorized to exercise any police powers, nor are you authorized to act in any manner thereof, in the capacity of a police officer. While on paid administrative leave you are not authorized to enter the confines of the Greenfield Police Station unless accompanied by the Officer in Charge. You are restricted from accessing any departmental computer, report, document or file.

Upon receipt of this notice you are to contact the Deputy Police Chief and make arrangements to return your department issued vehicle.

You are also required to be at your home during the normal hours of your assigned shift and to be available for consultation with members of this department who have been assigned to investigate the above referenced allegations. If for any reason you need to leave the confines of your home during the normal hours of your assigned shift you are to contact Deputy Chief Gordon at 413-325-7385 to get permission and leave a telephone number where you can be reached in case the need arises to speak with you about the allegations under investigation. No changes in the above order shall be effective unless approved by me in writing prior to the changes becoming effective.

Mayor Roxann Wedegartner



TREE CITY USA

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**Exhibit B:**

Letter sent by Counsel in Response to City's Actions  
(with Enclosures)



# EGAN FLANAGAN & COHEN

John J. Egan  
Maurice M. Cahillane  
Richard J. Kos  
Thomas E. Day\*  
Timothy J. Ryan  
Lauren F. Olanoff  
Michael G. McDonough<sup>o</sup>  
Katie Manzi McDonough<sup>o</sup>  
Kevin D. Withers  
Katherine A. Day<sup>o</sup>

*Senior Counsel*

Mary Egan Boland  
Theodore C. Brown  
Paula C. Tredeau\*  
Robert L. Quinn

\*Also admitted in CT  
<sup>o</sup>Also admitted in FL  
•Also admitted in TX  
<sup>o</sup>Also admitted in NY

May 12, 2022

**Via U.S. Mail and Electronic Mail**

Hon. Roxann Wedegartner  
Mayor, City of Greenfield  
14 Court Square  
Greenfield, MA 01301  
mayor@greenfield-ma.gov

**RE: Notice of Representation; Retaliation against Lieutenant Todd Dodge**

Dear Mayor Wedegartner:

Please be advised this law office represents Lieutenant Todd Dodge of the Greenfield Police Department. As you are aware, on Friday, May 6, 2022, a Hampshire County Superior Court jury rendered a verdict that the City of Greenfield and its Police Chief racially discriminated against Officer Patrick Buchanan on numerous occasions from 2014 through 2021. Specifically, the jury found that the City of Greenfield and Chief Haigh violated G.L. c. 151B, § 4 by engaging in racially motivated discrimination and retaliation during that time period.

As you are further aware, Lieutenant Dodge was the only employee in the Greenfield Police Department or within the City of Greenfield who spoke up for Officer Buchanan and supported him through testimony at trial. Lieutenant Dodge testified on at least three separate days of the jury trial disclosing and detailing to the jury and judge what he perceived to be violations of the law by the City of Greenfield, including but not limited to acts of racial discrimination against Officer Buchanan and recent unlawful actions by the Chief of Police.

Everything that Lieutenant Dodge said at the trial was truthful. However, mere hours after the jury verdict in favor of Officer Buchanan's claims of unlawful racial discrimination and retaliation, you directed that Deputy Chief Gordon hand-deliver to Lieutenant Dodge two enclosed letters. In those letters, you placed Lieutenant Dodge on indefinite administrative leave, informed him that he is being investigated for "untruthfulness" during the trial, and ordered him on house arrest during his normal shift hours. See Enclosure A.

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67 Market Street | PO Box 9035  
Springfield, MA 01102-9035  
Phone: 413-737-0260  
Fax: 413-737-0121

**EGAN, FLANAGAN and COHEN, P.C.**  
**ATTORNEYS AT LAW**

efclaw.com

May 12, 2022

Page 2

Please be advised that in addition to prohibiting racial discrimination in the workplace, G.L. c. 151B, §§ 4(4), 4(4A) and 4(5) make it unlawful for you as an employer to (1) retaliate against Lieutenant Dodge based upon his objections to racial discrimination and testimony in support of Officer Buchanan, (2) interfere with any person such as Lieutenant Dodge who has aided or encouraged any other person in the exercise or enjoyment of any right under G.L. c. 151B, or (3) aid, abet or incite any acts forbidden under G.L. c. 151B. Moreover, the actions against Lieutenant Dodge on May 6, 2022 also violate G.L. c. 149, § 185 based upon Lieutenant Dodge's prior suit, disclosures, testimony, and provision of information at the trial on topics of unlawful conduct by the City of Greenfield and its Police Chief. The fact that the jury did not find liability with respect to the one independent whistleblower claim at trial does not in any way lessen Lieutenant Dodge's statutory protections from retaliation for speaking up for what he reasonably believed were violations of Massachusetts law throughout the trial.

Lieutenant Dodge respects and accepts the jury's findings and wishes to continue his life's passion of serving as a leader in the Greenfield Police Department. However, the actions that you took against him just hours after the jury verdict not only unlawfully retaliate against Lieutenant Dodge, they also violate Lieutenant Dodge's rights to due process by failing to articulate which statements during his three days of testimony were allegedly "false" so that he can be on notice of what he is accused of and have a meaningful opportunity to present a defense. Further, the City has no legal right to require that Lieutenant Dodge remain on "house arrest" during his normal shift times as he is available at all times of the day via cellular telephone and electronic mail.

On June 3, 2020, in a public statement, you condemned what you branded as "a code of silence" that "permeates ... heinous acts" by police departments infected by racism. You continued:

I am also tired, as many of us are, of having to watch our legal system fail to hold the involved officers accountable in the strictest way possible for their actions. The frustration and anger are real; they're boiling over and uncontrollable right now unless we drastically change course. We cannot change course until we condemn and confront the racism that gives life to these injustices. In four hundred years, we haven't been able to do it; but we must commit to getting it right this time.

*Public Statement from Mayor Roxann Wedegartner, June 3, 2020.*

You ended your public statement by promising that you were "keenly aware of the importance of having [Greenfield's] officers live up to the oath they take to protect and serve without prejudice," and you further committed that the Greenfield Police Department would be trained in all aspects to prevent racism. The full statement is attached. See Enclosure B.

Madam Mayor, respectfully, how will any of your employees or citizens feel safe to speak out against racism given your retaliatory treatment of Lieutenant Dodge? By testifying at trial, Lieutenant Dodge did exactly what you asked by speaking out against a "code of silence"

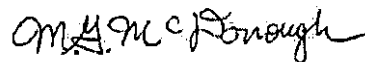


and against racial discrimination. He disclosed multiple instances of unlawful conduct by the City and its Police Chief as any law enforcement agent should do.

At this time, accepting the verdict of the jury, who carefully deliberated over the case for over four weeks, Lieutenant Dodge merely requests to be permitted to return to work absent retaliation for his testimony. Not only is this the "right" thing to do, but Massachusetts law also demands that a witness like Lieutenant Dodge be free from retaliatory action for coming forward. Therefore, we respectfully request that Lieutenant Dodge's placement on administrative leave be lifted so that he may return to service. If not, we request that that you at a minimum inform us of the precise statements at trial that you claim to be "false" and that his "house arrest" condition be lifted. Further, should this retaliatory case continue, in addition to defending the truthfulness of Lieutenant Dodge's testimony, please be advised that we will also be compelled to pursue all legal rights and avenues available to our client under the law, including and up to the commencement of another lawsuit, requests for injunctive relief, and requests for state and federal review, oversight, and intervention into what we deem to be a patently retaliatory course of action on May 6, 2022 against the one employee in the Greenfield Police Department who was brave enough to speak out against racism and violations of the law.

Please also be advised that we request to be included on any correspondence, interviews, or inquiries of Lieutenant Dodge, should this retaliatory investigation continue. It is our hope and expectation, however, that you will instead see the wisdom of lifting all actions against Lieutenant Dodge immediately. By failing to do so, you are chilling others who might speak up against unlawful behavior. For this reason, dropping the retaliatory case against Lieutenant Dodge and moving on would be in the best interest of not only this officer, who spoke out against the "code of silence" that you condemned in your public statement, but also the best interests of the Greenfield Police Department, the City of Greenfield, and all of its employees and citizens. Thank you very much for your consideration of this request.

Very truly yours,



Michael G. McDonough

Enclosures

**ENCLOSURE A:**

Two Letters from Mayor Wedengartner to  
Lieutenant Dodge after the Jury Verdict on May 6, 2022

ROXANN WEDEGARTNER  
Mayor



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City of  
**GREENFIELD, MASSACHUSETTS**  
**OFFICE OF THE MAYOR**  
**INTERNAL INVESTIGATION**  
**NOTICE OF CHARGES/ALLEGATIONS**

Date: May 6, 2022

To: Lieutenant Todd Dodge

Pursuant to departmental Internal Affairs policy, I must notify you that a complaint has been made in which you are named as possibly being involved. The complaint involves Untruthfulness and specifically alleges violation of departmental Rule 7.7 Truthfulness this may also involve other related policy issues and other Rule and Regulation violations.

The complaint has been assigned to this office for further investigation. You may be asked and/or ordered to be interviewed by investigators assigned by the Mayor's office as well as write a report concerning your knowledge of issues, if any, which are uncovered. According to the Internal Affairs policy, "All department employees, when requested by the Chief, or by a superior officer designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct which affects their fitness or ability to remain in the police service, and any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, including dismissal from the department." Should you be asked or compelled to submit to questioning and/or write any report, you will be afforded and advised of your rights, pursuant to policy 4.01, at that time and you will be afforded the opportunity to have Union accompaniment with you at the time of any interview.

I must also notify you that according to the same policy "Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his/her complaint, is prohibited and will be treated most severely."

You will be notified of the next steps in this matter as soon as possible.

Signed, \_\_\_\_\_

*Roxann Wedegartner*  
MAYOR ROXANN WEDEGARTNER



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ROXANN WEDEGARTNER  
Mayor



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You are advised that upon service of this notice you are being placed on paid administrative leave. You will remain on paid administrative leave status until I have notified you that the investigation is completed or I have rendered a decision of whether to impose discipline after you have been afforded a hearing on the matters under investigation.

During the time that you are on paid administrative leave you are not authorized to exercise any police powers, nor are you authorized to act in any manner thereof, in the capacity of a police officer. While on paid administrative leave you are not authorized to enter the confines of the Greenfield Police Station unless accompanied by the Officer in Charge. You are restricted from accessing any departmental computer, report, document or file.

Upon receipt of this notice you are to contact the Deputy Police Chief and make arrangements to return your department issued vehicle.

You are also required to be at your home during the normal hours of your assigned shift and to be available for consultation with members of this department who have been assigned to investigate the above referenced allegations. If for any reason you need to leave the confines of your home during the normal hours of your assigned shift you are to contact Deputy Chief Gordon at 413-325-7385 to get permission and leave a telephone number where you can be reached in case the need arises to speak with you about the allegations under investigation. No changes in the above order shall be effective unless approved by me in writing prior to the changes becoming effective.

Mayor Roxann Wedegartner



TREE CITY USA

The City of Greenfield is an Affirmative Action/Equal Opportunity Employer, a designated Green Community and a recipient of the "Leading by Example" Award.



**ENCLOSURE B:**

Mayor Wedengartner's Public Statement Denouncing  
Racism in Police Departments, dated June 3, 2020



City of  
**GREENFIELD, MASSACHUSETTS**



**OFFICE OF THE MAYOR**

**ROXANN WEDEGARTNER**

Mayor

City Hall • 14 Court Square • Greenfield, MA 01301  
Phone 413-772-1560 • Fax 413-772-1519  
Mayor@greenfield-ma.gov • www.greenfield-ma.gov

Media Release

DATE: June 3, 2020

FOR IMMEDIATE RELEASE

CONTACT: Danielle Létourneau, Chief of Staff  
(413) 772-1560 Office of the Mayor  
(413) 772-1581 direct

**A Message from Mayor Roxann Wedegartner**

GREENFIELD –

George Floyd. Auhmad Arbery. Breonna Taylor. Sandra Bland. Trayvon Martin. Michael Brown. The list is long and it is heartbreaking every time we are forced to add a name to it as a result of senseless killing of our fellow black American citizens at the hands of police officers. There are undoubtedly countless others that we don't know about because a code of silence permeates these heinous acts.

The depravity and cold indifference of Derek Chauvin as he crushed the life from George Floyd with his knee is hard for many of us to conceive. As a southerner raised among racists, it is sadly not hard for me to conceive. I condemn these killings and the outrageous lack of justice for the victims of these crimes and their families and friends. I am also tired, as many of us are, of having to watch our legal system fail to hold the involved officers accountable in the strictest way possible for their actions. The frustration and anger are real; they're boiling over and uncontainable right now unless we drastically change course. We cannot change course until we condemn and confront the racism that gives life to these injustices. In four hundred years, we haven't been able to do it; but we must commit to getting it right this time.

As a Mayor with a city police force at her command, I am keenly aware of the importance of having our officers live up to the oath they take to protect and serve without prejudice and with extreme professionalism, under often dangerous and escalating situations. I commit to ensuring that our police force is trained in all aspects of community policing, including critical incident training and de-escalation techniques, that no acts committed by officers that exceeds our use of force policies and results in extreme injury or death will be tolerated.

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