

and assumptions. He did not have names, addresses, dates or other details. What was clear and consistent was that [REDACTED] and all Task Force personnel agreed that [REDACTED] was difficult to catch. There were no internal allegations or documented information to support [REDACTED]'s claims. As a result there is no evidence to support or prove that Markham was involved in tipping [REDACTED] about police operations.

[REDACTED] CASE

The [REDACTED] case surfaced during this investigation from interviews with former Task Force employees and supervisors. Task Force personnel advised that they had heard allegations from [REDACTED] (name given to protect his identity) that Markham was "dirty" and had "ripped off" several thousands of dollars from him. [REDACTED]'s case began back in [REDACTED] of 2006 and ultimately revealed a complex case which provided a great deal of information as to how Markham performed her duties within the Task Force, particularly when dealing with informants and other unit members. The specific allegations were determined to be that Markham "ripped" [REDACTED] and his family of money through illegal searches and coercive tactics.

[REDACTED] and [REDACTED] Agent [REDACTED] were interviewed and explained that [REDACTED] started as a ci for Markham. However, [REDACTED] became Det [REDACTED]'s and Agent [REDACTED]'s ci because [REDACTED] refused to work with Markham due to his allegations that she was "dirty". [REDACTED] stated that he and [REDACTED] then excluded Markham from the investigation and he and [REDACTED] continued to work with [REDACTED].

In order to work with [REDACTED], [REDACTED] facilitated a book and release from the jail in conjunction with the DA's office after [REDACTED] had been arrested. [REDACTED] later heard that Markham ended up at the jail around the same time that [REDACTED] was arrested and was angry that [REDACTED] was being released. [REDACTED] heard that there was some sort of commotion at the jail and that Markham wanted to be the one to be working [REDACTED]. Markham allegedly told [REDACTED] that if he got out, she would tell everyone he was a snitch. The commotion at the jail was later substantiated by another detective through deputies that had reported that Markham had strong reactions at the jail. A few hours later, [REDACTED] reported that Markham called him at home and was yelling at him on the phone, angry because [REDACTED] was working with [REDACTED] and not her. [REDACTED] told her he couldn't talk to her as he had company at his home. Ultimately, [REDACTED] met with [REDACTED] and [REDACTED] and a large scale operation took place resulting in [REDACTED] drug seizures in Task Force history.

Interview with [REDACTED]

Agent Neuguth and I interviewed [REDACTED] at an undisclosed location. He said he was stopped by Markham and was arrested and released. (Markham found approximately an ounce of cocaine and wrote a report outlining this arrest and seizure). After Markham arrested [REDACTED], she told [REDACTED] not to worry and whatever happened would be between the two of them. He said he was eventually released but Markham told him that if he didn't follow through with her he would spend the rest of his life in jail and that he would not live in peace and she would tell all of his friends. After being released, [REDACTED] said he did call Markham a few times and that Markham stopped a few times at his home but he wasn't there. After that, [REDACTED] stated Markham started calling and harassing him.

[REDACTED] said at a later date, Markham came to his home when he was at work and searched his home again going through his drawers and took \$4000. He said that [REDACTED] [REDACTED]

(name given to protect [REDACTED] identity) called him at work and told him Markham came in, went through his drawers and took all the money. He told us that Markham was probably mad at him for not returning her phone calls and so just went barging in.

[REDACTED] said then next time he was arrested was by a deputy [REDACTED]. They took him to the DCJ and the officers talked to the DA and had [REDACTED] sign several papers so that he could be released. He said he had [REDACTED] they were more professional and not "berserk" like Markham. While [REDACTED] was in the holding area with his release being processed, he said Markham showed up at the intake area where there were several other prisoners. Markham asked one of the deputies what was going on with [REDACTED] and the deputy told her he was being released. He said that Markham "put up a fit" and the deputy asked her if she wanted to see the paperwork. She was shown the paperwork and he said she became angry. In front of the other arrested people she accused him of playing dirty and was saying things that he felt were trying to get him in trouble and make him look like a snitch in front of the others. She told [REDACTED] that he better not do the same thing to the other officers as he did to her. After his release, [REDACTED] [REDACTED] that Markham was a "dirty" cop.

Interview

[REDACTED] told us that approximately 2 ½ to 3 years ago [REDACTED] was pulled over by Markham near [REDACTED] home (a police report by Markham confirmed [REDACTED]-06). Markham asked [REDACTED] a lot of questions about [REDACTED]. Markham asked for [REDACTED] mom and dad's phone number, which [REDACTED] gave to her. During the course of the stop, Markham told [REDACTED] that they should go back to [REDACTED]'s home to talk further. Once at her home, another unknown w/m officer met them in the driveway. Markham went into the house with [REDACTED] and told the uniform officer to look for [REDACTED] upstairs. [REDACTED] didn't know why they were looking for [REDACTED] and she stated no one asked for [REDACTED] permission to look around the apartment for [REDACTED].

[REDACTED] basically said that the search was without [REDACTED] permission and [REDACTED] felt pressured when Markham arrived at the house and searched. [REDACTED] said there was approx. \$600 in [REDACTED] night stand drawer (the night stand on the right side of the bed). Markham told [REDACTED] that she had to take the money saying it might be drug money. [REDACTED] said it was [REDACTED] personal money from [REDACTED] job and that [REDACTED] told this to Markham. [REDACTED] said the nightstand [REDACTED] and that Markham also went into that drawer however does not believe she took anything out of that drawer or from anywhere else in the home. We asked if Markham ever asked [REDACTED] directly if she could search or look around [REDACTED] stated she never did so. [REDACTED] said Markham told [REDACTED] that she had been watching the house.

[REDACTED] said [REDACTED] never heard from Markham again. Sometime later, [REDACTED]'s mother received MPD paperwork with some sort of court notice that said [REDACTED] could come and pick up the \$600 that Markham had taken out of her house. [REDACTED] stated [REDACTED] had already moved to another state and did not make the trip back to pick it up. [REDACTED] also stated that some time after Markham had talked to [REDACTED], Markham also called [REDACTED]'s mother and told her that [REDACTED] was a drug dealer and that he had other [REDACTED]. [REDACTED] appeared to be most upset about this stating that [REDACTED] was not a minor and Markham had no right to call [REDACTED] mother.

Markham Interview on the [REDACTED] Case

Markham was able to recall much of the [REDACTED] case. The allegation of Markham "ripping" money from [REDACTED] was not found to be true according to statements made by [REDACTED] and [REDACTED]. The

A: No, other than I, I think Mr. [REDACTED] was frustrated that I was trying to hold him accountable and I dogged him and I called and I sat in his house and I just think he didn't like that and I think that's, I understand where he was coming from but I think he also needed to understand that he had made a promise and I was trying to hold him accountable.

[REDACTED] Conclusion

Unlawful Conduct : Exonerated

I concluded after speaking with [REDACTED] and [REDACTED] that [REDACTED]'s initial claim back in 2006 that Markham was "dirty" and that Markham had taken his money proved to be angry retorts by [REDACTED] and [REDACTED] rather than criminal or unlawful behavior by Markham. This investigation concluded there was no evidence that money was taken illegally from [REDACTED] or [REDACTED], or that Markham violated any policies during the money seizures. The investigation also revealed that Markham was relentless in pursuing [REDACTED] to become her informant and she attempted to go through [REDACTED] to get to [REDACTED]. Several detectives indicated there were numerous problems with Markham involving this investigation. Markham made it clear that she felt she was entitled to be a part of this investigation and that detectives did not include her. While there were no sustained policy violations, this was a case brought up by several different Task Force members to illustrate how Markham overstepped her role as a uniformed officer. This is particularly problematic given Markham's acknowledgement in the context of the [REDACTED] Case where Markham stated, "...it was kind of known in the unit if somebody's a target... You don't really interfere..." Again, the behavior speaks to Markham's judgment related to her performance of duties.

[REDACTED] CASE

Sgt. [REDACTED] worked in DCNAG from [REDACTED] to [REDACTED]. [REDACTED] was one of the Sergeants who supervised Markham. [REDACTED] reported he had "nagging questions" about possible tip offs to some of the Task Force operations. His biggest concern was the [REDACTED] case where his team had conducted surveillance for 2 weeks every morning in preparation for a [REDACTED] search warrant in the [REDACTED]. On the date of the warrant, [REDACTED] stated that [REDACTED] got a phone call 15 minutes before the door was breached and [REDACTED] left. [REDACTED] was not arrested on the date of the search warrant and it was days until he was actually picked up. The case detective was [REDACTED] and [REDACTED] believed it may have been Markham's informant that was involved with getting the original investigation going. Although [REDACTED] believed someone tipped [REDACTED], he did not want to believe it was Markham but there were "definite question marks about Markham on this one." He stated he wondered if somehow Markham may have inadvertently tipped someone off. Markham was on all the drug buys and knew of the warrant; however was not working on the day of the execution of the warrant.

[REDACTED]'s assumption on the allegation about the [REDACTED] case was that Markham may have inadvertently given her ci or someone else too much information. When asked what other motivation Markham would have to tip someone off, [REDACTED] stated that he did not want to think that she did this on purpose. He stated he would rather believe that she may have wanted to be in charge of running this case or other bigger cases and this would not be surprising to him. He said "I'm not saying that's right, but I'm just having a hard time with this. With [REDACTED], something was very wrong here. This was not [REDACTED]'s normal pattern." [REDACTED] kept wondering if Markham gave her ci too much info. [REDACTED] held the same belief as Sgt [REDACTED] that this case had been compromised. [REDACTED] was concerned an officer was on the inside leaking information and named Markham as the possible leak. He was unable to

provide specific information as to why he believed Markham was responsible for the leak but felt strongly that it was imperative to investigate this case further.

Agent Neuguth and I interviewed [REDACTED] in [REDACTED]. We asked him specifically who had tipped him off the day the search warrant was executed at his apartment. [REDACTED] denied any tip off and stated that it was just a coincidence that he was out and running the morning of the warrant. He stated he was a jogger and that he ran 15 minutes out and 15 minutes back and that the day of the search warrant he decided to run a little further. He told us he saw police coming as he was leaving for his run. We tried several different ways to convince him to tell us about a tip off however he continually denied there was any. We did not mention Markham's name or even suggest that it was an officer who may have tipped him.

As we said goodbye and thank you, we started to walk away. [REDACTED], unsolicited, asked "How's Denise?" After gaining my composure, I told him she was fine and asked how he knew her. He told us that she had stopped him and that he had only met her once, which was on a traffic stop. He said he had a few grams of weed and that she let him go without any charges or tickets. He stated Markham gave him her number and told him to give her a call. [REDACTED] stated he never called her back nor did they ever have any other contact after that. He indicated the stop took place a few weeks before the warrant and that it was on [REDACTED]. I was able to confirm through new world that Markham did in fact conduct a traffic stop and seize a small amount of marijuana which was placed in the MPD property room near the time and place described by [REDACTED]. See case #08 [REDACTED].

Markham's Interview Statements

Markham was interviewed under Garrity on December 8, 2009. Markham remembered the traffic stop involving [REDACTED] [REDACTED] 2008 approximately one month or so prior to the warrant. She was given a copy of her police report #2008 [REDACTED] for review. Markham stated that she did not recognize [REDACTED] until after the stop was made and contact was made. She was not sure if she knew there was an ongoing investigation but did say "Yah, I think maybe I did 'cause I think I told [REDACTED] that I had pulled him over or had, I think I have (sic) him the plate number and wanted to make sure he knew about that car." The report showed that it was special routed to CIS and Task Force.

Markham was informed that [REDACTED] was interviewed [REDACTED] and that he had asked about her and how shocking that was to Agent Neuguth and me. She responded "Yah. And I, I would be surprised if I was you too, that he would say that...Uhm, I know pretty much most of his family. I've been chasing them for a long time...Regardless you've been around long enough to know my reputation. I am the most talked about officer in the City. I'm not trying to say that in a bragging kind of way but these guys do talk about me... Why he would bring that up I don't know. I assure you I didn't tip him off. I didn't tip his girlfriend off."

Unlawful Conduct : Not Sustained

The allegation of Markham tipping off [REDACTED] remains one of the most troubling cases. [REDACTED] was clearly tipped off when he went jogging minutes before the warrant (when he was not a jogger, proven by days of pre-surveillance and from statements made by a lifelong friend). [REDACTED]'s, unsolicited statement of "how's Denise" as investigators were exiting [REDACTED] interview with him was highly suspect. Markham herself agreed that this was an issue.

more of a middler or smaller level person... And so generally no, I wouldn't say you didn't, do say that but I think there have been occasions where we have.

Q: Would it have been more proper to go to [REDACTED] and say hey, [REDACTED]. Called, rather than telling her or having a conversation about buys into her since she's (sic: he's) the lead detective on it, for him to deal with her on it and not confirm or deny whether buys are into someone?

A: Yes, I would say that would be typically the better way to handle it and I do remember a couple of conversations with him about her so I know I did talk to him about it but generally I think as a uniformed officer, I mean, usually you should try to let the detectives to deal with their cases.

[REDACTED] Conclusion

Unlawful Conduct : Not Sustained

There is no probable cause to believe that Markham committed a crime or intentionally compromised [REDACTED]'s drug case with [REDACTED] to benefit the suspect. Again, this allegation is closely related to Markham's interference in Detectives' investigations for whatever self serving purposes and/or lack of boundary issues. Markham was evasive in her answers during the interview on whether she may have told [REDACTED] about CI buys into [REDACTED]. Markham's explanation was that [REDACTED] herself was not a big player in the drug world however, by getting [REDACTED] to turn over and work for the Task Force, had the possibility of leading to bigger cases. Markham stated she believed this type of "interference" (she did not call it that) was okay on the smaller cases. She stated her only intention was for a bigger case to be made. In this situation, it is reasonable to believe that Markham did reveal police information about an investigation to the suspect, although there is not probable cause to believe she did so with the intent to aid the suspect. This was not her role nor was it consistent with Task Force or police practices. Once again, this case does call into question her judgment as it relates to her performance of duties.

[REDACTED] Case

Follow up was conducted on the information/complaint from [REDACTED], friend of [REDACTED] from the original proffer interview and [REDACTED] Case. The interview of [REDACTED] was completely unplanned and neither Agent Neuguth nor I had any knowledge of [REDACTED] prior to speaking with [REDACTED].

In general, [REDACTED] stated that Markham asked for consent to search [REDACTED]'s apartment on [REDACTED]-07 as the result of [REDACTED] and [REDACTED] recent drug arrest. [REDACTED] alleged the consent was coerced, and Markham was overbearing ([REDACTED] stated that Markham spent at least 45 minutes trying to get [REDACTED] to consent to a search). As a result, [REDACTED] consented to the search and alleged Markham seized money (\$6000) and that she lost her money to Markham because of this coercion. I reviewed Markham's report, and found that the sequence of events in Markham's report is consistent with what [REDACTED] told me with minor discrepancies in what [REDACTED] perceived and what Markham wrote. Markham reported handing the money to Sgt. [REDACTED] and a follow-up report with minimal information authored by Det. [REDACTED] indicated the money had in fact been processed and sent to [REDACTED] for forfeiture. I also spoke with Officer [REDACTED] reference the consent search. Officer [REDACTED] recalled being dispatched to [REDACTED]'s residence to assist Markham on a search. He arrived before Markham and [REDACTED] and upon their arrival stood by while Markham and [REDACTED] talked for less than five minutes outside of the apartment. I asked [REDACTED] if it was possible that Markham and [REDACTED] talked about the consent search for 45 minutes or more. He responded "Oh heck no". After that, [REDACTED] said he stood by inside the apartment while Markham began her consent search. [REDACTED] said that Markham and [REDACTED] walked from room to room together while Markham asked [REDACTED] questions and [REDACTED] pointed out

Q: Even for traffic stops or stops?

A: I might have worn it for, on a few occasions and then I just didn't wear it anymore. Uhm, I don't remember any of the other officers or detectives that I worked with in Task Force wearing their microphone. I think I even remember talking to [REDACTED] about it and I think it was his understanding that because of the nature of what we were doing and dealing with detectives and informants and such that they didn't want all those things recorded.

Q: Did you remember [REDACTED] ([REDACTED]) telling you to get your car audio-video fixed?

A: Yeah and I did.

Q: Numerous times.

I also asked Markham about recording in custody interviews. Markham spoke at length about how she used her own personalized recorder for many in-custody interviews. After interviewing with her personalized recorder, she would later set the personalized recorder next to the department issued Dictaphone and transfer the recorded conversation (see items #93 and #115 of the attached spreadsheet for policy violation).

As a result of Markham's interview statements, I spoke with [REDACTED] who had worked alongside Markham in the Task Force in the same uniform capacity. I asked [REDACTED] about the use of his in car video along with his collar microphone. He told me he that he was never told to not use his collar mic. In addition, when asked about recording interviews, [REDACTED] advised he followed the same directives as the rest of patrol; that is to record interviews on his department issued dictaphone, in car video or by using the district station equipment. [REDACTED]'s information is pertinent to this investigation. His statement speaks to the fact that someone working in a parallel position to Markham had knowledge of proper protocol to follow policies and procedures, related to recording devices and performed his duties accordingly.

Additional Issues Reported

Another case that raised suspicions in the Task Force unit related to compromised investigations stemmed from an arrest made by Markham and [REDACTED] at the South Transfer Pt. on Park St. (case number 08-[REDACTED]). This case provided the basis for a search warrant that was served on [REDACTED] 2008. This search warrant was executed at [REDACTED]. At approximately the same time as the execution, Fitchburg PD informed the Task Force that a resident at [REDACTED] received a hand written note, slid under their door, warning that the police would be conducting a raid at that apartment. The note was signed "Officer Markham". The note had obviously been slid under the wrong door. The timing was very odd and to this day the Task Force never found out who wrote the note or how the information was leaked. A copy of that note was received and reviewed for this investigation. In addition, Markham was interviewed about the note. Markham advised she and others in the unit had been made aware of the note. Markham adamantly denied writing the note and did not have any idea who would have authored the item. She added that the investigation was not at all compromised because of what had been written. Arrests were made as a result of the warrant and this investigation did not show that the operation had been compromised.

Another incident was brought to my attention during this investigation. Sgt [REDACTED] informed me that during a routine audit of the Task Force property room conducted by him in January of 2009, he located a large amount of marijuana (5.85lbs) in Markham's canine locker. This marijuana related to a marijuana seizure by Markham on [REDACTED], 2008 case 08-[REDACTED].