

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

_____)
 BOSTON POLICE COMMISSIONER)
 DENNIS WHITE,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF BOSTON AND)
 ACTING MAYOR KIM JANEY,)
)
 Defendants.)
 _____)

E-FILED 5/19/2021

Civil Action No. 2184CV01138

AFFIDAVIT OF BOSTON POLICE DEPARTMENT
COMMISSIONER DENNIS WHITE

Dennis White, on oath, hereby states as follows:

1. I am the Commissioner of the Boston Police Department (“Commissioner”), and make this affidavit based on my personal knowledge.

Commissioner White has served the City as a first responder his entire adult life.

2. I am 60 years old and have been a first responder for the City of Boston for the last 38 years – my entire adult life.

3. I started out as a firefighter for the Boston Fire Department in October 1983, following in my father’s footsteps who was a lifelong Boston firefighter. I worked as a firefighter for 5 ½ years.

4. I felt I could be more useful as a police officer, and therefore I entered the Police Academy in 1989.

5. I graduated from the Academy and became a police officer in the Boston Police Department (“BPD”) in 1989 and have served as a Boston police officer for the last 32 years.

6. I worked my way up the ranks. I served as a patrol officer from 1989 to 1997. In December 1997, I was promoted to Sergeant. In March 2007, I was rated as Sergeant Detective. In September 2012, I was promoted to Lieutenant.

7. The Command Staff are the top BPD leaders. Every promotion to or within the Command Staff is approved by the Mayor. There is a vetting process, especially for new candidates to the Command Staff. In December 2013, I was being considered by Mayor-elect Walsh for promotion to the Command Staff as Deputy Superintendent. My Internal Affairs file was reviewed as part of that vetting process.

8. After vetting of my IA file and with Mayor Walsh’s approval, I was promoted to the Command Staff as Deputy Superintendent in January 2014.

9. I was promoted to Superintendent in August 2018, and simultaneously appointed as the Commissioner’s Chief of Staff – the third highest-ranking position in the Boston Police Department. Mayor Walsh approved this promotion. As Superintendent, Chief of Staff, I oversaw the administration of the BPD.

10. In February 2019, I was awarded the civil service rank of Lieutenant Detective in recognition of my ongoing investigative duties.

Commissioner White is appointed Commissioner and placed on administrative leave two days later for the alleged purpose of an investigation into a 20-year old domestic violence allegation.

11. On February 1, 2021, I was appointed Commissioner by Mayor Walsh.

12. On February 3, 2021, I was placed on administrative leave. I was told the City would conduct an investigation into an old and false allegation made by my then estranged wife

during our divorce proceedings that I threatened to shoot her and her male friend. I never made such a threat.

13. I objected to the investigation on numerous grounds. The **first reason** I objected to the investigation was the lack of any basis for such an investigation. Mayor Walsh already determined that I was qualified and the right person for the position, and therefore appointed me based on my entire record. That record included my many years of exemplary service as a senior member of the Command Staff and an officer at the BPD. It also included the decades-old allegation of my ex-wife, Sybil White (“Sybil”), which was fully vetted when it was made and has been known to the BPD and the City ever since.

14. The **second reason** I objected to the investigation is that the decision to put me on administrative leave and to investigate Sybil’s allegation of domestic abuse immediately and predictably turned my family upside down and caused substantial harm to us, including my children. Tiffany made a public statement I was not the one who was the abuser, that her mother was the abuser. I objected to the investigation because I knew the old wounds it was going to re-open and I did not want that. Unfortunately, the investigation proceeded and the harm has been done.

15. The **third reason** I objected to the investigation is that I am being treated differently from all prior Commissioners who have been promoted from BPD’s ranks. None of these other Commissioners had to undergo any investigation beyond a review of their record as an officer at the BPD. It is my understanding that Acting Mayor Janey conducted this exact same level of review on Superintendent Nora Baston – an investigation of her police files at the BPD in less than two days. There is no precedent for investigating a Commissioner for the job *after* he has been appointed.

16. The **fourth reason** I objected to the investigation was evidence that it was being conducted in bad faith. I learned that shortly after the investigation began, the City considered trying to terminate me on the groundless theory that I had not satisfied an alleged residency requirement when I served on the Command Staff. I have never been in violation of any residency requirement. The residence rule changed after I was on the Command Staff and people on the Command Staff who already lived outside Boston when the rule changed were exempted, which included me and Acting Commissioner Gregory Long, among others. The fact that there was an effort to terminate me during the investigation on false grounds indicated to me it was a pretext to try to get rid of me.

17. The **fifth reason** I objected to the investigation was that the City itself did not believe it was appropriate. After several weeks, the investigation was cancelled. Then, only a week later, it was restarted. Again, if the investigation was being conducted in good faith, it would not have been cancelled and then restarted a week later, without any explanation.

18. The **sixth reason** I objected to the investigation was its initial scope. It was limitless. I was told that the investigation concerned Sybil's allegation that I had threatened to shoot her. But the investigator was saying it was limitless. It made no sense to me that the investigator was asking for tax returns and authorization for my credit scores when I was told the investigation was about an allegation of domestic violence. Later, the City and investigator clarified the scope of the investigation: it would be limited to matters relating to my Internal Affairs records and Personnel records and other information obtained related to my Internal Affairs records. A copy of an email from the investigator dated April 9 and a copy of a letter from Henry Luthin clarifying the scope are attached hereto at Exhibits A and B. Based on this

scope, I understood the investigation to be about allegations I committed domestic violence more than twenty years ago.

Sybil White's allegation that I threatened to shoot her was false.

19. I want to address Sybil's allegation in 1999 that I threatened to shoot her and her friend, which was the original reason for the investigation and is now one of the reasons that the Acting Mayor decided to terminate me. **The allegation is false**, Sgt. Det. Mary-Ann Riva, who investigated Sybil's allegation in 1999 concluded that I had not threatened to shoot Sybil White and her friend and that I was not a threat to her or her male friend. Sgt. Det. Riva's affidavit is attached to the Complaint in this matter. In addition, the BPD conducted a follow-up investigation and did not find a basis to sustain the charges concerning an alleged threat by me against Sybil and her friend.

20. Notably also, Sybil did not file a criminal complaint against me at the time, because no crime was committed. Also, our adult daughter, Tiffany White, has publicly stated that Sybil's allegation of domestic violence was untrue and that Sybil was the aggressor in our relationship.

21. **What actually happened?** By 1998, Sybil's and my marriage had been coming apart for several years. We owned a house in Dorchester, but we lived separately. She used the first-floor apartment and I lived in the upstairs apartment on the third floor. Our children, Tiffany and Brittany, had rooms on the second floor and moved freely between the two apartments. I still cared about Sybil and was upset because I had reason to believe that she was in a relationship with another man, Boston Police Officer Steven Horne.

22. In the summer of 1998, I observed Sybil driving to meet Officer Horne at his house. She parked in front of his house and he came out of the house to meet her. He went back

inside when he saw me there. I asked Sybil, "What are we doing here with our marriage?" I asked if the marriage was permanently over. She did not answer, got into the car, and drove away. I was upset and hurt.

23. I then knocked on Steven Horne's door. We had a conversation. I asked him if he was having an affair with Sybil. He asked, "What did she tell you?" He would not say if he was having an affair, but it was clear to me they were in a relationship. I told him, "If you want, bring your vehicle over and take her and all her things if you want. But otherwise don't come by the house again." I did not threaten him or tell him I would "fuck him up" or "kick his ass" as he has alleged.

24. At least 3-4 months later, in December 1998, I was driving through Dorchester on patrol with Officer Wayne Hester, and I saw Linda Figueroa in her car. Linda was a family friend at the time. I had not seen her in a long while and got out of the police cruiser and had a friendly conversation with her. During that conversation, we got to talking about Sybil and Steve Horne. I told Linda about what had happened during the summer, as described above, and said to her, that when it happened I felt so upset I could have shot both of them. But I told her I was done with the marriage and was moving on. I made this statement only to express my feelings -- how upset and hurt I had been several months before when the incident happened -- and not as a threat or to convey a threat to Sybil. The conversation was calm and friendly with Linda and she ended it by asking if I wanted to come for dinner that night. Clearly, Linda did not view my statement as a threat, and it was not a threat.

25. I subsequently learned that 4 months later, in April 1999, Linda mentioned what I had said to Sybil. If she actually thought I was threatening to shoot Sybil, who was her friend, she would not have waited 4 months to tell her what I said.

26. Sybil apparently did not view it as a threat either. I learned from her court papers in May 1999, that she waited 3 weeks after hearing about what I said to Linda before she went to the police and the court. In fact, she did not report it until May 4, 1999, when I finally told her to get a lawyer because I was divorcing her. She immediately exploded in anger making an expletive laced phone call to me while on duty which was witnessed by a police officer and reduced to a report. That police report is attached to Sgt. Det. Mary-Ann Riva's affidavit. That same evening she went to the police and made the false report that I threatened to shoot her and her male friend 3 weeks earlier. The statement was false. I did not threaten to shoot her and her friend, and the conversation I had with Linda happened five months earlier, not three weeks earlier.

27. She made that false statement to a police officer and then to the court as part of the process of seeking a restraining order against me. I believe the reason she made the statement was because she was angry at me and because she wanted to gain an advantage in the divorce and custody proceedings. As soon as I agreed to assume all the financial obligations for the house and paying for Brittany's private education, which happened in June or July 1999, Sybil dropped the restraining order. I was not a threat to her, and she was not afraid of me. She was looking for a financial advantage in the divorce and she got it. With her agreement, the Court vacated the restraining order, and I moved back into our house and lived there with her and the children until our divorce was finalized in 2001, 1 ½ years later.

28. Since our divorce twenty years ago, Sybil and I have worked on the same police force without incident. We have met courteously at social gatherings on a few occasions.

29. In the investigator's report, there are other allegations that I physically abused Sybil. They are all false. In fact, Sybil stated in her report to the police officer on May 4, 1999,

there had been “**no physical abuse**” in our relationship. As an officer, she was and is duty-bound to tell the truth especially in the context of a court proceeding such as a restraining order application which she had begun.

Commissioner White acted in appropriate self-defense and did not engage in domestic violence against his niece-by-marriage who attacked him in 1993.

30. I also want to address the 1993 incident because the Acting Mayor has cited it as a reason for terminating me. At the time, I and Sybil had offered Sybil's 19-year old niece a place to stay because she was having some sort of difficulty at home with her family. We had room in our house and therefore allowed various family members to stay with us when they were having hard times. She stayed with us for I believe several months. When she was leaving, she refused to return our house key and was swearing repeatedly at me in front of our young children and two other young relatives who were with me. I took her by the arm and escorted her down a few steps and outside the house. She continued to swear at me and to refuse to return the house key. She then physically attacked me, hitting me in the chest and at some point attacking and kicking my left knee which was seriously injured. In fact, I was on injured leave due to my knee injury, which was so severe that it kept me out of active duty for several years and nearly cost me my police department career. I felt very concerned when my niece attacked my knee with a kick and I reacted in self-defense by swatting her away with a swing of my arm. I did not strike her with a fist. My hand was open. That ended her attack. She threw the house key on the ground and left, threatening that she would come back with her friends. Her assault on me was witnessed by a neighbor who confirmed that I responded only after she kicked me in the injured knee. I reported the incident immediately to the police. Later, I took out a complaint on her and she took out a complaint on me. The court dismissed both complaints.

31. Contrary to the allegation from an unidentified witness in the report, I never made sexual comments to or about her and did not make any sexual advance on her.

Commissioner White cooperated in the investigation

32. I cooperated in the investigation. The only record that I was required to provide was authorization for my CORI report, which I provided. Since I have no criminal record as demonstrated by my CORI report, which the investigator obtained, I did not expect the investigator to ask questions about my criminal record, and she did not.

33. I sat for a full interview by the investigator. I answered all her questions truthfully and the interview only stopped when the investigator exhausted her questions. I did not end the interview, the investigator did.

34. On the advice of my attorney who was present during the interview, I did not answer the following questions: an initial question about what if any medications I was currently taking, and questions about my private sexual activities with consenting adults over the last thirty years or so. I did not answer the medications question because that is private health information, but I did agree to answer a follow-up question about whether I was on any medications that would interfere with my ability to answer the investigator's questions truthfully during the interview. I responded there were none. As for my personal sex life with other consenting adults, including my wife, that does not seem to be relevant or anyone else's business. At the end of the interview, which lasted more than an hour, the investigator said she did not know if she would see me again, which I took to mean we were finished. Some time later, she asked for a second follow-up interview. Acting Mayor Janey never told me I had to sit for a second, follow-up interview. However, I agreed to answer the investigator's follow-up questions if she would put them in writing. The investigator declined to provide her follow-up questions in writing.

The City unlawfully refused my repeated requests for a copy of the investigator's report.

35. The investigator provided a copy of her report to the Acting Mayor on about Thursday, April 29, but the City refused to provide me with a copy until May 14, 2021, despite my repeated written requests for a copy. The report was and is a personnel record. I had a right to see it within five days of asking, but I did not get it for over two weeks after I was told about the Acting Mayor's decision to terminate me.

The Acting Mayor did not provide meaningful notice or a meaningful hearing.

36. On Friday, May 14, 2021, at about 10:00 a.m. I received a call from Acting Mayor Janey. During my administrative leave, we had only spoken once before to discuss my status and the investigation. During that prior call, she only said the City was going to complete the investigation and then she would make a decision about me.¹

37. In her call to me on May 14, the Acting Mayor stated that she was going to move in a new direction and was going to terminate me that day. She told me there would be a hearing at 3:00 p.m., and then she would announce her decision. It was clear to me she had made up her mind to terminate me.

38. Shortly after this call, Superintendent Nora Baston called me. She told me that the Acting Mayor was going to appoint her as the new BPD Commissioner later that day and she was told to be at City Hall at 3:00 p.m. that day. She said the Acting Mayor had told her two days earlier that she was the Acting Mayor's choice to be the next Commissioner. I wished Superintendent Baston well and the call ended. This call made it even more clear that the so-called "hearing" for me at 3:00 p.m. was a sham and the outcome was already decided.

¹ Mayor Walsh also did not communicate with me during my administrative leave until May 14, 2021 when he called to apologize.

Commissioner White objects to the notice of termination letter because the grounds for termination are false and do not constitute “cause.”

39. The City provided me a copy of a notice of termination letter from Acting Mayor Janey on May 14, 2021, at 10:48 a.m. The City also provided me with a copy of the 19-page investigator’s report at the same time.² The report does not identify witnesses and is based largely, if not entirely, on hearsay. Both were sent to me by e-mail after the Acting Mayor and I had spoken.

40. With respect to the Acting Mayor’s letter, I object to her decision to terminate me for the reasons she provided in the letter because they are based on false information and do not constitute “cause” for my termination.

41. Her first reason for termination is “the information contained in the independent investigation regarding complaints of domestic violence and abuse filed in 1993 involving your then-niece-by-marriage and in 1999 involving your then-wife, and your responses thereto.” I denied the allegations in 1993 and 1999 and I deny again those allegations of domestic violence and abuse. I also deny other allegations of domestic violence and abuse made by unidentified persons in the investigator’s report, which were unfamiliar to me and had never been made before.³ I am prepared to fully defend myself against those charges at a full and fair hearing with the right to present witnesses and to cross-examine witnesses against me, and I request that opportunity.

42. I object to the Acting Mayor’s second reason to terminate me due to alleged “lack of cooperation and judgment during that investigation.” As mentioned, I cooperated with the

² Copies of the Acting Mayor’s letter and the investigator’s report are attached at Exhibits C and D.

³ I also deny any past mental health issue, which was falsely suggested in the investigator’s report.

investigation. The Acting Mayor knew that I sat for a full interview and agreed only to answer follow-up questions if in writing. The Acting Mayor did not inform me that I was required to sit in person to answer follow-up questions on a second day or that my willingness to answer follow-up questions in writing was unacceptable. The Acting Mayor also criticizes me because I refused to provide certain documentary information at the beginning of the investigation. However, the investigator's request for that documentary information, including tax returns and authorization for my credit history, was outside the scope of the investigation, as the City itself defined the investigation. See Exhibits A and B.

43. I object to the Acting Mayor's third reason to terminate me for appearing at my office while on administrative leave for the Zoom interview with the investigator and "at other times." The Acting Mayor concludes that this "raised the potential for confusion" and "may have intimidated witnesses who were asked to participate in the independent investigation." I recall only four visits to the office during my administrative leave. I appeared for a Zoom meeting with Acting Mayor Janey from my office with my attorney present to discuss my status and the investigation. I could not conduct it at my house with my attorney present with me because my wife is very immune compromised due to a serious health issue, and I also needed to obtain copies of documents. Acting Mayor Janey did not notify me that my presence at BPD Headquarters was a problem. I appeared at my office for the Zoom interview with the investigator for the same reason. On another occasion, I came to the office to retrieve a file that the Command Staff wanted to use. It was the form I had been using as Chief of Staff to track diversity and inclusion statistics in BPD employment matters. The Command Staff needed the statistics for a City Council hearing and they wanted to use the form as the model for tracking such data going forward. The fourth time I came to the office was again to retrieve a document

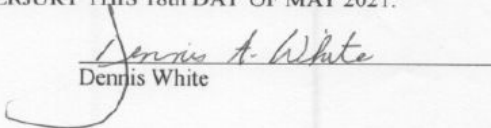
the Command Staff wanted from my computer. As Chief of Staff, I kept track of the assignment of new cars within the police department. There were new cars arriving that I had already allocated as Chief of Staff and they wanted to rely on my allocation for these cars, and they wanted to use the form as a template for the allocation of new car orders in the future. On each of the four occasions I did go to the office, I went directly into the secure garage and elevator that takes me directly to the floor where my office is, and I left the same way. Therefore, I had very minimal contact with anyone at the BPD during these visits. There was no intent to confuse or intimidate anyone, and I do not believe anyone was confused or intimidated. I was never instructed by anyone at City Hall that during my administrative leave I was not to enter BPD headquarters or access my computer.

44. I object to the Acting Mayor's fourth reason to terminate me: "At no time during the investigation into the earlier domestic violence allegations did you express any appreciation for the importance of domestic violence concerns to the public or how it might affect the public's perception of how it might affect the ability of the BPD to respond to incidents of domestic violence...." I was on administrative leave during the investigation and did not believe I had authority to speak publicly on the matters under investigation or that it would be appropriate to do so. I certainly was unaware that the Acting Mayor expected me to speak publicly on this issue or any matter concerning the investigation. It seems unfair to terminate me for not speaking out, while simultaneously terminating me for visiting the office on a few occasions. If the Acting Mayor believes visiting the office could cause confusion and intimidate, I could imagine if I had spoken out publicly I might be criticized even more harshly for causing confusion and seeking to intimidate witnesses.

The investigator's report has had a devastating impact on Commissioner White's reputation.

45. The investigator's report, which was made public by the Acting Mayor, has had a devastating effect on me. It is filled with false allegations of the most serious nature, including allegations I committed the crime of domestic violence, and has caused the most severe damage to my reputation with the general public. It has caused terrible pain to my family and friends. I believe I am entitled to a hearing before this Court where I can present evidence, including witnesses, and can confront and cross-examine any witnesses against me in order to challenge my termination and to restore my reputation. Unless I am allowed such a hearing, my reputation and ability to work in my profession will be irreparably destroyed.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 18th DAY OF MAY 2021.


Dennis White

EXHIBIT

A

From: Tamsin Kaplan <tkaplan@DavisMalm.com>
Sent: Friday, April 9, 2021 1:47 PM
To: Carter, Nick
Subject: Independent Investigation: Commissioner Interview

Hello Nick,

Thank you for your call this morning. As discussed, the areas of questioning that I anticipate for Commissioner White's interview on Thursday April 15 are as follows. Again, I request that we begin at noon and reserve the entire afternoon for this interview and that Commissioner White be available to attend a second interview as needed. The interview will be conducted via Zoom and a paralegal will be present to take notes. I understand that you will be attending. I request that you observe and not interfere with the interview.

Please confirm promptly. Thank you.

Tamsin

Personnel records and related issues

Internal Affairs record and related issues

Court documents related to Internal Affairs record and related issues

CORI check and related issues

Questions arising from witness interviews relating to the above areas

Questions arising from review of the above areas

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EXHIBIT

B

From: Henry Luthin <henry.luthin@boston.gov>
Sent: Friday, April 9, 2021 2:13 PM
To: Carter, Nick
Subject: Scope of Investigation
Attachments: Engagement Letter and First Amendment.pdf; Davis Malm Amendment.pdf
Categories: Holiday cards

Hello Nick,

Attached please find the engagement letter with Attorney Kaplan and first and second amendments to the engagement letter.

Ms. Kaplan is to look at the IA files, Personnel file, CORI report, labor relations file, and talk to witnesses and issues arising from these.

Henry

Henry C. Luthin
Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201

617.635.4099 (o)
617.594.1645 (c)

EXHIBIT

C



City of Boston, Massachusetts
Office of the Mayor
KIM JANEY

May 14, 2021

By Electronic Mail

Commissioner Dennis A. White
9 Rae Circle
Randolph, MA 02368

RE: Notice of Intent to Dismiss

Dear Commissioner White:

Current events have focused attention on the administration of police departments and the conduct of police. As Boston's Acting Mayor, I am committed to making the changes required to build the trust and confidence in the Boston Police Department ("BPD") and to make the changes required to ensure public trust in the BPD and how it does its work. It is imperative, therefore, that I have complete confidence in the Police Commissioner, who will be the person in charge of implementing those changes, and who is willing and able to work with me and lead the required changes.

When I became Acting Mayor, you were on administrative leave and an independent investigation was already taking place. Now, having received the independent report (enclosed) commissioned by my predecessor and the letters and emails from your attorney, I am notifying you of my intent to dismiss you from the position as Commissioner of the Boston Police Department ("BPD") due to the following:

- The information contained in the independent investigation regarding complaints of domestic violence and abuse filed in 1993 involving your then-niece-by-marriage and in 1999 involving your then-wife, and your responses thereto. It is particularly concerning that you failed to demonstrate an appreciation for the reasons for the public's concerns about these incidents when you were assuming the leadership of the BPD.
- As the Police Commissioner you were being investigated on a matter of public interest and concern. Your lack of cooperation and judgment during that investigation including your initial refusal to complete forms for a background check, refusal to answer all questions posed by the investigator, and your refusal

to meet for a follow-up/second interview are particularly troubling. As Commissioner, you serve as a role model and represent the entire Department and must conduct yourself in a manner befitting that position.

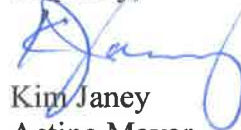
- You appeared for your interview with the independent investigator in the BPD Commissioner's office, as well as at other times at BPD headquarters, while on administrative leave. Such conduct, at the very least, gave the appearance that you were still in charge and raised the potential for confusion. At worst, your presence was a reminder of the power of the Police Commissioner and may have intimidated some of the witnesses who were asked to participate in the independent investigation. This reflects poor judgment.
- At no time during the investigation into the earlier domestic violence allegations did you express any appreciation of the importance of domestic violence concerns to the public or how it might affect the public's perception of the ability of the BPD to respond to incidents of domestic violence. Your approach to the concerns raised about the domestic violence allegations against you was consistently dismissive and uncooperative, which reflects poor judgment given your role as the leader of the BPD that is regularly called upon to address domestic violence in our community.

The conduct described above individually and/or collectively causes me to conclude that you do not possess the qualities that are essential to lead the BPD going forward and provide "cause" for me to remove you as Police Commissioner at this time in advance of 2022 when the term of your appointment concludes.

A hearing via Zoom will be held this afternoon at 3:00 p.m. You will be sent log-in information. This will give you an opportunity to provide me with any information you want me to consider before I make my final decision. You may be represented by an attorney at this hearing.

Should you have any questions please direct them to Henry C. Luthin, Corporation Counsel.

Sincerely,



Kim Janey
Acting Mayor

Enclosure

cc: Nicholas B. Carter, Esquire
Henry C. Luthin, Corporation Counsel
Personnel File

EXHIBIT

D



DAVIS MALM
ATTORNEYS

MEMORANDUM

TO: Henry C. Luthin, Corporation Counsel
Susan Weise, First Assistant Corporation Counsel
City of Boston

FROM: Tamsin R. Kaplan

DATE: April 29, 2021

SUBJECT: **Independent Investigation in the Matter of Police Commissioner Dennis A. White**

I. INTRODUCTION

I was engaged as an independent outside investigator by Eugene O’Flaherty, Corporation Counsel for the City of Boston under the Walsh Administration, on February 12, 2021. In summary, my role as a neutral investigator was to obtain and review information relating to Boston Police Commissioner Dennis A. White,¹ including but not limited to past allegations of domestic abuse against him by his then-niece-by-marriage Tyhisha Owens in 1993 and by his then-wife Sybil White, now Sybil Mason, in 1999. I was instructed by Attorney O’Flaherty to conduct vetting of Commissioner White for the position of Police Commissioner to the fullest extent possible based on available information. My role as Independent Investigator does not include provision of any legal advice or representation and is not subject to any attorney-client or work product privilege.

I informed Attorney O’Flaherty at the outset that I anticipated the investigation would require at least 4-6 weeks, and would extend beyond that time as needed to obtain and review all appropriate information.

II. CONDUCT OF INVESTIGATION

I proceeded to obtain and review certain Boston Police Department (“BPD”) records. I also contacted Commissioner White and secured his cooperation. I provided to Commissioner White and his newly hired counsel Nicholas Carter disclosure and consent forms to be completed by Commissioner White for the purpose of obtaining complete background checks. I obtained

¹The subject of this investigation is referred to as Commissioner White, the Commissioner, White or Dennis in the various sections of this report.

written authorization from the City (as Commissioner White's employer) to enable me to facilitate background checks through Creative Services, Inc., in the form of a February 19, 2021 amendment to the February 12, 2021 Engagement Letter.

I commenced the process of obtaining additional court documents related to the aforementioned allegations, as well as information to assist me in locating and contacting, as needed, certain potential witnesses whom I had identified on a preliminary basis. On approximately February 19, 2021, I informed First Assistant Corporation Counsel Susan Weise that I anticipated the investigation could be concluded by the end of March.

On February 22, 2021, I was notified by Attorney Weise that this independent investigation was to be terminated as of 5:00 p.m. on February 24, 2021, at the direction of Attorney O'Flaherty. I was asked to provide a final report of the investigation to the extent possible. As the investigation was in a preliminary phase, I was unable to make any findings at that time. I submitted a brief memorandum summarizing the status of the investigation.

I was contacted again by Attorney Weise on March 1, 2021 and informed that this investigation was to resume. However, following the termination of the investigation on February 24th and its resumption on March 1st, Attorney Carter sent a letter to Attorney O'Flaherty on March 2, 2021 communicating the Commissioner's refusal to cooperate on the grounds that the investigation was not being undertaken by the City in good faith.

On March 5, 2021, I informed Attorney Weise of my estimate that the earliest time at which I would be able to conclude the investigation would be mid-April. I requested that the City require the Commissioner's cooperation in the investigation as a condition of employment, as is typical in an employment related investigation in my experience, and I informed Attorney Weise that the investigation would be negatively impacted by the Commissioner's refusal to cooperate.

On March 8, 2021, Attorney Henry C. Luthin replaced Attorney O'Flaherty as Corporation Counsel for the City of Boston.

To continue moving forward to the extent possible without Commissioner White's cooperation, I obtained the City's authorization to enter into a contract with a private investigation firm, American Investigative Services, Inc. (AIS), to obtain and review publicly available information for purposes of this investigation, in the form of a March 8, 2021 amendment to the February 12, 2021 Engagement Letter. During the period from March 10 through April 15, 2021, I received a series of oral reports from Jay Groob, President of AIS.

On March 19, 2021, Attorney Carter submitted to Attorney Luthin an affidavit of retired BPD Sergeant Detective Mary-Ann Riva dated March 18, 2021, which Attorney Luthin forwarded to me.

On March 23, 2021, Kim M. Janey became Acting Mayor of the City of Boston.

I continued to receive records and information from the BPD throughout the investigation, to the extent possible. I was informed by Attorney David Fredette, Legal Advisor to the BPD, that the BPD had no ability to provide requested information that pre-dated the computerization of the Internal Affairs Division ("IAD") in 2007 or that was not maintained in the ordinary course. On

April 5, 2021, Superintendent Sharon Dottin and IA Pro Coordinator Bridie Brienzi provided me with information about the background, capabilities and use of the IA Pro electronic filing system.

In response to my request for assistance obtaining the cooperation of witnesses who are current and former BPD officers, on April 6, 2021 Attorney Luthin introduced me to BPD Superintendent-in-Chief and Acting Commissioner Gregory Long by email, requesting that Superintendent Long facilitate my interviews of current and retired member of the BPD. After conferring with the Acting Mayor's Chief of Staff, Superintendent Long declined to provide assistance.

On April 5, 2021, I sent an email to Attorney Carter requesting Commissioner White's complete cooperation in the investigation. On April 6, 2021, Attorney Carter informed Attorney Luthin that the Commissioner would cooperate in the investigation in a limited manner, agreeing to submit an authorization for a CORI search, but no other background checks, and agreeing to participate in the investigation only with respect to "Ms. White's allegations of an alleged shooting threat in 1999." The following day, I again requested that the City communicate to Commissioner White that his full cooperation in the investigation was required. To my knowledge, the City did not communicate to Commissioner White or his counsel at any time a requirement that the Commissioner cooperate in the investigation.

On April 9, 2021, I was instructed by Attorney Luthin that the investigation's scope was to be reduced to information contained in and related to Commissioner White's personnel records and Internal Affairs files, court documents related to the Internal Affairs files and the CORI check, and to information from witness interviews, including an interview with Commissioner White relating to the revised scope of the investigation. I was informed that Attorney Fredette would be instructed to facilitate interviews with two of the three current BPD employees I sought to interview. I was asked to conclude the investigation as quickly as possible. I responded that I would likely need two additional weeks to conclude the investigation at that point.

Later on April 9, 2021, Attorney Fredette introduced me by email to two witnesses who are current Boston Police Officers, requesting that they reply directly to me if I were to contact them. He provided me with a BPD email address for a third current Boston Police Officer.

On April 12, 2021, the City of Boston Office of Human Resources ordered the CORI report based on Commissioner White's authorization. Due to City policy, the vendor I had identified to run background checks for purposes of the investigation, Creative Services, Inc, was not authorized to run the CORI report. The Office of Human Resources provided the CORI report by email to Attorney Luthin, who forwarded it to me by email. The CORI report contained no substantive information.

I requested that Commissioner White make himself available for his interview as early as possible during the week of April 12, 2021. I also requested that he make himself available for a second, shorter, follow up interview as needed. Attorney Carter informed me that he would attend Commissioner White's interview and that he and Commissioner White would be available on Thursday April 15 from 2:00 to 4:00. In response to a request for detailed information about the questions I intended to cover in Commissioner White's interview, I provided a summary to

Attorney Carter regarding the anticipated areas of inquiry for Commissioner White's interview. Specifically, I informed Attorney Carter in writing that the areas of questioning for Commissioner White's interview would include: "Personnel records and related issues; Internal Affairs record and related issues; Court documents related to Internal Affairs record and related issues; CORI check and related issues; Questions arising from witness interviews relating to the above areas; Questions arising from review of the above areas." I agreed that the interview would commence at 2:00 on April 15, 2021.

With respect to former Boston Police Officers, I was unable to obtain their contact information from the BPD or from the State-Boston Retirement Board. Accordingly, I instructed AIS to obtain current contact information for all witnesses to the extent possible, with the exception of the three current Boston Police Officers for whom I had been provided BPD email addresses by Attorney Fredette. AIS located and provided witness contact information based on available resources.

On April 15, 2021, I interviewed Commissioner White via Zoom. He and Attorney Carter were located in Commissioner White's office at BPD headquarters during the interview. I was located in my home. In addition, a legal assistant located in the offices of Davis Malm attended for the purpose of taking notes. Commissioner White stated at the outset of the interview that he objected to the investigation. However, he participated by directly answering most questions posed to him. Commissioner White refused to answer certain questions as directed by Attorney Carter. Attorney Carter stated his opinion that such questions, including those regarding medication taken by Commissioner White and his alleged infidelity, were beyond the scope of the investigation.

On April 19, 2021, Attorney Carter copied me on a letter to Attorney Luthin in which Attorney Carter asserted that false allegations had been made against Commissioner White. Attorney Carter stated in his letter, "[i]f the City and/or the Investigator includes such false allegations in the [investigation] report, my firm will vigorously defend the Commissioner by way of legal action, including claims for defamation and violation of his civil rights and due process rights." In a letter addressed directly to me the same day, Attorney Carter asserted that I had, at one point during Commissioner White's interview, mischaracterized a statement made by Commissioner White and acknowledged the error. Attorney Carter concluded his letter, "Before you issue your report, I'd like to discuss with you a process to ensure that your report does not contain errors of this kind that could cause devastating reputational harm to Commissioner White."

On April 21, 2021, Attorney Carter communicated to me by email that he "would like to see the draft report before it is issued to ensure that it does not contain inappropriate content and would like an opportunity to comment on the report and request revisions if inappropriate content is included." In reply, I informed Attorney Carter that I would not permit him or anyone else to preview or suggest revisions to this final investigation report.

In a number of written correspondence to Attorney Luthin and to me, Attorney Carter provided commentary relating to the subject matter of the investigation and offered what he asserted was factual information, including attempts to modify statements made by Commissioner White. In response and to address some additional questions I had for the Commissioner, on April 21, 2021, I requested a second interview with Commissioner White. Attorney Carter contested the

need for a second interview and instructed me, “[i]f you want Commissioner White to answer further questions, please send them in writing.” On the same date, I declined to submit any questions in written form, and welcomed Commissioner White to speak with me directly to provide any clarification or additional information as he wished, by scheduling an interview or conversation. Commissioner White declined my request for a second interview or conversation.

During the course of this investigation, in addition to Commissioner White, I attempted to contact 21 witnesses, including 12 current and retired Boston Police Officers and 9 civilians. I was able to speak with a total of 7 of the 21 witnesses from whom I sought information. I was also sent an unsolicited email from someone claiming to be a former Boston Police Officer, attesting to Commissioner White’s good character. One retired BPD officer told me that they had received at least five phone calls directing them not to talk with me. They explained, “many people say don’t do anything against a police officer.” To address witness discomfort and concerns about retaliation, I assured most of the witnesses with whom I spoke that they would not be identified by name in this report.

III. SUBSTANCE OF INVESTIGATION

A. 1993 Incident

With respect to the alleged incident of domestic abuse involving Commissioner White on September 10, 1993, I reviewed the BPD Internal Affairs Division (“IAD”) investigation file, which includes certain court records and medical records, and interviewed witnesses.

This incident involved an altercation between White and his niece by marriage, Tyhisha Owens. At the time, Owens was described as “small and thin” and White was described as “a very large person.” Owens was living in the White home at 35 Bullard Street in Dorchester. She was 19 years old. White asked Owens for \$10.00 that she owed him, which she said she didn’t have, and he demanded her key to the house. Owens refused to return the key and a physical confrontation ensued. It was alleged by White that Owens was using foul language, charged at him swinging, struck him in the upper body and kicked him in the knee.

White admitted that he pushed Owens and struck her with a full swing of his arm and an open hand, which he alleges was in self-defense, as he had recently undergone surgery on the knee she kicked. Owens alleged that White punched her with his fist during the exchange of blows on the porch. She also alleged that White threw her down the stairs inside the home, then pushed her out the front door onto the porch, pulled her sweatshirt over her head, then smacked her and called her a “whore,” in response to which she hit him in the face.

White denied pushing Owens down the stairs or letting her fall. He stated that he took her by the arm and walked her down 5 steps to the front porch and released her at the front door. White described the incident as a “heated fisticuffs,” but denied punching Owens. Owens reported that a neighborhood person came by and told her that she shouldn’t be behaving in this way, to which she replied that the person did not know White very well. Owens eventually threw down the house-key and left. White alleged that she told him that she would “be back with my friends, motherfucker” before she left. White also alleged that he used the “least amount of force necessary to protect myself and home from any further harm.”

A neighbor who lived at 31 Nottingham Street witnessed a portion of the altercation from the sidewalk nearby. He reported that he came outside and heard an argument coming from the direction of the White home. He reported that he heard White demanding his keys and telling a "light complexioned female" to leave his house. The witness stated that he stood on the sidewalk and witnessed the woman curse at White and kick him, and then witnessed White slap her. He also reported that he saw White holding the woman by the top area of her coat. He stated that he believed the woman kicked White's right leg. He then went back inside his home. He reported that he did not know what else happened. The neighbor attested to D. White's good character. White's two children and two cousins witnessed the incident. However, White would not agree to have his older daughter (who was 11) interviewed. The mother of the eldest cousin present (who was 12) also declined to allow her daughter to be interviewed. The other two children present were preschool aged.

Owens sought medical treatment at Carney Hospital within hours after the incident, reporting pain and tenderness in her abdomen and vaginal bleeding from an alleged punch with a fist. She also claimed to suffer a "busted lip" from the altercation. She was treated with Tylenol and instructed to return if the pain or bleeding worsened.

White stated that he understood that Owens was moving out when he came home to find two boxes and a black bag piled by the front door of the White home, at which point he asked her for the money she owed him and her key. Owens, on the other hand, stated that White forcibly ejected her from the White home, asking her for the \$10 that she owed him, demanding that she give him her key and leave, and not allowing her to collect her things.

White reported the September 10, 1993 incident to the police immediately and filed a complaint against Owens for assault and battery with a deadly weapon (a shod foot). Owens filed a complaint against White for assault and battery on the same date. Both complaints were dismissed by the court on September 28, 1993. Owens obtained an abuse prevention order against White for a period of one year. White sought and was denied an abuse prevention order against Owens.

A Not Sustained finding was recommended on February 7, 1994 following the IAD investigation of an allegation of "Physical Abuse" (later changed to "Use of Force") against White. This recommended finding was based on a conclusion that the only physical force by White against Owens was the open handed strike in response to her kick to his injured knee, which was determined to be a reflexive self-defense response by White. In recommending the Not Sustained finding, Sergeant Detective Jeffrey C. Chaney determined that White did not physically abuse Owens. Sergeant Detective Chaney concluded that there was no basis to believe that White violated any BPD rules or procedures regarding use of force. The recommended finding of Not Sustained was submitted to Boston Police Commissioner Paul F. Evans on February 28, 1994

It was alleged during the course of this investigation that White had, before the events of September 10, 1993, made a sexual advance toward Owens, including sexually hugging and rubbing her and making sexually suggestive statements to her. It was further alleged that White angrily threw Owens out of the house because she had rejected White's advance and because White learned that Owens had told his wife about it.

In his April 15, 2021 interview as part of this investigation, White denied that he touched Owens in a sexual manner or made comments to her of a sexual nature. He stated that he didn't remember the reason that Owens was asked to leave or who asked her to leave. He recalled the September 10, 1993 incident and that he thought Owens was already moving out when the altercation occurred. He recalled that he had struck Owens with an open hand and demonstrated the full swing of his arm, and he denied any other physical contact initiated by him. White recalled that he had recently had surgery on his knee and that a neighbor had been a witness to the incident.

B. 1998-1999 Incidents

With respect to the alleged incidents of domestic abuse involving Commissioner White in 1998 and 1999, I reviewed the 1999 IAD investigation file, as well as Probate and Family Court and Dorchester District Court files, and I interviewed witnesses.

1. Background

Commissioner White and his first wife Sybil (now Sybil Mason) were both born in 1961, and they met in high school. They married in 1981 and had two daughters, Tiffany born in 1982 and Brittany born in 1988. A former Boston Firefighter, Dennis became a Boston Police Officer in 1989. Sybil became a Boston Police Officer in 1994. During the relevant time period, Dennis and Sybil and their two daughters and a grandson lived in a two family house at 35 Bullard Street in Dorchester, MA. The house was owned by the couple as tenants in the entirety. According to the Complaint for Divorce filed by Dennis in 1999, the couple had been physically separated and living in separate units in their home since 1995. Sybil occupied the first floor unit, while Dennis occupied the unit on the second and third floors. Dennis' bedroom was on the third floor. Their children moved freely throughout the house, between their mothers' and fathers' units.

2. October 1998

In October 1998, it is undisputed that Dennis clandestinely followed Sybil in a separate car to the home of Boston Police Officer Steven Horne. In his IAD interview, Dennis stated that upon arriving at Horne's home, he got out of his car to speak with Sybil about their marriage, then Sybil got back in her car, where Horne already was seated, and the two drove away and left him standing in the street. In her IAD interview, Sybil alleged that after speaking with Dennis she got into her motor vehicle and left, but did not mention whether Horne was in the motor vehicle with her. Dennis reported that he believed that Sybil and Horne were having an affair, which Sybil and Horne denied.

On another occasion around the same time period, Horne reported in his IAD interview, he and Sybil had been sitting in a marked cruiser in front of 35 Bullard Street when Dennis drove past them in his police cruiser, saw Sybil and Horne and drove away. According to Horne, as a result of being seen by Dennis, he and Sybil were called into the station by Area B-3 duty supervisor Sergeant Watts. Sergeant Watts informed Horne and Sybil that Dennis was very upset about seeing them outside of 35 Bullard Street. Watts told Horne and Sybil to "stay away from the house."

Horne also reported in his IAD interview that sometime later in October 1998, Dennis knocked on his front door and asked Horne to come outside. Horne stated that Dennis told Horne “I’ll kick your ass” and I can “fuck you up,” warning him to stay away from Sybil. Dennis’ IAD interview did not include any discussion of this incident.

3. December 1998

On or about December 26, 1998, based on the IAD record, it is undisputed that Dennis told a friend of both Sybil and Dennis, Linda Figueroa, that in October 1998 Sybil and Horne had driven away and left Dennis in the street. Figueroa reported in her IAD interview that Dennis said “he was so mad that he wanted to shoot both of you –you and Steve,” referring to Sybil and Horne. Figueroa went on to state that Dennis had said, “You don’t know how I felt...I was so hurt.” Figueroa further recounted “He was like, I want to shoot both of them.” Figueroa confirmed that she was in fear for Sybil’s life and that Dennis was “mad” when he was talking with her on that day.

Boston Police Officer Wayne Hester, a friend and colleague of Dennis, was present for this portion of the conversation between Dennis and Figueroa. In his IAD interview, Hester stated that Dennis was very calm while talking to Figueroa. Dennis and Hester both stated in their IAD interviews that Figueroa did not seem disturbed or concerned about Dennis’ statement at the time.

Further, in his IAD interview, Dennis stated that he was “joking around” and that shooting Sybil and Horne was “not something I was going to act on.” Dennis also reported that he told Figueroa, “But you know what? If this is what they want, I’m finished with the relationship.” Dennis reported in his IAD interview that, at the end of the conversation, Figueroa invited him to dinner.

In her IAD report, Figueroa reported that Sybil had previously told her that Sybil had been physically threatened by Dennis. Figueroa stated, “Well, he was grabbing her by the throat you know? Just years, you know, of abuse....” Figueroa also described in her IAD interview that she had witnessed Sybil with a “busted lip because they were fighting,” as well as scars, cuts and scratches from fights with Dennis. Figueroa also described what she had heard from Sybil about escalating mental abuse by Dennis and about his jealousy. Figueroa commented, “the thing about Sybil [*sic*] –She’s the type of woman that, you know, always kept things, you know, to herself – and didn’t want nobody involved because she wanted her marriage to work.” Figueroa also reported that Sybil was fearful of retaliation by Dennis if she filed paperwork against him. Figueroa concluded her IAD interview describing being with Dennis and Sybil. She stated, “If you were standing there, you know? You could feel the tension just swinging back and forth – you could just feel it; it was in the air.”

4. April 1999

In April 1999, it is undisputed that Dennis told his daughter Tiffany that she should be quiet coming up the stairs because Dennis slept with a gun under his pillow. Tiffany reported that she took this as a warning. She reported the comment to her mother, Sybil, approximately two weeks later. It is further undisputed that when Sybil told Figueroa about this, Figueroa

immediately recounted Dennis' statement in December 1998, that he "could have shot [Sybil] and [Horne]."

At the time of this conversation, Figueroa explained in her IAD interview, she had been meaning to tell Sybil about this statement by Dennis, but that Sybil was going through a rough time and Figueroa was hesitant to tell her and had trouble finding the right time. Figueroa reported that she had tried to tell Sybil on a number of occasions.

In his IAD interview, Dennis reported that he kept his service weapon under his pillow because there was a drug house across the street. He stated that he had been keeping the gun under his pillow since around February of 1999. According to a witness during this investigation, however, Dennis had explained at the time that he kept his weapon under his pillow because Sybil had "cop friends around." During his April 15, 2021 interview for this investigation, Commissioner White stated that he kept the weapon under his pillow for an estimated period of five or six months in 1998-1999, to protect himself from Horne because he noticed that Horne "snuck" into the house late in the evening to be with Sybil.

5. May 1999

On May 4, 1999, Sybil filed an incident report with the BPD concerning threats made by Dennis against her. According to the incident report, Sybil reported that Dennis made a statement to Figueroa that he would "shoot both [Sybil] and Ms. Figueroa" approximately three weeks prior. Sybil further reported that sometime in the last week, Dennis told their daughter Tiffany that he "sleeps with a gun under his pillow." The incident report indicates that Sybil told BPD she is separated from Dennis and had been for four years, and that "[Dennis and Sybil] have had arguments in past, but no physical abuse." The reporting officer advised Sybil to "seek restraining order in Dorchester District Court in morning" and to contact Domestic Violence Detectives. According to the Incident Report, it was completed at 6:43 p.m.

Later in the evening of May 4, 1999, Dennis filed an incident report with the BPD concerning a phone call that Sybil had made earlier that day to the Area B-2 police station where Dennis was working earlier that evening. It was reported in this Incident Report that Sybil called the station at about 5:30 p.m. and told a front desk officer "in a loud and abusive manner" to "[p]ut fucking Sergeant White back on the fucking phone," and, when asked who might be calling, responded, "his fucking wife." In his IAD interview, Dennis reported that Sybil called the station a third time, and said to Dennis "I'll get you motherfucker," then hung up. Sybil recounted in her IAD statement that during the third phone call Dennis told her he was tired of being nice to her and that it was over, then she called him a "motherfucker" and hung up.

On May 5, 1999, Sybil applied for an abuse protection order against Dennis in Dorchester District Court. On that date, Sybil reported in an affidavit on May 4, 1999 Dennis had called her cell phone and left a "nasty" message, which said that she should get a lawyer, "this shit is over with" and telling her to "get the fuck out of [his] life." In her May 5, 1999 affidavit, Sybil recounted Dennis' comment to Tiffany about sleeping with a gun under his pillow and Dennis' statements to Figueroa that "he was going to shoot me and another friend of mine." Sybil further stated that she kept her door locked because she and Dennis argued a lot and "he is always trying

to put me down.” She stated that she was afraid “he may come inside and kill me because he is angry.”

Also on May 5, 1999, Figueroa filed an incident report with the BPD in which it was reported by Sergeant Detective Mary-Ann Riva that Dennis had told Figueroa that “he just wanted to shoot [Sybil] and her friend Steve.” In the same report, it was stated, “[d]uring this interview Tiffany White (daughter of Dennis) stated her father told her not to startle him when she came into his home as he slept w/ his gun under his pillow.”

The Dorchester District Court issued an abuse prevention order against Dennis on May 5, 1999, and assigned custody of both daughters to Sybil on a temporary basis. On May 13, 1999, Dennis filed a motion for an evidentiary hearing to vacate the abuse prevention order. At a hearing on May 19, 1999, at which both Dennis and Sybil were present, the Court extended the order against Dennis until May 5, 2000. The abuse prevention order restricted Dennis from being within fifty yards of Sybil, with contact by pager or telephone permitted. Dennis was ordered to immediately leave and stay away from the White home at 35 Bullard Street or wherever else he knew Sybil may reside. The order further required Dennis to surrender any keys he had for 35 Bullard Street to Sybil, not to damage any belongings of Sybil or any other occupant, not to shut off or cause to be shut off any utilities or mail delivery to Sybil and not to interfere in any way with Sybil’s right to possess 35 Bullard Street. Dennis was required to immediately surrender to BPD District C-11 all guns, ammunition, gun licenses and firearm identification cards. His license to carry a gun and any firearm identification cards were suspended. Initially, Dennis was not permitted to contact his children, Tiffany and Brittany White, though the Dorchester District Court amended that portion of the prevention order on May 19, 1999.

6. BPD Investigative Report

An investigative report was prepared by Sergeant Detective Riva who was assigned to the domestic violence unit in Area B-2, where Dennis and Sybil worked at the time. Having spoken with Sybil and Tiffany White and Linda Figueroa on May 5, 1999, the report briefly summarized most of the pertinent events of October and December 1998 and April 1999. Riva reported that Figueroa told her that Dennis said on December 26, 1998, “[y]ou don’t know how I felt, I wanted to shoot her and him.” Riva further reported that Figueroa said “Dennis sounded mad and hurt when he spoke of shooting Sybil.” Riva also reported that Tiffany stated that “approximately two weeks ago her father said to her, ‘don’t startle me when you come up cause I sleep with a gun under my pillow.’” According to Riva, Tiffany thought this statement by her father was a “warning.” Riva reported that Tiffany told her that she had instructed her younger sister Brittany not to startle their father, but didn’t tell her about the gun, and that Tiffany stated that “she did not tell her mother until a few days after the incident.”

Riva included in her report that Sybil reported she had been “having marital problems with Dennis for a long time,” that Sybil stated that she “felt the department was not taking her seriously,” and that she “has been in touch with Sgt. Gaines of the Domestic Violence Unit about this matter,” referring to the BPD Domestic Violence Unit located in BPD headquarters (the “DVU”).

Riva also included in her report that she had informed Sybil that a Superior officer would follow up and that she would let Sybil know who would be handling the IAD investigation. Riva further advised Sybil to start proceedings in the Probate Court.

During this investigation, on March 19, 2021, Attorney Carter sent to Attorney Luthin the March 18, 2021 Affidavit of (now retired) Mary-Ann Riva. In this affidavit, Riva stated her credentials as a detective specializing in domestic violence investigations who had handled in excess of 7,000 domestic violence cases. In the affidavit, Riva stated, “[i]t was my opinion that Sybil White’s request for a restraining order was motivated out of her being upset and angry, not because there was a real threat that Dennis White would commit violence against her.” Riva concluded, “In my view, based on my experience and investigation, Dennis White did not make a threat to commit violence on Sybil White, and did not present a threat of violence to her.”

I spoke with Riva on April 23, 2021. She told me that Attorney Carter’s office had contacted her to request that she speak with Carter. After a phone conversation, according to Riva, Attorney Carter followed up by providing her with copies of her May 5, 1999 investigative report and other selected documents from the Dorchester District Court and Probate and Family Court files. Riva then wrote down “what [she] remembered,” which she and Attorney Carter both revised to produce the final March 18, 2021 Affidavit.

Riva told me that she recalls “bits and pieces” related to the May 5, 1999 investigative report that she had written, and that the reason she has memories of this case is that it was her first involving two police officers. Riva told me that she recalls Sybil telling her that she and Dennis had “marital problems,” but does not recall if she asked Sybil about “past physical abuse.” However, Riva said that she “would have” asked Sybil if Dennis had hit her and “would have looked to see if there was any violence.” Riva explained that if Sybil had told her that Dennis hit her, she would have included that in the report.

Riva explained to me that in 1999, in her experience, it was not unusual for police officers to sleep with their service weapons under their pillows. She also commented that she would have been concerned about Sybil’s safety at the time if Dennis’ statement about shooting Sybil and Horne had been more recent.

Nonetheless, Riva told me, “Sybil felt afraid.” She explained further, “my personal opinion might be I don’t know why you feel afraid,” still Riva stated that she would always advise an alleged domestic abuse victim to get a restraining order. In this situation, Riva explained, there was already a restraining order in place or in process. Riva went on to state, “I don’t second-guess people when they say they are afraid.”

When I asked Riva if she had ever learned that a woman she interviewed had failed to disclose physical abuse, Riva responded, “Oh God yes!” Riva went on to comment, that she “can’t say” that there weren’t facts that Sybil didn’t share. She commented, “it can happen, they don’t want to bring it up.” She also commented that Sybil’s minor child Tiffany was present during Sybil’s interview, that Riva remembered thinking this was not a good idea and suggesting to Sybil that they speak away from Tiffany, but Sybil insisted that Tiffany be present.

Regarding Sybil's reported statement that she "felt the department was not taking her seriously," Riva told me that she doesn't remember what she thought Sybil meant at the time. With respect to Sybil's reported statement that she "ha[d] been in touch with Sgt. Gaines of the Domestic Violence Unit about this matter," Riva stated that Gladys Gaines was a Deputy and Riva was new, so they didn't talk. She also explained that the DVU where Gaines worked did not oversee or coordinate with the local district domestic violence units at the time. Riva commented that if Sybil had complained to Sergeant Gaines in the DVU, Riva would expect that there would be documentation which would have been included in the IAD file, and that Internal Affairs would have coordinated with Gaines.

7. IAD Investigation²

In May of 1999, an IAD investigation commenced, with two allegations against White: (1) violation of BPD Rule 102, Section 35 for nonconformance with the law;³ and (2) violation of BPD Rule 102, Section 4 for neglect of duty and unreasonable judgment.⁴ Five witnesses were interviewed, including Sybil White on May 12, 1999, Linda Figueroa on June 5, 1999, Dennis White on July 8, 1999, Stephen Horne on July 26, 1999 and Wayne Hester on July 26, 1999.

In her May 12 IAD interview, Sybil said that she applied for a restraining order on May 5, 1999 because of Dennis' statement in December that he "wanted to shoot both [Sybil and Horne]," which she described as a threat. Sybil further reported that she interpreted Dennis' statement to their daughter Tiffany in April of 1999 about the gun under his pillow as a threat "meant for me" and that she had started "looking up to the third floor praying he wouldn't shoot me". Sybil stated that she and Dennis used to "physically fight and of course he won every time."

Sybil stated in her IAD interview that during their separation over the past four years Dennis had engaged in "verbal abuse," calling her "bitch", "you no good mother," and "motherfucker." When asked if she had "taken out any restraining orders against [Dennis] in the past," Sybil answered "yes" but that she "didn't follow it – follow it up." Sybil stated that she did not proceed "because [Dennis] promised he wouldn't beat me no more, and he promised." When asked how many times Dennis beat her, Sybil said "[c]an't count it."

² Commissioner White was also one of a number of subjects of an IAD investigation in 2013 which arose from a situation in which a parent was charged with larceny when their minor child passed a counterfeit check. Commissioner White and a number of other BPD officers were accused of defamation and other claims by the parent. A lawsuit and IAD Investigation followed. The case was dismissed in court and a Not Sustained finding resulted from the IAD investigation.

³ Rule 102, Section 35 reads: "Employees shall obey all laws of the United States, of the Commonwealth of Massachusetts, all City of Boston ordinances and by-laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations. An employee of the Department who commits any criminal act shall be subject to disciplinary action up to and including discharge from the Department. Each case shall be considered on its own merits, and the circumstances of each shall be fully reviewed before the final action is taken."

⁴ Rule 102, Section 4 is titled "Neglect of Duty" and reads: "This includes any conduct which is not in accordance with established and ordinary duties or procedures as to such employees or which constitutes use of unreasonable judgment in the exercising of any discretion granted to any employee."

In his July 8, 1999 IAD interview, Dennis admitted that there was “physical abuse” in his relationship with Sybil but that they both shared in the blame. He said the last physical confrontation between them had occurred ten years prior. In his April 15, 2021 interview for this investigation, Commissioner White stated, regarding his 1999 admission of physical abuse, “I believe the way the investigator asked me the question...did we have some pushing, yes, we pushed each other.”

The IAD file contains no reports or notes from Sergeant Gaines or the DVU. The only reference to Sergeant Gaines in the IAD file is in a “Case Activity Log” dated May 12, 1999, which states that Gaines advised Sergeant Hill, the primary IAD investigator, on May 6, 1999 that a restraining order was in effect. Sergeant Hill reportedly notified Lieutenant Gavin and “was asked to notify Captain Goslin and inquire about the restraining order.” During this investigation, I requested all pertinent DVU records. I was informed that a search of the BPD archives turned up nothing.

During this investigation, a witness confirmed that Sybil had contacted the DVU on multiple occasions to complain about Dennis, including complaints of physical abuse, and that “reports were made.” The witness told me, “[the] history of Dennis is known by everyone in the department.” The witness stated this case was “of grave concern at the time,” and that “[f]or anyone within the department to allude that this is not the case is dishonest.” The witness reported that the DVU assisted in the IAD investigation at the outset, and that “questionable behavior was supposed to be investigated and dealt with, but wasn’t.” The witness stated to me, “[i]f people say these things did not happen, they are lying.”

This witness said that, “[the DVU] did exactly what [it was] supposed to do,” and that because “[Dennis White] was a Boston Police Officer with domestic abuse allegations,” DVU officers were retaliated against. The witness told me that Gaines was “transferred after [the DVU] followed through with the process that should have taken place.” This witness added that DVU staff “had hoped that credibility and professionalism would surpass other interests in the BPD,” but they had “been through hell and back” due to retaliation against them as a result of the White case. A review of personnel records confirms that Gaines was transferred out of the DVU on February 2, 2000.

On October 21, 1999, the IAD investigation concluded with a recommendation of Not Sustained for alleged violation of Rule 102, Section 35, nonconformance with the law, and a recommendation of Sustained for alleged violation of Rule 102, Section 4, neglect of duty and unreasonable judgment.

An undated Confidential IAD Assessment in this case states:

Sergeant Dennis White acknowledges uttering the statement that “I could have shot the both of them if I wanted and that he uttered a statement to his daughter that he sleeps with a gun under his pillow. Sergeant Dennis White exercised unreasonable judgment when he uttered the statement. I recommend a finding of **Sustained**. In reference to the statement that he slept with a gun

under his pillow, I find his utterance a precaution to his daughter upon entering his room.

According to this document, the Commander of Internal Affairs, Chief of the Office of Internal Investigations and Legal Advisor to the BPD all “concurred” with this finding. However, it appears that the Legal Advisor added a handwritten caveat stating, “PO shouldn’t keep firearm under pillow – weapon should be secured.”

8. Divorce Proceeding

Dennis filed a Complaint for Divorce in the Suffolk Probate and Family Court on May 18, 1999. In the Complaint, Dennis stated that he and Sybil had been separated since May 1, 1995. On May 27, 1999, Dennis filed a motion for temporary order, requesting that the Court, among other things, grant him primary physical custody of the children and child support payments to be provided by Sybil. Also on May 27, 1999, Dennis filed a motion requesting that the Court order Sybil to vacate the marital home. In his May 27, 1999 Probate and Family Court papers, Dennis admitted to arguments with Sybil and denied a history of physical abuse.

The abuse prevention order against Dennis was vacated on June 23, 1999 by the Probate and Family Court, based on a stipulation of the parties that Dennis would continue to store his service weapon with the BPD during his off duty hours for at least a period of sixty (60) days from the date of the stipulation. Dennis came back to live in the upstairs unit in the house after the restraining order was vacated on June 23, 1999, with Sybil continuing to live in the first floor unit. Dennis and Sybil stipulated that this living arrangement was for convenience and not for purposes of marriage reconciliation. In his IAD statement, Dennis reported he told Sybil he would keep his gun at work for two months. On September 1, 1999, the weapon continued to be kept out of the house, and Dennis and Sybil filed a joint motion indicating they would revisit the issue at a later date.

Based on a joint motion of the parties, the Probate and Family Court appointed Michael Bachap, Ph.D., as Guardian ad Litem (“GAL”) to evaluate the family and make a recommendation regarding custody. The GAL recommended that Sybil have sole legal and physical custody of Brittany,⁵ with visitation by Dennis. The GAL also recommended that Dennis obtain outpatient mental health treatment.

As indicated by a Separation Agreement signed by both Dennis and Sybil and submitted to the Probate and Family Court, the two agreed to continue living in separate units in the marital home until 30 days after Sybil was able to refinance the house and buy out Dennis’ share, following the Divorce Judgment which entered on January 18, 2001. Legal custody of Brittany was to be joint, while Sybil received physical custody with visitation for Dennis.

9. IAD Finding Changed

On April 19, 2001, the IAD finding with respect to the 1999 allegation of violating Rule 102, Section 4, neglect of duty and unreasonable judgment, was changed from “Sustained” to “Filed” on the recommendation of Superintendent Thomas A. Dowd and with the approval of Police

⁵ Tiffany was emancipated by this time.

Commissioner Paul F. Evans. Dowd opined that “the subjective interpretation of the statements made [by Dennis] were not conclusive enough to sustain a rules violation,” but that the allegations were serious enough that the matter should remain on file pending further developments. In a letter to Commissioner Evans on or around April 12, 2001, following discussion with BPD Legal Advisor Mary Jo Harris, Dowd explained that the statement at issue (that Dennis could have shot Sybil and Horne) was made to a third party and may have been taken out of context. Dowd noted that Hester’s IAD interview supported this reclassification.

In his April 15, 2021 interview for this investigation, Commissioner White stated that he had initiated the process to change the Sustained finding by expressing to his commanding officer Captain Albert Goslin that White “wasn’t agreeing on the Sustained charge”, and his desire for an appeal and a hearing. White told me that Goslin said “let me speak with the higher ups,” and that, afterward, White was notified that the finding was changed to “Filed.” White denied any involvement or knowledge of the process that led to the changed finding.

C. Domestic Abuse

Four witnesses reported during this investigation that Sybil was subjected to physical and mental abuse by Dennis during their marriage, corroborating statements in the record by Sybil and Figueroa. It was confirmed that Sybil repeatedly reported both physical and mental abuse to the DVU during that time period, but that no IAD investigations resulted until she obtained a restraining order in May 1999.

Witnesses stated that Sybil generally kept secret the details of her relationship with Dennis, that she was very private about it, and that she did not want people to know what was happening behind closed doors. However, one witness described how Sybil was on edge and that “if Dennis just pointed or looked in [Sybil’s] direction, her whole demeanor changed.”

A witness who was Sybil’s friend during her marriage to Dennis stated that Sybil told her at that time about specific instances of physical abuse by Dennis. The witness reported that Sybil told her that Dennis had burned her hair, put her face to the stove and stepped on her face. According to this witness, Sybil described to her at that time an occasion when Sybil was on the floor and Dennis was kicking her and Sybil crawled under the bed.

This witness stated that, after she had knowledge of the physical abuse, she didn’t want to leave Sybil alone with Dennis. She told me that she was “always trying to stay around,” and described an occasion when she was with Dennis and Sybil at their home and they began to argue. Dennis asked the witness to leave and Sybil asked her to stay. The witness recounted that she refused to leave and that Dennis grabbed her arm and pulled her and told her to get out. She described that Dennis was trying to throw her out, grabbing her repeatedly. According to the witness, “He was very angry, very angry. His voice, his posture was totally different. You could tell the aggressiveness in his voice....Dennis was swearing.”

Other reported incidents of physical abuse of Sybil by Dennis include him putting his hands on her neck and choking her, throwing a television at her, pushing her and stomping on her legs when she crawled under the bed, pushing Sybil’s face onto the stove and trying to turn it on, and trying to physically throw her or pull her out of the house. Witnesses described their awareness

during Dennis and Sybil's marriage of the physical abuse and that Sybil had scars on her wrist and shoulder/upper arm as a result. Nonetheless, witnesses consistently reported that Sybil "fought back." I was also told that Sybil "got stomped on and got beaten by Dennis," but often apologized after fights because she loved Dennis and "wanted to smooth things over." It was estimated that during the period of their marriage, Sybil weighed approximately 130 pounds or less, while Dennis weighed approximately 200 pounds.

Witnesses stated that fights between Sybil and Dennis often started because Sybil asked Dennis where he had been or what he had been doing or directly confronted him about infidelity. Witnesses reported that it was well known that Dennis was having affairs during the marriage, and that this was humiliating for Sybil. Witnesses also described Dennis as being controlling of Sybil, including limiting her social interactions. One witness told me that Dennis disabled the car so that Sybil couldn't use it; while another witness told me that they and others "suspected" this was happening because Dennis "could drive around without a problem, but Sybil couldn't." Witnesses also stated that they were aware during the marriage that Dennis coerced Sybil into sexual activities in which she did not wish to participate.

It was reported to me that Sybil had become "very scared" of Dennis and "would have put nothing past him" when she sought the May 5, 1999 abuse prevention order against him, and that she was regularly locking her door and barricading at around that time.

It was reported during this investigation that Sybil kept a diary during her marriage to Dennis, in which she documented her experiences. At some point, according to witnesses with whom I spoke, Sybil gave to a relative the two stenography pads in which she had journaled, for safekeeping. This relative stated that Sybil had given her the two pads containing information about her relationship with Dennis when they were still married. According to this witness, when Sybil gave her the diary, Sybil stated, "if anything happens to me, I want you to have this diary....If anything happens to me, it would be Dennis."

The witness stated that the diary contained descriptions of physical and mental abuse of Sybil by Dennis. The witness reported that she remembers when she got the diary, she "sat in [her] kitchen and starting to read." She told me that the diary was written by Sybil "over a long period of time" and that it was "very upsetting, shocking" and that she "felt so badly for Sybil."⁶

D. Interview of Commissioner White⁷

During his interview as part of this investigation, Commissioner White told me that he and Sybil had a good relationship "in the beginning." He explained that they were high school

⁶ This witness told me that she had cleaned out her attic during the summer of 2020 and had found the two stenography pads. At that time, the witness said she remembers telling her grandson that the pads belonged to Sybil and instructing him to put them in a pile to keep, but that she has "torn up" her attic and looked in her garage and can't find them now. She told me that she thinks the diary must have been accidentally thrown away.

⁷As contained in Commissioner White's personnel records and corroborated by Commissioner White during his April 15, 2021 interview, he is not a resident of the City of Boston. Commissioner White currently resides in Randolph, Massachusetts.

sweethearts, both athletic, and that they did a lot together. Commissioner White told me that he has a good relationship with his daughters.

Commissioner White denied being accused of mental abuse or being controlling during his marriage to Sybil. He denied that he at times limited Sybil's activities and friendships. He denied ever disabling their shared vehicle so that Sybil couldn't use it. He denied coercing Sybil to engage in sexual activities against her will. He told me that he would not characterize the relationship as physically abusive. He recalls saying in his 1999 IAD interview that there was "physical abuse in the relationship", but explained, "I believe the way the investigator asked me the question...did we have some pushing, yes, we pushed each other." He told me that he and Sybil had both initiated physical pushing.

Commissioner White also denied beating Sybil, throwing a television at her, pushing her head down on a stove, pushing her onto the floor, pulling her down stairs, pulling her hair, and choking her with his hands around her neck. He denied being aware that Sybil claims to have scars on her wrist and shoulder due to physical abuse by him. When asked if Sybil ever accused him of infidelity, he replied, "Sure, she accused me of it." When asked whether Sybil's accusations ever led to arguments, he replied, "sure." When asked if her accusations ever led to physical contact between them, he replied, "other than a push to get away, no."

Commissioner White recalled the incident in October 1998 when he followed Sybil to Steve Horne's home, and admitted that he clandestinely trailed her. He stated, "she arrived at a residence. I didn't know whose residence at that time. I saw Steve Horne exit the residence. I walked over to Sybil, had a conversation with her and said 'Sybil what are we going to do?' She said 'Dennis, I'm fucking through with the relationship,' and she speeds off. I walked over to the door where Steve Horne went in, I knocked on door and asked him to come outside. We had a conversation. I asked him, 'Steve, you and my wife having an affair?' he said 'what she say....?' I said 'back a truck up to take her stuff and get her out of my house. Otherwise, stay away from my house.'" Commissioner White denied going to Horne's home on any other day. He also denied threatening Horne with physical harm on any occasion, and denied telling Horne that he would "kick his ass," and telling Horne that he would "fuck him up."

Commissioner White also recalled the incident in December 1998 involving Linda Figueroa and Wayne Hester. He told me, "...I was working in Roxbury. Linda came by, I flagged her down, we got out of our cars, she greeted me with hugs and kisses, we were friends. She brought up the issue about Steve Horne calling the house, and questioning Linda about answering the telephone. I relayed the incident about following Sybil to Steve Horne's house, that I asked Sybil about what she really wants to do with the relationship, she said she's 'fucking through.' I told Linda, I felt so hurt, I could have shot them both, and that was it." Commissioner White also stated that Wayne Hester came over and gave Linda a hug, and that Hester there during that part of the conversation. Commissioner White added, "I said, Linda, I'm finished with it." He also recounted that Figueroa's last comment to him was "let's go to dinner."

Commissioner White admitted that he slept with a gun under his pillow for a period of time he estimated to be approximately five or six months long in 1998 and 1999. He also admitted that he told his daughter Tiffany in April 1999 about the gun, "I told her just don't come upstairs and startle me because I sleep with a gun under my pillow." He denied that he was trying to threaten

Tiffany or threaten Sybil. He also stated that he had told Tiffany “that I didn't want kids startling me. Brittany at the time was 7 or 6 or 9 years old, Tiff had a baby 2 years old, Terrell. Tiffany and Terrell used to sneak up to my room and play Geronimo, climb on bed post and jump on me to wake me up. I worked double shifts at the time, and I had a real close relationship with my kids and grandson, so I said ‘Tiffany just make sure...I just don't want to get startled.’”

When asked why he slept with a gun under his pillow, Commissioner White explained, “Once I found out Steve Horne was having an affair with my wife, I noticed he snuck into the main house late in evening, and I had concerns for my safety. The way the house was set up, it's a big colonial house and Sybil was on the first floor, I had the unit on the second and third floors, but I had to leave the door unlocked at all times because the kids slept on the second floor, had their meals there, so it was easy access for anyone to walk up. My bedroom was on the third floor, so I gotta protect myself because I left the door unlocked at all times.” Commissioner White did not recall if it was consistent with policy or protocol for an officer to sleep with a gun under their pillow, but he stated that “you were required to keep the gun in our possession.”

Commissioner White told me that he and Sybil had been “off and on” during some period of time. He stated that they were informally separated, still living in the same bedroom in the early 1990's, and that Sybil moved down to “the apartment on the 1st floor maybe in '96 or '95.” He explained that he and Sybil had stayed in the same house until the divorce was final in 2001.

Attorney Carter instructed Commissioner White not to answer any questions about alleged extramarital relationships. Commissioner White told me that his current wife of 9 years is Jacqueline. When I asked if he had an affair with Jacqueline while he was married to Sybil, Attorney Carter instructed Commissioner White not to answer. Later in the interview, he told me that he had started dating Jacqueline in “maybe 1997...Jacqueline came on the police department...1998, I want to say 1999, 2000?”

When I asked Commissioner White if there had been any pushing between Jacqueline and him, he responded, “me and my wife Jacqueline have a peaceful, beautiful relationship. I find this insulting.” When I asked if he had ever been accused of physical abuse during his relationship with Jacqueline, he responded, “Again, I'm insulted, me and my wife Jacqueline have a peaceful, beautiful relationship.” I followed up by asking, “Is the answer no?” and Commissioner White replied, “I'm insulted at the question.” When I pointed out that Commissioner White wasn't answering my questions, Attorney Carter and Commissioner White took a break, after which Commissioner White answered “no” to both questions.

Commissioner White denied participating in any programs, therapy or treatment to address any mental health issue, domestic abuse, sex addiction, or anger management. I asked Commissioner White three separate times if he wanted to add anything, if these was anything else he would like me to know or anything additional to share with me, and he declined.

On April 22, 2021, I received an email from Attorney Carter in which he recounted that at the end of the April 15, 2021 interview, I had asked Commissioner White if there was anything else he would like to say. According to Attorney Carter, Commissioner White had thought about this and wanted to say the following, which was included in the body of Attorney Carter's email:

It is important that the community believes in the BPD. Transparency concerning the BPD is the right direction to go to strengthen community trust in the BPD. That is why I have agreed to release my IAD records regarding the allegations against me, which I addressed at the time and have addressed again in this process. Regarding my first marriage which ended 20 years ago and effectively ended nearly 30 years ago when we separated and began to live separately, it was a very difficult relationship. I was a young man and father and trying to do the best for my family by working hard at my job to support my family financially and by being present physically and emotionally for my family, including two young children and several nieces and nephews who at times needed to stay in our home due to their own difficult circumstances. Despite the challenges of my first marriage, I am proud to say that since our divorce I and my ex-wife have worked together without a single incident. I am blessed to say that I found a positive relationship after my first marriage ended and we have been happily in a partnership for the last nearly 20 years and married for the last 10 years.

For anyone who has experienced a difficult relationship, it is not easy. Because of my own experience in my first marriage, I am very aware of those challenges. As a result, I have been a strong supporter of the Peer Support Unit in the BPD and have provided support to officers who are experiencing difficult personal relationships. Where appropriate, I have made sure they get appropriate family support and professional counseling. I also created, with private funding and the support of Commissioner Gross, the first-in-the-nation public memorial commemorating officers who have died by suicide. That memorial is located in BPD Headquarters. I have attached a picture. I believe it is important to bring attention and support to mental health issues for officers, whether they are caused by stress from a difficult job or relationship or whatever the source. I have the maturity and experience to make a difference in this important area that affects so many, including the BPD.

A photograph of a memorial display for Boston Police Officers who have died by suicide was attached to Attorney Carter's email. The memorial display is located in the Boston Police Headquarters and includes information about how to obtain help through the Boston Police Peer Support Unit or the National Suicide Prevention Lifeline.