



New Bedford Police Department

Division of Professional Standards

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Jonathan F. Mitchell
Mayor

Derek J. Belong
Deputy Chief

Jason Thody
Chief of Police

Scott A. Carola
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To: Lt. Arthur Hegarty
From: Sgt. Timothy Hogan
Subject: Case #26-2454
Date: August 31st, 2026

Complaint Summary

Sir,

On August 5th, 2026, I, Detective Sergeant Timothy Hogan, was assigned to investigate Professional Standards case #26-2454. This case stems from a newly implemented Audit Assistance manager within the Flock/ALPR software utilized by the New Bedford Police Department. This assistance manager automatically flags for review any anomalies within user usage data it deems out of the ordinary. One user, Sergeant James Marinelli, hereafter referred to as Sergeant Marinelli, was flagged with several registrations suggesting review. An investigation was ordered to determine if this usage was within department policy.

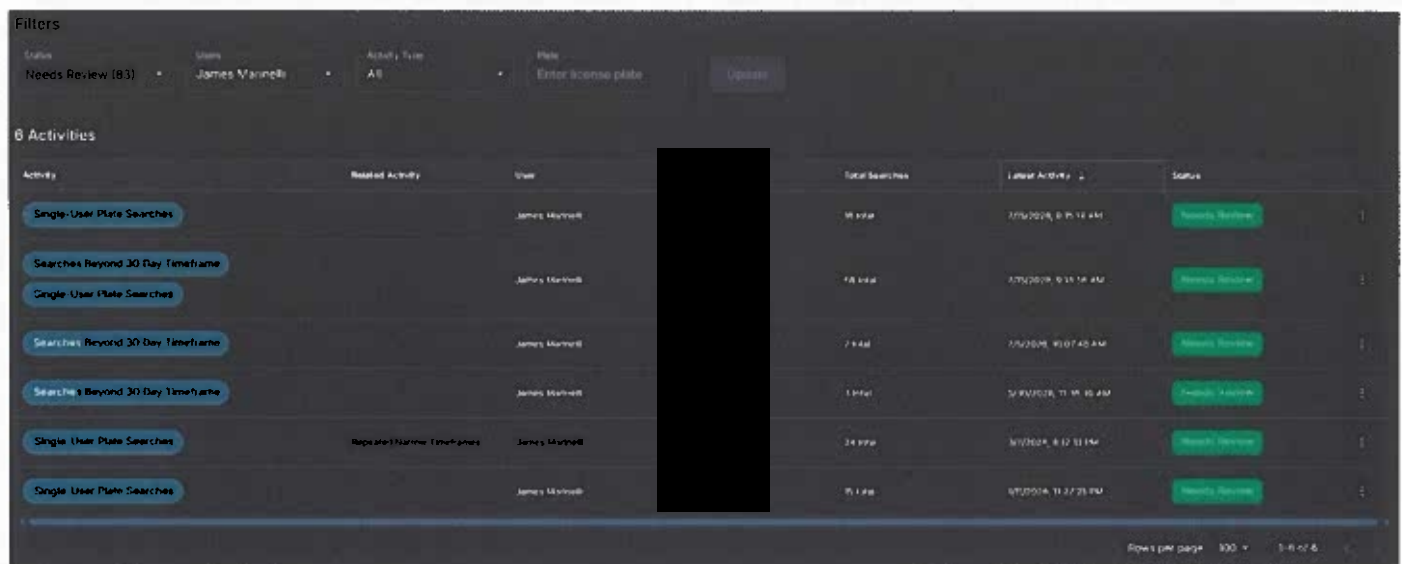
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Investigation

This case was initially brought to the attention of the Chief's Office after a public forum was held in the city with members of the New Bedford Police Department's command staff in attendance, as well as members of the public that wished to voice their concerns. After that meeting, Chief of Police Jason Thody requested an audit be conducted of user's search data within the Flock system. This audit was initially conducted by Jeffrey Provencher, Public Records Administrator, at the request of Deputy Director of Administrative Operations Debra Piehl. The audit was done utilizing the Audit Assistance manager within the Flock website. The audit assistance manager is a fairly new tool available to the department, as of late July 2026. When the audit assistance manager identifies something outside of normal operational use, it flags it for "review," placing the activity on a list for administrators to review. Some of these flagged anomalies are for legitimate law enforcement purposes, however, since the software is not able to determine that, it forwards those for review as well.

Regarding Sergeant Marinielli, the audit assistance flagged multiple registration numbers for review, see below image.



The screenshot displays the 'Audit Assistance' interface in the Flock system. At the top, there are filters for 'Status' (Needs Review (83)), 'User' (James Marinielli), 'Activity Type' (All), and 'Plate' (Enter license plate). Below the filters, a table lists 6 activities. Each row includes a 'Related Activity' link, the 'User' name, a redacted registration number, 'Total Searches', 'Latest Activity', and a 'Status' button.

Related Activity	User	Registration Number	Total Searches	Latest Activity	Status
Single-User Plate Searches	James Marinielli	[REDACTED]	16 total	7/16/2026, 9:15:18 AM	Needs Review
Searches Beyond 30 Day Timeframe	James Marinielli	[REDACTED]	18 total	7/16/2026, 9:15:18 AM	Needs Review
Single-User Plate Searches	James Marinielli	[REDACTED]	7 total	7/16/2026, 9:15:18 AM	Needs Review
Searches Beyond 30 Day Timeframe	James Marinielli	[REDACTED]	1 total	7/16/2026, 11:15:18 AM	Needs Review
Single-User Plate Searches	James Marinielli	[REDACTED]	24 total	7/16/2026, 11:15:18 AM	Needs Review
Single-User Plate Searches	James Marinielli	[REDACTED]	15 total	7/16/2026, 11:15:18 AM	Needs Review

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While conducting the audit of Sergeant Marinelli's usage, three of these registrations were able to be eliminated through a check of CJIS (Criminal Justice Information System) and the departments in house record keeping system, IMC. The first, [REDACTED] was determined to be part of a hit and run vehicle crash investigation from January 2026. The next was a partial registration number of [REDACTED] Sergeant Marinelli was running a standard search for this partial registration along with a vehicle description for a [REDACTED] on March 7th. A Check of IMC records revealed a report was done for use of motor vehicle without authority, documented in 26-1958-OF containing a [REDACTED] with [REDACTED] in the registration number on March 7th.

The final registration was [REDACTED] searched by Sergeant Marinelli throughout the year at various times totaling seven (7) searches. This plate is registered to Sergeant Marinelli himself, these could be for testing purposes, however that cannot be confirmed. The last three registrations could not be accounted for in our local system and further investigation was required.

These registrations were [REDACTED] searched a total 68 times and registered to [REDACTED] with an address of [REDACTED] searched a total of 16 times and registered to a [REDACTED] [REDACTED] searched a total of 3 times and registered to [REDACTED] [REDACTED]

All searches were done using the "lookup" function in the search tab. The lookup function is a stripped down, quicker version of the full "search" tab. Both "search" and "lookup" are available when clicking the search option. Refer to the following screenshots. Image one is "search" and image two is "lookup."

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The screenshot shows a web application interface for searching vehicle data. At the top, there is a navigation bar with links: Search, Alerts, Tools, GPS, VMS, Devices, Sharing, Insights, Evidence, Admin. Below this is a search bar with a magnifying glass icon and a 'Search' button. The main section is titled 'Investigative Purpose' and contains several input fields: 'Offense Type' (a dropdown menu), 'Case Number' (a text field with a note 'Enter case number (required)'), and 'Reason' (a text field with a note 'Enter search reason (required)'). Below these is a 'Vehicle Details' section with 'License Plate' (a text field), 'Plate State' (a dropdown menu), 'Include Partial Plate' (a checkbox), and 'Vehicle Make' (a dropdown menu). The 'Location & Time' section includes 'Location' (a dropdown menu), 'Start' (a date and time picker), 'End' (a date and time picker), and a 'Map & Devices' button. At the bottom, there is a 'Run Search' button.

Image 1

The screenshot shows a web application interface for looking up vehicle data. At the top, there is a navigation bar with links: Search, Alerts, Tools, GPS, VMS, Devices, Sharing, Insights, Evidence, Admin. Below this is a search bar with a magnifying glass icon and a 'Lookup' button. The main section is titled 'Investigative Purpose' and contains several input fields: 'Offense Type' (a dropdown menu), 'Case Number' (a text field with a note 'Enter case number (required)'), and 'Reason' (a text field with a note 'Enter search reason (required)'). Below these is a 'Vehicle Details' section with 'License Plate' (a text field), 'Plate State' (a dropdown menu), 'Include Partial Plate' (a checkbox), and 'Vehicle Make' (a dropdown menu). The 'Location & Time' section includes 'Location' (a dropdown menu), 'Start' (a date and time picker), 'End' (a date and time picker), and a 'Map & Devices' button. At the bottom, there is a 'Run Lookup' button.

Image 2

As the images show, the “lookup” feature is geared toward when a user knows the exact registration number needed to be found. As with “search,” the user has the ability to add descriptive features of the vehicle, and a partial registration number can be searched

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with that description. Also of note, Sergeant Marinelli used several different “reasons” the lookup was being conducted.

At the onset of the ordered audit into Flock usage, a Zoom meeting was scheduled with Flock administrators. On this Zoom call were members of the Professional Standards Division, myself, Detective Sgt. Thomas Jupin, and Detective Lt. Arthur Hegarty. Also present was Detective Capt. Justin Kagan, and two Flock representatives, [REDACTED]
[REDACTED]

This meeting took place Monday August 3rd, at 10:30am. The objective of this meeting was to clarify some of the technical capabilities of the audit assistance manager and some general questions regarding end user searches. We were informed that the audit assistance manager was only able to access data from the current calendar year and any manual audit searches would cover a calendar month at a time, meaning an audit of end user search histories would have to be done on a “31 day” search. We were informed Flock had no intention of changing this setting.

We also asked to clarify what information gets tagged when a registration number or vehicle description is searched. It was explained to us that when an end user enters anything into the search fields and hits “run search” or “run lookup,” that is tagged as the first “search.” Once results are returned, any time the user then modifies the results, for example, changes timeframe, networks, etc., each of those modifications get their own unique ID tag and logged as a new “search.” An example was given that a user could select “run” once, modify the results 5, 10, or more times and it would look like a dozen or more searches within a very short timeframe. With nothing further, the meeting was concluded.

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Steps taken by members to obtain a Flock account:

On February 28th, 2025, then Assistant Deputy Chief Derek Belong sent out an email to sworn personnel as well as dispatchers outlining the steps to take if they wished to receive access to the system. See email below:

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 Outlook

ALPR and BWC Policy Updates

From Belong, Derek J <Derek.Belong@newbedfordpd.com>

Date: Fri 2/28/2025 11:33 AM

To: sworn officers <swornofficers@newbedfordpd.com>; Communications <Communications@newbedfordpd.com>

 3 attachments (340 KB)

Body-Worn_Cameras 2.28.25.pdf; ALPR Camera and Data Use Memorandum of Understanding.pdf; Automated_License_Plate_Readers__ALPRs 2.26.25.pdf;

Good morning,

Attached you will find two policies, one of them is an updated Body-worn camera policy and the second is a new policy for our recently-installed Flock ALPR Cameras. I want to highlight a few things for you to consider.

Regarding the ALPR policy, this is new so please take time to read it. Along with the policy is an MOU that will be required to be signed if you wish to be trained and have access to the technology. If you are unfamiliar with FLOCK, it is technology that recognizes license plates that are entered into the system's database and if the software locates the plate passing a camera it will send you the alert (Basic answer). They are helpful in many types of investigations, including stolen motor vehicles. You are not required, but if you wish to have access to the software (sworn or dispatch personnel), you simply need to fill out the MOU and email it to a detective division supervisor. They will activate your account. There brief training videos and articles when you log in to bring you up to speed. Please see someone with the detective division if needed.

<https://help.flocksafety.com/s/article/Alerts-Certification-Program>
<https://help.flocksafety.com/s/article/Flock-Search-Tool-Certification-Program>
<https://help.flocksafety.com/s/article/Law-Enforcement-Dispatch-Certification>

Regarding the BWC policy, I wanted to bring your attention to a couple sections that have changed and ask you to review them. On the surface, you will notice that a few paragraphs have been moved to provide a less convoluted version of the policy and make it more reader friendly. We have taken feedback from the Union and made changes to the following sections. Please review the policy in its entirety and focus in on these sections that are listed below.

422.8.1 (b)
422.9
422.9.2
422.9.3

Both of these policies will be added to PowerDMS shortly.

As always, if you have any questions please feel free to reach out.

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As can be seen in the email Deputy Chief Belong highlighted that anyone wishing to activate an account must fill out the MOU (Memorandum of Understanding), he noted the recently released policy (Automated License Plate Readers (ALPRs)) and stated to take time to read it. He also attached three separate links that lead directly to the Flock website and give detailed instructions on the alert system, search system, and dispatch system. Below see Sergeant Marinelli signed MOU from February 25th, 2025.

The department MOU outlines specifically what is prohibited in regard to Flock data, most notably:

Section D. - Personal Use: It is a violation of this policy to use the LPR system or associated scan files or hot lists for any personal purpose.

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New Bedford Police Department Office of the Chief of Police

871 Rockdale Avenue, New Bedford, MA 02740
Phone: 508-991-6300

Jonathan F. Mitchell
Mayor

Scott A. Carola
Asst Deputy Chief

Paul J. Oliveira
Chief of Police

Derek J. Belong
Asst Deputy Chief

ALPR Camera and Data Use Memorandum of Understanding

The New Bedford Police Department shall authorize access to our Automated License Plate Reader (LPR) cameras and data. Please review the following memorandum of understanding and return for access.

The LPR system, and all data collected, is the property of the New Bedford Police Department. Your department personnel may only access and use the LPR system for official and legitimate law enforcement purposes, memorialized by a case number, call for service, or report number in "search reason" field, consistent with New Bedford Police policy within this memorandum.

The following uses of the ALPR system are specifically prohibited:

- A. **Invasion of Privacy:** Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the LPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- B. **Harassment or Intimidation:** It is a violation of this policy to use the LPR system to harass and/or intimidate any individual or group.
- C. **Use Based on a Protected Characteristic:** It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- D. **Personal Use:** It is a violation of this policy to use the LPR system or associated scan files or hot lists for any personal purpose.
- E. **First Amendment Rights:** It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
- F. **Anyone who engages in an impermissible use of the LPR system or associated scan files, or hot lists may be subject to criminal prosecution and civil liability along with immediate termination of department access.**

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- G. The New Bedford Police Department does not permit the sharing of LPR data gathered by the town or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).
- H. No third-party requests to the New Bedford Police LPR data shall be released other than to prosecutorial agencies related to criminal cases investigated by your agency. Third party requests may be forwarded to New Bedford Police Department for review.
- I. No information obtained under this agreement shall be otherwise disseminated to any non-party.

Member/User: JRM #4056

Date: 2-28-25

Det. Div. Commander/Designee: Justin Kagan

Date: 2/28/25

1/21/25

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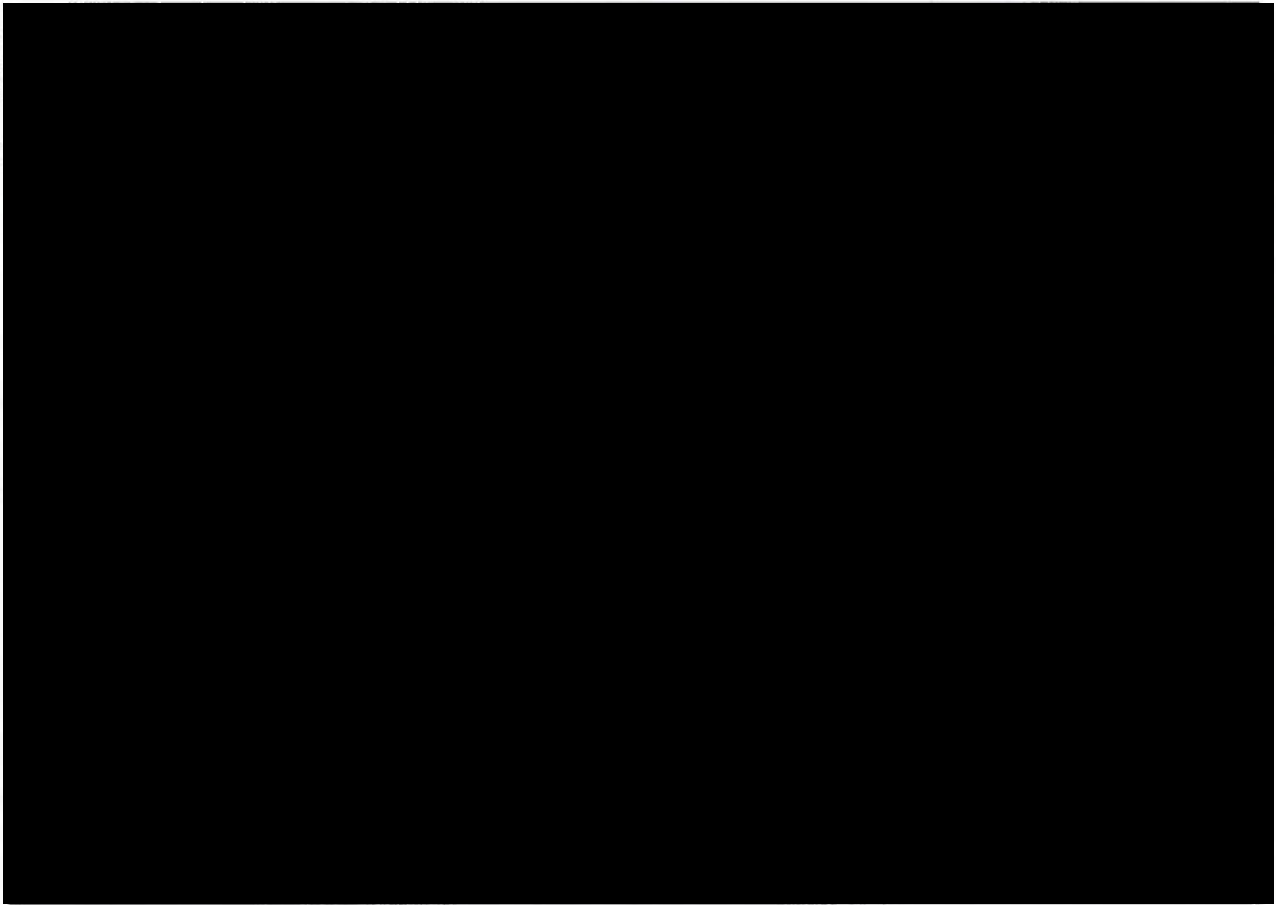
██████████ was searched 68 times between May 7th and July 15th, 2026. The registered owner, ██████████ only interaction with New Bedford Police Department were two traffic citations, one in June of 2025 and the other on July 13th, 2026. The July 13th citation was for speeding and issued by Traffic Division Officer William Solomon in the area of Fish Island. Sergeant Marinelli did search this registration for this timeframe with the reason listed as "traffic infraction." However, it does not appear Sergeant Marinelli was directly involved in this traffic stop. A search of ██████████ within the Flock data from 2025 yielded no results.

Reasons on searches for this registration appeared differing. The reasons used were labeled "trespass," "hit and run/car accident," "curfew/loitering/vagrancy violations," "alcohol offenses (non-DUI)," "disorderly conduct/disturbance," "destruction/damage/vandalization of property," assault/battery offenses," "assault/battery offenses (domestic)," and "welfare check." Again, nowhere in our local system could anything be located pertaining to this registration that would indicate it was being searched for any of those reasons.

When performing searches for this registration, the networks searched varied from 2 to 6 networks. There were 41 searches using 6 networks. Those networks included the 3 networks of New Bedford cameras, as well as Acushnet, Dartmouth, and Lakeville.

A social media check was conducted of ██████████ and Sergeant Marinelli, below is the only public post located, showing the two in a relationship as of July 4th.

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The photo of the person above identified as [REDACTED] does match the RMV photo of the registered owner of registration [REDACTED]. Now that it had been determined that the two were in a dating relationship, an interview was scheduled for Sergeant Marinelli. The interview took place August 14th, 2026, in our office. Present was myself, Detective Lieutenant Arthur Hegarty, Sergeant Marinelli, Attorney Michael Akerson, legal counsel, and Sergeant Jason Gangi, union representative.

Sergeant Marinelli was read and signed PSU Form 1 (see below) by Lt. Hegarty. Sergeant Marinelli wished to invoke his 5th Amendment rights and chose not to provide a statement; the interview was concluded.

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TO: Sergeant James Marinelli
FROM: Chief Jason Thody
SUBJECT: Complaint #26-2454
DATE: August 14th, 2026

As ordered in accordance with Rule #516.4, you have appeared at the Office of Professional Standards regarding a complaint.

Invocation of your rights against self-incrimination under the *5th Amendment* to the United States Constitution and *Article 12* of the Massachusetts Declaration of Rights is sufficient to comply with this rule. This may be accomplished by checking off the appropriate box at the bottom of this page. You cannot be disciplined for asserting your rights. However, the investigation will continue and a recommendation made on the basis of available information.

You may also comply by asserting your *5th Amendment* privilege against self-incrimination and waiving your *Article 12* (Mass. Declaration of Rights) privilege. If you choose this option you are waiving your right to transactional immunity and you are required to answer questions. However, the answers that you provide to the allegations of the complaint and any evidence derived from those answers cannot be used against you in a criminal proceeding. Criminal proceedings may be based upon evidence obtained from other independent sources.

Failure to answer questions, absent an assertion by you of your constitutional privilege(s) is considered failure to comply with an order and could result in your receiving disciplinary action including termination. Please **READ, CHECK THE APPROPRIATE BOX, SIGN and DATE** this statement.

I have read and understand the above statement:

- ☒ I wish to claim my constitutional protections under the United States Constitution's 5th Amendment and Massachusetts Declarations of Rights', Article 12.
- ☐ I assert my 5th Amendment privilege against self-incrimination, but agree to waive my Article 12 privilege. I will answer questions, but the information received from these answers cannot be used against me in a criminal proceeding. However, I understand that criminal proceedings can be instituted against me based upon evidence obtained from other sources.

EMPLOYEE'S SIGNATURE: _____

DATE: _____

SIGNED IN THE PRESENCE OF: _____

DATE: _____

DPS Form 1

Ranking Officer

New Bedford Police Department

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Our attention was then turned to the significance of [REDACTED]. This registration was searched in conjunction with [REDACTED] on July 6th, 7th, 10th, 11th, and 15th, sometimes within minutes of each other. As with [REDACTED] has no history with the New Bedford Police Department other than a traffic citation issued in 2010. Also, nothing else to indicate this vehicle was actively being searched for. A search of [REDACTED] within the Flock data from 2025 yielded no results.

The total number of searches for [REDACTED] was 16. Of those, 12 were searched over 6 networks which included Acushnet, Dartmouth, and Lakeville. The 4 remaining searches were done using the New Bedford networks.

Contact with [REDACTED] was made on August 28th, 2026, at his residence of [REDACTED]. [REDACTED] stated he was mutual friends with Sergeant Marinelli. He was also aware of [REDACTED] as he and her had dated briefly approximately six (6) years ago. He stated he hardly ever associates with her at present. [REDACTED] was asked if it surprised him that Sergeant Marinelli had searched his registration in the Flock system, and he stated it was surprising.

[REDACTED] was asked if he was made aware of any of this information prior to this interview and he stated he had heard something of it. He was asked what he had heard and he stated, "I heard from [REDACTED] something about he was tracking me and he was running my plates, and I may get a call from the City of New Bedford." He was informed of this at least a week prior to this interview. [REDACTED] was asked why he thought Sergeant Marinelli would have searched his registration and he stated he believed Sergeant Marinelli probably thought [REDACTED] was cheating on him with [REDACTED].

The same day, August 28th, we attempted to reach out to [REDACTED] using phone number [REDACTED]. A female answered and identified herself as [REDACTED]. I

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identified myself and the reason for my call. I informed her I was calling about Sergeant Marinelli searching her registration within Flock multiple times. I asked her if she was aware of any of this, she stated she was, I asked if she was willing to provide a statement at which time she stated she declined to provide me with any kind of statement. The call was ended.

The final registration to be investigated was [REDACTED] registered to [REDACTED]. This plate was only searched 3 times over 2-3 networks (New Bedford Flock cameras), however the timeframe searched in one of those was for a span of 30 days covering March 30th to May 30th. A search of [REDACTED] within the Flock data from 2025 yielded no results.

Seeing as he and [REDACTED] shared the same last name, it was a very real possibility they were married or separated. An internet search was done to see if there was any mention made of them together anywhere. A listing from Hathaway Family Funeral Homes stated [REDACTED] were married, [REDACTED] together. This listing was from October of 2021.

An attempt was made to contact [REDACTED]. Investigators received no answer and a business card was left at the door. A 7-day letter will also be sent out in the event [REDACTED] does wish to speak with us. This concludes the investigation portion of this summary.

Conclusion

At this point I believe the Flock data shows Sergeant Marinelli was actively tracking [REDACTED] utilizing Flock as a form of electronic surveillance. I believe [REDACTED] assessment to be most logical. As can be seen in the Facebook post, [REDACTED] and Sergeant Marinelli announced their dating relationship on July 4th, and the next day Sergeant Marinelli is searching both [REDACTED] registrations for a period of 5 days, sometimes searching for both simultaneously. [REDACTED] stated he believed

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Sergeant Marinelli somehow manifested that [REDACTED] was cheating on him with [REDACTED] and Sergeant Marinelli began actively tracking the two. This continued for five (5) separate days in July and stopped. Sergeant Marinelli invoked his 5th Amendment rights and chose not to be interviewed so I cannot confirm any of this with him. However, based on all of the above I recommend the following:

Policy 424 - Automated License Plate Readers (ALPRs) - SUSTAINED

424.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

For this violation I do not believe these searches were conducted for legitimate law enforcement purposes. It is clear Sergeant Marinelli and [REDACTED] are in a dating relationship, and no law enforcement personnel were attempting to locate her vehicle, [REDACTED] for any reason. I believe these searches were for purely personal reasons, a direct violation of this policy and accompanying MOU.

501.15 False Information on Records – SUSTAINED

A member or employee shall not knowingly or willingly make false official reports or cause any false information to be entered in any books, reports or records.

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Sergeant Marinelli was entering several different reasons in the Flock "reason" box when searching [REDACTED] registration plates through Flock. Data shows these vehicles were never being searched for those reasons by anyone other than Sergeant Marinelli, and the searches Sergeant Marinelli were conducting were not for the reasons he entered.

502.1 Suspicious Conduct – SUSTAINED

A member shall not pursue a course of conduct which will raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

G. L. c. 268A, s 23 (b).

Sergeant Marinellis' misuse of Flock to gather information about a significant other and that person's former significant other has broken public trust that these resources would only be used for legitimate law enforcement purposes, and not personal reasons.

515.6 The following shall be considered violations or neglect of duty and are subject to the actions stated in section 515 charges and hearings:

b) Failure to perform according to the department rules and regulations. - SUSTAINED

This violation will encompass all other violations a sustained finding is recommended for. Personal use of the Flock system is a clear violation of Policy 424 and accompanying MOU.

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d) Immoral conduct or conduct unbecoming an officer. – SUSTAINED

This violation will also cover the misuse and abuse of the Flock system.

e) Commission of any act contrary to the good order and discipline of the department.

– SUSTAINED

This violation will include aspects of this investigation which upset the order within the New Bedford Police Department. The misuse of Flock has negatively impacted the agency and those associated with it.

Respectfully submitted,



Detective Sergeant Timothy Hogan