

Lisa Tomyl

From: Frank Widmayer
Sent: Monday, December 29, 2014 11:18 AM
To: Lisa Tomyl
Cc: Steve Ledoux; Mark Haid
Subject: Po's BBQ over-serving incident
Attachments: Po's BBQ Overserving incident.pdf

I have attached the reports related to an alcohol beverage over-serving incident at Po's BBQ that occurred on 12/7/2014.

I recommend that the manager of Po's be called in to a meeting with the Board of Selectmen to discuss the incident.

Frank J. Widmayer III
Chief of Police

Acton Police Department

P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911



Incident Number: 2014000019887

File No: N/A

Dispatch Incident Number: 2014000021910

Print Date: December 9, 2014

Printed By: rburrows

Incident Report

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sun	12/07/2014	7:56:00PM		Sun	12/07/2014	7:56:00PM		12/7/2014	7:58:18PM	
Reported As Vehicle Crash With Injuries F:004491 P:019				Incident Type - Primary Vehicle Crash With Injuries				Arresting Officer			
Incident Address 489 GREAT RD, ACTON, MA 01720								Reporting Officer Patrol Officer David Joachim			
Sector NOR		Stat. Area North Precinct Map C4		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A						Incident Types - Other					

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	Address
Caller	[REDACTED]	[REDACTED]	M	[REDACTED]	N/A	N/A	GREAT RD, ACTON, MA 01720
Victim	[REDACTED]	[REDACTED]	M	N/A	N/A	N/A	[REDACTED], LITTLETON, MA 01460
Other	[REDACTED]	[REDACTED]	F	N/A	[REDACTED]	N/A	[REDACTED], LITTLETON, MA 01460-1981
Other	[REDACTED]	[REDACTED]	M	N/A	N/A	N/A	[REDACTED], LEOMINSTER, MA 01453-2742
Other	[REDACTED]	[REDACTED]	M	(407) 790-2805	(978) [REDACTED]	N/A	Apt #: 5, ACTON, MA 01720
Other	[REDACTED]	[REDACTED]	F	N/A	(978) [REDACTED]	N/A	[REDACTED], LITTLETON, MA 01460

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Sergeant	John P Cooney	Responding Officer	Acton Police Department
Patrol Officer	David C Joachim	Reporting Officer	Acton Police Department
Patrol Officer	David C Joachim	Responding Officer	Acton Police Department
Patrol Officer	Stephen N McCarthy	Responding Officer	Acton Police Department
Patrol Officer	Ana Dapkas	Responding Officer	Acton Police Department

No Involved Officers Data Available for Incident #: 2014000019887

Victims						
Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A	[REDACTED]	Male	Caucasian	Not Hispanic	N/A	N/A

Acton Police Department

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Incident Number: 2014000019687

File No: N/A

Dispatch Incident Number: 2014000021910

Print Date: December 9, 2014

Printed By: rburrows

Incident Report

Narratives for Incident Number 2014000019687 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrol Officer David Joachim Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
12/07/2014 21:42	Hit and run	Patrol Officer David Joachim	Closed	Sergeant Daniel Silva	12/08/2014

On the above date and time I responded to 469 Great Rd for report of a pedestrian that had been struck by a car. Upon arrival I saw AFD treating a male (later identified as [redacted] who was conscious and sitting on the bench in front of the store. I also witnessed a male named [redacted] and a male named [redacted] standing off to the side.

I first spoke to [redacted] who stated he had just left his house at 477 Great Rd and was travelling east on Great Rd when he saw a male [redacted] laying in the parking lot of Acton Convenience. [redacted] pulled into the lot and saw that [redacted] was hurt so he called 911 to report the incident. [redacted] stated he did not witness any vehicle or people in the area he only saw the male lying in the parking lot.

I then spoke with [redacted] who was working as the clerk at Acton Convenience at the time. I asked if he saw anything related to this incident and he said no, not until he came outside and saw [redacted] trying to help [redacted]

I then spoke to [redacted] and asked what happened, I noticed [redacted] to have cuts and scrapes to his forehead, hands, arms and he also was complaining his knees and ankle were hurting him. [redacted] stated he just got dropped off at Acton Convenience by his sister [redacted] to buy a pack of cigarettes when he was walking out of the store he got hit from behind by a car. I asked [redacted] if he could give me a description and he stated he didn't see anything. I asked him where his sister was and he stated he has no idea she must have left and that he was going to go sleep at his friend [redacted] house. While speaking with [redacted] I detected a strong odor of alcoholic beverage emanating from his breath, I asked if he had been drinking and he stated "Yes". I asked him where and he said "Po's BBQ". At this point AFD transported [redacted] to Emerson Hospital. Myself and Sgt. Cooney checked the parking lot and found no sign of any physical evidence in the lot or surrounding area.

I then went back into the store and spoke to [redacted] and asked him if [redacted] had come in the store and he said "No, he never came in here." I asked if he was sure and he said "Yes, I haven't seen him tonight."

Ofc. McCarthy then radioed that he had located a male ([redacted]) that was intoxicated in the area of 424 Great Rd and that he was placing him under protective custody (see incident #19688). Ofc. McCarthy was able find out that [redacted] had been with [redacted] and [redacted] this evening at Po's BBQ. It was discovered that [redacted] is dating [redacted] and the three of them were all out together. [redacted] would/could not relay any other useful information.

I then went to Emerson Hospital to follow up with [redacted] I asked him if he knew an [redacted] and he said "No, never heard of him". I then informed him that [redacted] was at the Police station and stated that he knows [redacted]. At this point [redacted] said "Is [redacted] ok?" I then said so you do know him and [redacted] stated, yeah I lied. [redacted] then told me that [redacted] is his sisters boyfriend and that the three of them were drinking at Po's BBQ and that on their way back to Littleton [redacted] and [redacted] got into an argument. [redacted] then told [redacted] to pull over so he could get cigarettes at Acton Convenience. [redacted] stated he got out of the car and lit a cigarette instead of going inside which pissed [redacted] off so she then drove off with [redacted] leaving [redacted] in the lot. [redacted] decided to just go sleep at his friend [redacted] house who lives nearby and that is when he got hit from behind by a car in the parking lot. I asked [redacted] if [redacted] hit him with the car and he said "No, she was long gone." I asked [redacted] why he was lying to me earlier about [redacted] and he stated "I just don't want to drag anyone else into this, and I have bad experience with telling cops the truth." [redacted] told me he didn't care about the car that hit him and that he doesn't remember anything else. [redacted] stated he thinks he might have a concussion and that he is confused. I then told him that if he thinks of anything else to call me at the Police Station.

I then returned to the station and Ofc. McCarthy informed me that [redacted] was also not saying anything. A female, [redacted] the other sister of [redacted] and [redacted] had come to the PSF to pick up [redacted] stated she doesn't know what is going on, only that her sister [redacted] is at home right now and asked her to go pick up [redacted] gave me a phone number for [redacted] that I attempted to call but it went to a voice mailbox that was not set up yet.

Acton Police Department
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Incident Number: 2014000018687
File No: N/A
Dispatch Incident Number: 2014000021910
Print Date: December 9, 2014
Printed By: rburrows

Incident Report

Narrative by: Patrol Officer David Joachim Division: Acton Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
12/07/2014 21:42	Hit and run	Patrol Officer David Joachim	Closed	Sergeant Daniel Silva	12/08/2014

At this point due to lack of cooperation of all parties involved this incident remains open.

Respectfully Submitted
Ofc. Joachim #94

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

12/07/2014 21:00:49

94DJ/98SM/E22/R33/ALS to the above for a party struck by a vehicle. R33 to the Emerson mile 738-743

Acton Police Department

P. O. Box 2212
 371 Main Street
 Acton, MA 01720
 978-263-2911



Incident Number: 2014000019688

File No: N/A

Dispatch Incident Number: 2014000021912

Print Date: December 9, 2014

Printed By: rburrows

Incident Report

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On/From	Date	Time
	Sun	12/07/2014	8:07:00PM		Sun	12/07/2014	8:07:00PM		12/7/2014	8:07:46PM
Reported As			Incident Type - Primary			Arresting Officer				
Disturbance P:019688			Disturbance			Patrol Officer Stephen McCarthy				
Incident Address						Reporting Officer				
426 GREAT RD, ACTON, MA 01720						Patrol Officer Stephen McCarthy				
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
CEN		North Precinct Map C5								
Business Name				Incident Types - Other						
N/A										

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	Address
Arrested	[REDACTED]	1/16/1987	M	N/A	N/A	N/A	[REDACTED] Leominster, MA 01453

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrol Officer	Stephen N McCarthy	Reporting Officer	Acton Police Department
Patrol Officer	Stephen N McCarthy	Responding Officer	Acton Police Department

No Involved Officers Data Available for Incident #: 2014000019688

Arrestee Sup. # 1											
Suspect Type		Suspect Name			Alias/Nickname		Occupation		Probation Central File		SSN
Named		[REDACTED]			N/A		N/A		5008062		N/A
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color		
[REDACTED]	27	Male	Caucasian	Not Hispanic	Medium	79.00	220	Hazel	Brown		
Scars / Marks / Tattoos / Other Physical Characteristics:											
No Physical Characteristic Data Reported											

Acton Police Department
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Incident Number: 2014000019688
File No: N/A
Dispatch Incident Number: 2014000021912
Print Date: December 9, 2014
Printed By: rburrows

Incident Report

Narratives for incident Number 2014000019688 ? Yes
Other Narratives not authorized for print? None
Narratives this user authorized to print:

Narrative by: Patrol Officer Stephen McCarthy Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
12/07/2014 21:48		Patrol Officer Stephen McCarthy	Closed	Sergeant John Cooney	12/07/2014

On December 7, 2014 I was working the 3-11 p.m. shift in marked cruiser #29. At approximately 8:07 p.m. while responding to assist Officer Joachim on a pedestrian struck by a vehicle in the area of 469 Great I observed a male staggering down Great Rd. heading east bound in the area of 426 Great Rd. I observed the male stagger out into traffic and then back onto the shoulder of the road. I turned my cruiser around and approached the male, I then observed the male to stagger and trip over the rock wall in front of 426 Great Rd. When the male tripped I observed him flip over and land on his back, when I got up to the male he was on his back attempting to get up but just could not get up on his own so I assisted him to his feet. I could immediately detect a strong odor of an alcoholic beverage emanating from his person and he was swaying from side to side. I asked the male what his name was and he stated [REDACTED]. I asked [REDACTED] if he had been drinking and he stated he was drunk and told me he was just a short walk from his home at [REDACTED] in Leominster MA. Due to my observations, [REDACTED] statements about being in Leominster while he was actually in Acton, his close proximity to a busy roadway, and admitting to being drunk I placed [REDACTED] in protective custody Sgt. Cooney arrived to assist and I transported [REDACTED] back to A.P.D. to be booked. While transporting [REDACTED] back to A.P.D. he stated he was out with his girlfriend [REDACTED] and her brother [REDACTED] at Po's bbq, I asked [REDACTED] where they were now and he stated it did not know. I then contacted Officer Joachim and asked him what the name of the victim of the pedestrian accident and he stated [REDACTED]. I advised Officer Joachim that the P.C. admitted to me he was with [REDACTED] earlier. I asked [REDACTED] if he knew what happened to [REDACTED] and he stated he had no idea.

Officer Krug assisted me with getting [REDACTED] into the booking cell while I was attempting to take my handcuff on his right hand the key/lock malfunctioned and I could not get the handcuff off [REDACTED]. Myself and Officer Krug used a bolt cutter and attempted to remove the cuff with no luck. A.F.D. was called and they were able to get the handcuff off with a larger bolt cutter. [REDACTED] right wrist had some bruising and redness as a result of us attempting to take the handcuff off (photo's are attached). [REDACTED] stated he was a little sore but did not need medical attention. [REDACTED] was offered the breathalyzer but he refused. See Officer Joachim's report 2014- 19687

Stephen McCarthy

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

12/07/2014 20:27:37

98SM out with a male stumbling. 98SM returned with one under PC. See report.

Frank Widmayer

From: Frank Widmayer
Sent: Monday, December 15, 2014 11:14 AM
To: Steve Ledoux; Mark Hald
Cc: Lisa Tomyl
Subject: FW: PO's Bar receipt December 7
Attachments: 2014 December 7 Po's Ribs and Barbecue Great Road.pdf

The Tanqueray and Crown Royal were purchased by the customers for others at the bar.

Frank J. Widmayer III
Chief of Police

From: Jim Cogan
Sent: Saturday, December 13, 2014 8:21 AM
To: Frank Widmayer
Cc: Rich Burrows
Subject: PO's Bar receipt December 7

Chief,

On Thursday December 11th at 4:00PM I was provided a copy of the attached bar receipt from PO's Ribs and Barbecue at 344 Great road. Feng Cheng who provide the receipt to me explained that 1 order of Tangueray and 1 order of Crown Royal that are shown on the receipt were purchased for 2 separate customers who were also seated at the bar and not consumed by those involved with the accident at 469 Great Road.

James A. Cogan
Detective Lieutenant
Acton Police Department
371 Main Street
Acton, MA 01720
(978)929-7518
icogan@acton-ma.gov

0023

PO's Ribs and Barbecue
344 Great Road
Acton, MA 01720
Phone (978)284-3100

Date: Dec 07, 2014 Time: 07:33PM
Server: Admin
Bill: 0023

2	Budweiser	7.00
2	Heineken	7.90
1	Tanqueray	6.50
1	Crown Royal	7.50
1	Full Rack Po's Ribs Platter	24.95
	Mashed Potatoes	
	Baked Beans	
1	Fried Calamari	7.50
1	1/2 Rack Po's Ribs Platter	13.95
	Mashed Potatoes	
	Broccoli	
3	Mai Tai	17.85
	Subtotal	93.15
	Meal Tax	5.80
	Total	98.95