



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To John H. Corcoran, City Manager

Date November 26, 1973

From James F. Reagan, Chief of Police

Reference

Subject

Dear Sir:

Attached you will find all correspondence relative to complaint of Mr. Frank DeLuca, 158 Otis Street, Cambridge, concerning Officer Louis Cherubino.

Captain Joseph P. Cusack's report indicates that this matter was settled by all parties and cleared by his office on June 2, 1972.

JFR/k
encls

Sincerely yours,
James F. Reagan
James F. Reagan
Chief of Police

CITIZENS COMPLAINT REPORT
CAMBRIDGE POLICE DEPARTMENT
INTERNAL INVESTIGATIONS DIVISION

FILE NO: _____
DATE: 5/5/72

Fill out this form whenever an in-person or telephoned complaint is received by a member of the Department. In addition, obtain signed statements from the complainant and witnesses without delay. Attach pertinent documents, records, statements, notes, etc., to the original of this form and forward to the Internal Investigations Division as soon as possible.

Name of Complainant: Frank De Luca Date Received: 5/5/72
Home Address: 158 Otis St. E. Cambridge Phone: TR-6-1246
Business Address: 158 Otis St. E. Cambridge Phone: TR-6-1246

Classify Nature or Type of Complaint: man handle my left arm

Name of Officer Complained About: (If more than one, so state):
1. Cherubino Rank: Patrolman Badge No. _____

Location of Occurrence: Cor Eighth and Cambridge St. Date: 4/28/72 Time: 8:00 or 8:30

BRIEF SUMMARY OF COMPLAINT: NOTE: OBTAIN AND ATTACH COMPLAINANT'S SIGNED STATEMENT TO THIS FORM.
I was giving a security check to the store tenant who was going to move. But before that was about to cause some damage to the store. I arrived at the scene when the police were there, I walked over to the ~~car~~ car whom my sister told me were, when officer Cherubino followed me and I told him I do not need protection, he told (Use back of sheet if more space is needed.)

Parties will be notified of the results and disposition of the investigation. State if you are or are not willing to testify at any hearings connected with the investigation. (Please circle) YES or NO

Signature of Complainant: Frank De Luca
Witnessed by: _____

WITNESSES NAME, ADDRESS AND PHONE NUMBER:
1. Annet Gaudette
2. John Gaudette
3. Maria Gaudette

Complaint Received by: Capt. Joseph P. Cusack 5/1/72 3:30
(Name, Rank and Bureau) (Date - Time)

Complaint Form Received by: Lt. O'Leary 5/1/72 3:30
(Investigating Division Officer) (Date - Time)

Complainant contacted by: _____ Date: _____ Time: _____

Disposition: Cleared 6-2-72 - Agreeable to both parties -
JD

me in a fresh tone to give him his money, which
it told him was not none of his business, when he
grabbed my arm hard sticking his nails in my
arm and said you are under arrest. A kind
police officer interceded and to to told him
officer cheribino to leave him a love. at that
point he let go my arm. The kind police officer
told me later to forget about it later and said don't
let it bother you very politely, his kind way ~~was~~
could stop trouble before it starts. But officer
Cheribino ~~show~~ showed no intelligence or even
try to see what happen, all he did was to try
to use force ~~was~~ with out thinking which makes
him a poor police officer. All I was trying to
do was protect my property. also he was great
to my sister.

5/5/72

Capt. Joseph P. Cusack

I'm writing to you to complain about a Officer Cherbins. On the night of April 28, 1972 about 8 or 8:30 I was leaving my home to give a security check to the tennant who was moving. But before that was trying to do damage to the store, one of the store partners was partly drunk, and not to have any further trouble my sister decided to give him his money and only because of my sister did I give him his money because when the tennant took the store I made his receipt to, when leaving the premises ~~soo~~ would he get his security. I was within my rights to do just that. But we gave him his money two days earlier which was the 28 of April the last day of the month was the 30. I arrived on the scene when my sister told me he is in the car across ~~the~~ the street, I went over to the car giving him his money but by that time the police were there, any way Officer Cherbins followed me over to the car, when I said to him I do not need protection, when he said give him his money with out knowing what the story is all about, and I told him Officer Cherbins it was none of his business, which I was in my rights. Suddenly he grabed my left arm hard sticking his nails in my left arm causing black and

blue masks which I showed to Lt. O'Leary,
Capt. Cursack and Chief Regan on 5/6/72.
Officer Cherbin said you are under arrest
and I said for what and to let go my arm
because he was hurting it. If officer Cherbin
wanted to arrest me all he had to say you are
under arrest and I ~~would~~ would have walked
over to the police car simple as that. But
I would say in that event it would be the first
time ~~and~~ an arrest was made for protecting someone's
property. I caused no trouble or was resisting any
arrest he made all the moves. Any way a police
officer ~~not~~ who was very kind interceded and told Officer
Cherbin to let him go which he finally did. Out
off of all the police officers who were on the scene
about 6 of them Cherbin was the only one making
the moves or doing the talking. To me Cherbin
showed me no intelligence or guts if he wanted
to be a leader in combat, which he had plenty
of opportunities to do just that. I overheard someone
say leave him alone he is nervous, Cherbin said
I don't care what shows how cruel a police
officer of his kind can be. Cherbin later told me
he was here twice and the next time
that he would lock me up, so you

(2)

see with ^{out} knowery or caring what it all
about he ~~try~~ tried to show me who he was, and
not caring about the property to owners which
was to try ing to protest. Its a funny thing
Cherbins was protecting the tenants who were,
causing all the trouble ~~read~~ ready to damage
the store, another thing I did not know the
police were there the first time because I was
home at that time, when my sister came to the house
and told me to give ~~me~~ the tenants the check,
so she did not want me to know about the trouble
that was going on so I went to see the tenant before
giving him his money I ~~was~~ wanted to explain
to him that money would be given when leaving
premises as I wrote on the receipt when he took to the
store. Then he started to use foul language which
I told him to stop but he got fresh and when
I went after him when we were broken up,
at that point my sister pleaded with me to get
the money and I did and when I got back the
police were there. That is all the truth
I have been writing about I hope you all will
believe me, and I like to thank all of
you for taking the time

to read all of my story and to be
fair about it all. ~~once~~ once again
all I want to say ~~this~~ in closing is
I was protecting my property which is
my right to do.

Thank you very much.
Frank De Luca



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Captain James F. Sugrue

Date May 8, 1972

From Lieut. John Norton

Reference

Subject Alleged Police Brutality - Officer L. Cherubino

Attached herewith Form P185, Citizens Complaint Report from Mr. Frank DeLuca, 158 Otis Street, Cambridge, which is self-explanatory.

Please have the above named officer submit a full report regarding said complaint to you and forward a copy of said report to the Bureau of Inspectional Services by Friday, May 13, 1972.

Lieut. John J. Norton
Bureau of
Inspectional Services

John J. Norton



City of Cambridge
POLICE DEPARTMENT

Station No. C

Cambridge, Mass., May 8, 1972

James F. Sugrue

Captain of Police

Sir:

On 4/28/72 I was assigned to car #1 with
Officer Rudolph Carbone. At exactly 7:32 pm. we
received a radio call from the dispatcher
E. McCarthy of a fight at 8th and Camb. Sts. We
were assisted by K-9 Officer Paul White. Upon
arriving at the scene we observed a crowd of
approximately 35 people between 8th and Camb. &
600 Camb. St. We then left the cruiser to find
the cause of the disturbance, when a woman
charged out of 600 Camb. St., which appeared to
be a repair shop for motors. She was yelling and
screaming about a man in the store, stating he
had no right to be inside and she wanted him
evicted.

Officers Carbone, P. White, and I entered



City of Cambridge

POLICE DEPARTMENT

Station No. _____

Cambridge, Mass., _____ 19 ____

the store at which time Sgt. Donovan arrived at the scene. There were approximately 4 to 5 men inside trying to restrain one individual who became very loud and excited. He stated both him and his partner were renting the store and their rent was paid. Also that they have been constantly harrassed by Frank DeLuca, the owner of the property from whom he rented the store and also the Fronduto family who are related to DeLuca. According to the men inside the store one Ricky Fronduto walked into the store and threw a punch at the man they were trying to calm down. Ricky Fronduto then made threats to all the individuals in the store. Finally a fight broke out, outside the store involving the Fronduto family and the individuals in the store. I can identify all those present, but I do not know their first names. Peace was restored and both parties



City of Cambridge POLICE DEPARTMENT

Station No. _____

Cambridge, Mass., _____ 19 ____

_____ were given a verbal warning not to cause any
_____ further disturbance. The call was cleared at
_____ 7:40 pm.

_____ At 7:50 pm. we received a call at the same
_____ location of another disturbance involving a
_____ knife fight. Upon arriving at the scene we
_____ observed the same parties involved previously,
_____ only this time a gathering of at least 55 people
_____ mostly spectators, I assumed.

_____ At this time we found that the same woman had
_____ entered the store in company with John Fronduto,
_____ Ricky Fronduto, and Frank DeLuca with the intent
_____ to do the proprietors bodily harm. There was
_____ some rumor from the crowd that Ricky Fronduto was
_____ carrying a knife. He fled the scene upon the
_____ arrival of the police.

_____ The proprietors of the store stated to me
_____ that they were in the process of moving their



City of Cambridge POLICE DEPARTMENT

Station No. _____

Cambridge, Mass., _____ 19 __

equipment and closing shop. At that point all parties left the premises and the shop was closed.

The proprietor got in a black Oldsmobile on the corner of 8th and Camb. Sts. with his partner and two other men to avoid any further disturbance

and were pulling away when Frank DeLuca walked towards the m/v shouting and yelling obscenities.

His sister asked me to go over with her to calm him down for he is suffering from a nervous condition and might become violent with the

occupants of that m/v. As I walked over to the

m/v Mr. Frank DeLuca was standing there making

threats to the occupant of that m/v and asking

him to step out and fight. He had what appeared

to be a check in his right hand and stated, "this

is your deposit for the store, now get your

fuckin shit out of there." At this point, I

warned Frank DeLuca that he was causing a Breach



City of Cambridge

POLICE DEPARTMENT

Station No. _____

Cambridge, Mass., _____ 19 __

of the Peace and would be subject to arrest if he
did not refrain from his actions. He then re-
plied to me, "this is none of your Fuckin business
and I don't need your kind of protection; I'll
handle this my way."

The occupants in the m/v did not utter a word
during this time and I placed my left hand on
Frank DeLuca's left arm to prevent him from
striking a blow at the occupant on the passengers
side, front seat of the m/v. His sister then
jumped between Frank DeLuca and myself, shouting
and pushing me. Frank DeLuca then started yelling
"take your Fuckin hand off me," and pushed me
against the corner building on ~~the~~ 8th and Camb.
Sts. Officer White then came to my aid separat-
ing the hold Frank DeLuca and his sister had on
me. They were warned by officer White to calm
down or they would all be placed under arrest for



City of Cambridge

POLICE DEPARTMENT

Station No. _____

Cambridge, Mass., _____ 19 __

Breech of the Peace and also Assault and Battery
 on Officer Cherubino. Peace was restored once
 again and Frank DeLuca appologized for his actions
 and finally we managed to disperse the crowd that
 gathered with the assistance of car #2.

I do not have the identity of the men involved
 who occupied the store at the time of the incident
 but I am sure Frank DeLuca would be able to
 furnish that information if their testimony is
 necessary.

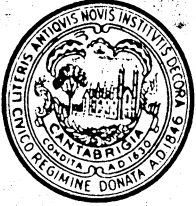
Time on both these calls recorded:

1st call - 7:32 time of call - 7:40 pm. cleared
 call - 4/28/72

2nd call - 7:50 pm time of call - 8:04 pm. cleared
 call - 4/28/72

Respectfully submitted,

Louis F. Cherubino
 Ptl. Louis Cherubino #397



CITY OF CAMBRIDGE
MASSACHUSETTS

POLICE DEPARTMENT

BUREAU OF
INSPECTIONAL SERVICES

May 21, 1972

Mr. Frank DeLuca,
158 Otis Street,
Cambridge, Mass.

Dear Sir:

Regarding your complaint received by the Cambridge Police May 1, 1972, our department has made repeated attempts to contact you by telephone to no avail. (Tr6- 1246)

We request that you contact Captain Joseph Cusack (868-3400) at your earliest convenience, for the purpose of arranging a meeting to discuss your complaint.

Very truly yours,

Joseph P. Cusack
JOSEPH P. CUSACK
CAPTAIN OF POLICE



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Captain James Sugrue

Date May 30, 1972

From Captain Joseph P. Cusack

Reference

Subject Alleged Police Brutality - Officer L. Cherubino

Please inform Officer L. Cherubino that a hearing regarding the Frank DeLuca complaint will be held Friday, June 2, 1972 at 4:15 P.M., the office of the Bureau of Inspectional Services.

Present at this hearing will be Capt. Cusack, Lieut. Norton and Mr. Frank DeLuca.

Joseph P. Cusack
Captain Joseph P. Cusack
Bureau of
Inspectional Services

CAMBRIDGE POLICE DEPARTMENT

ROSTER FOR - Third Platoon
 DATE - Friday, April 28, 1972
 ROLL CALL - 4:00 P. M.
 C.O.
 DESK LIEUT - Sgt. A. D. Hughes
 CITY LIEUT -

SERGT. - Donovan...1-2-3
 SERGT. -
 SERGT. - Grynkiewicz...4-5-6
 SERGT. -
 SERGT. -
 SERGT. -

ROUTE 1 R - White...K-9
 ROUTE 2 R - DeLuca
 ROUTE 3 - Considine...WT
 ROUTE 4 -
 ROUTE 5 -
 ROUTE 6 -
 ROUTE 7 R - Savignano
 ROUTE 8 -
 ROUTE 9 -
 ROUTE 10 - Daley...WT
 ROUTE 11 - Gorman...WT
 ROUTE 12 -
 ROUTE 13 - Kosinski...WT
 ROUTE 14 R - Dotin...
 ROUTE 15 - Kennelly...WT
 ROUTE 16 - Walsh...WT
 ROUTE 17 R - E. W. Lyons
 ROUTE 18 -
 ROUTE 19 - MacAskill...WT
 ROUTE 20 R - Babjatia...
 ROUTE 21 -
 ROUTE 22 -
 ROUTE 23 -
 ROUTE 24 R - O'Connor...K-9

RADIO PATROL CAR SECTORS

SECTOR 1 - R. Carbone & L. Cherubino
 SECTOR 2 - Otash & Pierce
 SECTOR 3 - R. Loder & Bellissimo
 SECTOR 4 - Tirrimacco & McSweeney
 SECTOR 5 - Pearson & Ahern
 SECTOR 6 - Fusco & Yemma

STATION ASSIGNMENTS

CLERK - Reid
 RADIO - E. McCarthy & Xavier
 OPER - Gibson
 REAR - LeBlanc
 SWTCH -
 SPECIAL - 5PM to 1AM...
 SPECIAL - Car #52...Conroy & Carney
 SPECIAL -
 SPECIAL - Election Commission...
 SPECIAL - Long

COMMONWEALTH OF MASSACHUSETTS

Area Code 617
876-8000

THIRD DISTRICT COURT OF EASTERN MIDDLESEX

CLERK
JOSEPH D. CONWAY

LAWRENCE F. FELONEY
JUSTICE

ARTHUR SHERMAN
JUSTICE

SPECIAL JUSTICES
HAROLD E. MAGNUSON
HARRY M. LACK

ASS'T CLERKS
FIRST ASSISTANT CLERK
ALBERT H. BURNS
FIRST ASSISTANT CLERK OF JURIES
ANTHONY A. COVINO
SECOND ASSISTANT CLERK
ANDREW DEMARCO
THIRD ASSISTANT CLERK
JAMES E. O'CONNELL
FOURTH ASSISTANT CLERK
THOMAS H. DOHERTY JR.
FIFTH ASSISTANT CLERK
ARTHUR G. MIZE
SIXTH ASSISTANT CLERK
PETER A. MACKINNON
SEVENTH ASSISTANT CLERK
RICHARD J. GEORGE

JAMES W. BAILEY
JUSTICE

November Twenty-sixth
1 9 7 3

Captain Joseph P. Cusack
Cambridge Police Department
Cambridge, Massachusetts

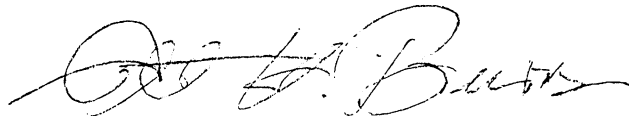
Dear Captain Cusack:

On June 16, 1972 a hearing was held at this Court concerning applications for cross-criminal complaints between one Frank DeLuca and Officer Louis F. Cherubino of the Cambridge Police Department relative to an incident of April 28, 1972.

The complaint of Frank DeLuca against Louis F. Cherubino was denied.

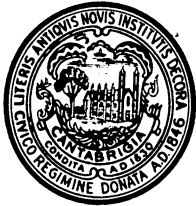
The complaints of Louis F. Cherubino against Frank DeLuca were continued for a three month period, to be dismissed at the end of this time.

Very truly yours,



AHB/B

Albert H. Burns
First Assistant Clerk



CITY OF CAMBRIDGE

MASSACHUSETTS

POLICE DEPARTMENT

PAGE I

BUREAU OF
INSPECTIONAL SERVICES

November 26, 1973

TO: Chief James F. Reagan
FROM: Captain Joseph P. Cusack

SUBJECT: Off. Louis Cherubino
RE: Frank DeLuca

Sir:

On May 1, 1972, 3:30 PM, a citizen's complaint form (P185) was given to Mr. Frank DeLuca, 158 Otis St., Cambridge, concerning an alleged assault by Off. Louis Cherubino on April 28, 1972, between 8 and 8:30 PM.

On May 5, 1972, citizen's complaint form was received by Capt. Cusack of the Bureau of Inspectional Services regarding alleged complaint.

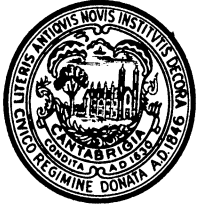
On May 8, 1972, a letter was forwarded to Capt. Segrue requesting that Off. Louis Cherubino make a full report regarding said citizen's complaint made by Frank DeLuca.. Report dated May 8, 1972 from Off. Louis Cherubino received by Bureau of Inspectional Services.

Numerous telephone calls were made to Mr. DeLuca's home (TR6-1246) without contact. On May 21, 1972, a letter was sent to Mr. DeLuca requesting him to contact Capt. Cusack at his earliest convenience. On May 26, 1972, Mr. DeLuca called Capt. Cusack by telephone regarding above letter.

As a result of the above telephone conversation a hearing was scheduled to be held Friday, June 2, 1972 at Police Headquarters, in the Police Academy Room.

A hearing was held at the Police Academy on Friday, June 2, 1972 at about 4:30 PM. Present were, Captain Cusack, Lt. Brutti, Lt. Norton, Attorney Paul Gargano, Off. Louis Cherubino, Off. R. Carbone and Off. T. Vrettas. Result of hearing - It was agreeable to both parties, Off L. Cherubino (represented by his attorney Paul Gargano) and the complainant Mr. Frank DeLuca, that this matter be cleared as a result of reconciliation between both parties. End of hearing, 5:15 PM.

CONTINUED.....



CITY OF CAMBRIDGE

MASSACHUSETTS

POLICE DEPARTMENT

PAGE II

BUREAU OF
INSPECTIONAL SERVICES

TO: Chief James F. Reagan
FROM: Captain Joseph P. Cusack

SUBJECT: Off. Louis Cherubino
RE: Frank DeLuca

CONTINUED.....

Sir:

In the early part of June, 1972, Mr. Frank DeLuca made application for a complaint against Off. Louis Cherubino on an alleged assault. A hearing was scheduled at the Third District Court. The hearing was held in the latter part of June of 1972 and the complaint was denied.

Attached herewith is:

Citizen's complaint form of Mr. Frank DeLuca

Letter to Capt. Sugrue, request for report from L. Cherubino
650 report of Off. L. Cherubino

Letter to Mr. DeLuca

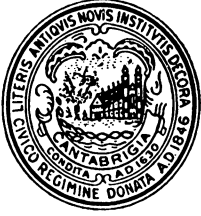
Letter to Capt. Sugrue, informing Off. Cherubino of date of hearing
Duty roster of April 28, 1972, 4:00 PM, first half

Letter from Third Dst. Court, denial of complaint.

Respectfully submitted,

Joseph P. Cusack
Captain Joseph P. Cusack

Bureau of Inspectional Services



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

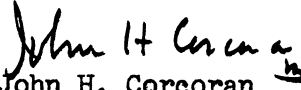
EXECUTIVE DEPARTMENT
JOHN H. CORCORAN
City Manager
JAMES L. FARRELL
Assistant City Manager

November 26, 1973

To the Honorable, the City Council,

I transmit herewith self-explanatory communications from James F. Reagan, Chief of Police, relative to complaint of Mr. Frank DeLuca, 158 Otis Street, Cambridge.

Very truly yours,


John H. Corcoran
City Manager

JHC/mg

Agenda # 5
Relative to complaint of Mr. Frank DeLuca

451

11/26/73

Referred back to the
City Manager for further
Report

In City Council,

November 26, 1973