



Johnston Police Department

*Town of Johnston
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*Chief of Police
Richard S. Tamburini*

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To: Detective James Brady
From: Chief Richard S. Tamburini
Date: October 31, 2016
Subject: Summary Punishment 16-09-IA

Per my order Captain LeDuc, Professional Standards Commander, initiated 16-09-IA as result of your September 15th, 2016 communications with Ms. Jacqueline Tempera of the Providence Journal. On September 20th, 2016 you were provided with your “Notice of Internal Investigation Pursuant to the Law Enforcement Officer’s Bill of Rights, RI General Law 42-28.6-2,” (Notice of IA) and on October 13th, 2016, your video-taped interrogation was conducted by Captain LeDuc, in the presence of your Union counsel, Gary Gentile, Esq., in the Officer of Professional Standards. During this interrogation, you received and signed a copy of your Administrative Rights.

The internal affairs investigation was conducted related to your violation of the following Johnston Police Department Rules and Regulations.

Policy #100.04 Rules and Regulations

- **Section III (D) “Prohibited Conduct”(1)(b)Conduct Unbecoming an Officer– Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.**
- **Section III(D) “Prohibited Conduct” (1) Dissemination of Information–An officer shall treat the official business of the Department as confidential and shall conform to the following guidelines:(1)Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.(2)An officer shall not remove or copy official records, reports or reproductions for a police installation except in accordance with established departmental procedures.(3)An officer shall not divulge the identity of a person giving**

confidential information except as authorized by property authority in the performance of police duties.(4)An officer shall not release to the press or news medical information concerning departmental policy or the evidential aspects of any criminal investigation without prior approval of the Chief or Commanding Officer. Consult with the Chief of Police when in doubt.

Policy # 520.02 Public Information/Media Relations, Chapter 5 Community Relations and services.

- **Section III (A) (1) Persons Authorized to Disseminate Information1.The Deputy Chief of Police is designated as the Department’s Public Information Officer (PIO). Information, however, may be disseminated by the following personnel after approval by the Chief of Police or his designee: a)Uniform Division Commander b)Investigative Division Commander c)Operations and Training Commander d)Traffic/Special Services Commander e)Watch Commander.**
- **Section III (A) (2) Requests from the news media that are directed to specific members of the police department will be directed to the PIO. Members are prohibited from disseminating information or granting an interview on police related matters without expressed approval of the Chief of Police or the PIO.**
- **Section III (E) (1) No member of the Johnston Police Department will discuss any on-going internal investigation with the press/media. Any and all inquiries relating to internal investigations or crisis situations within the Department and the status of such will be referred to the Chief of Police.**

During the course of this investigation, you advised that upon the Request of Joseph Penza, Esq., private legal counsel for Mr. Adam Catamero in the matter of Catamero v. Town of Johnston et al, C.A. No. 16-488, pending in the US District Court for the District of Rhode Island, you on your own volition contacted Ms. Tempera of the Providence Journal. You advised that you spoke with Ms. Tempera on September 15th, 2016 and again sometime after, September 20th, 2016 when you received your “Notice of IA”. You chose to speak with Ms. Tempera at the request of Attorney Penza, about the aforementioned litigation despite the fact that both the Town and the Chief of this department are named as parties therein, and despite your knowledge of the departmental rules and regulations cited herein which prohibit such conduct. Additionally, you stated during your interrogation that you immediately called Ms. Tempera upon exiting the shower, and therefore you did not have time to consult with me or the PIO before speaking with her. It is unclear to me why you felt such urgency to contact Ms. Tempera concerning a departmental matter, rather than make any attempt to first consult with me or the Deputy Chief of Police. Accordingly, I find your actions on September 15th, 2016 to be in violation of Policies #100.01 and 520.02.

Further, you maintain that you spoke with Ms. Tempera in your capacity as President of the International Brotherhood of Police Officers, Local 307 (“IBPO) and not in your capacity as Detective James Brady. However, I have determined that your alleged distinction is not applicable in this instance. And it does not exempt you from the departmental rules and regulations. You were not speaking as a private citizen on matters of public concern, but rather you were speaking as a member of this department on internal departmental matters and as first-hand witness to the statements made by Mr. Catamero, which ultimately lead to his separation from service. You were quoted by Ms.

Tempera on specific internal departmental matters, concerning a former member of this department who is not represented by the IBPO in his private lawsuit. Mr. Catamero was separated from service August 4th, 2016 therefore your comments in September, 2016 concerning him do not relate to union business as you claim. Furthermore, the IBPO is not a named party in said lawsuit, and the IBPO has no affiliation the private constitutional claims asserted by Mr. Catamero therein. During you interrogation you denied making the statements that were quoted by Ms. Tempera, and further claimed that the information was derived from the Complaint filed by Attorney Penza. However, I do not find your statements to be credible.

It is evident that your comments to Ms. Tempera were made in order to bring this department in to disrepute. You implied to Mr. Catamero was separated from service because "high-ranking officers didn't like the (Catamero) did things," and that there were "unwritten rules" in the department that he refused to follow. You made this statement despite your first-hand knowledge of the statements that Mr. Catamero made to you and Lt. Guilmette, which ultimately lead to him being deemed unfit for duty. You chose however, to feign ignorance as to those statements and opine that Mr. Catamero was separated from service because others in the department did not like him. Additionally, upon receipt of the "Notice of IA", you once again immediately contacted Ms. Tempera concerning an on-going departmental internal investigation, which is a clear violation of Policy #520.02 (E) and you once again failed to take any opportunity to discuss same with me or the Deputy Chief prior to contacting the press.

In summary, based upon the entirety of this investigation, I find your testimony concerning these matters to not be credible, and I find you violated the following

1. Policy #100.04, section III(D)(1)(b);
2. Policy #100.04, section III(D)(1)(v);
3. Policy #520.02, section III(A)(2); and
4. Policy #520.02, section III (E)(1)

Based upon these violations of said departmental rules and regulations, I am giving you two (2) days suspension without compensation. Major Levesque will be notifying you as to the dates of suspension. I now consider this matter, IA-09-16, to be closed.

Per Order,



Richard S. Tamburini
Chief of Police

Received by 

Date: 10-31-16