



Paul L'Italien investigations

Licensed Private Investigator #LP0952

P.O. Box 1435

Pembroke, Mass. 02359

Litalien.investigations@gmail.com

June 13, 2019

Town of Blackstone
15 Saint Paul Street
Blackstone, Mass. 01504

To: Mr. Daniel Keyes
Blackstone Town Administrator

From: Paul J. L'Italien #LP0952
Licensed Private Investigator

Subject: Independent investigation
Blackstone Police Department

Executive summary:

On Monday, April 8, 2019 at 1:30 p.m. I met with Town Administrator Daniel Keyes at the Blackstone town hall. Mr. Keyes provided me with background regarding the various grievances and labor disputes between the chief of police and the police union of the Blackstone police department. He described a disdain between the officers and the chief which has created a toxic working environment for all employees of the police department. On July 25, 2018 the police union took a vote of "no confidence" in Chief Ross Atstupenas. As a result of these developments the Blackstone board of selectmen voted unanimously to have an independent person come in to investigate the operation of the department to determine what has created the environment of disdain.

At the conclusion of the meeting it was agreed I would provide investigative services regarding this matter and there was a contract signed to formalize this agreement. The **investigative directive** was to determine the "**root cause**" of the toxic working environment at the Blackstone police department.

During the investigation I interviewed all sworn officers of the police department. During their interviews I asked each officer to describe the management approach of Chief Atstupenas. I also asked if union members were too aggressive and unreasonable in the grievances and labor disputes that have been filed. I did not have access to any personnel files and the exhibits I obtained were provided to me by either the town administrator or the individual officers during their interview.

During the interviews with the sworn officers and non-sworn personnel of the police department I heard the following phrases used to describe the chief's management approach;

- The chief is a bully who rules by fear and intimidation
- The chief has favorites who receive preferential treatment
- The chief regularly screams and yells at officers and employees
- There is no delegation of authority and he's a micromanager
- There is a constant fear of reprisal
- Officers (including the lieutenant) have no discretion - they live their life in fear of what will happen to them if they use any discretion
- There is continuous stress and strain
- The chief picks and chooses who to go after
- Everything is personal with the chief
- Officers are not allowed to eat or drink in the cruisers
- Officers are not allowed to drink coffee for the first two hours of their shift
- Officers are "grounded" to the station during snowstorms and can only leave the station to answer calls for service
- The shades in the building remain down at all times because the chief doesn't like the bright sun
- There is more stress in the building than there is dealing with police calls in the community

There were three officers who described themselves as supporters of the chief and stated the problem in the police department is the union. These officers acknowledged the chief yells often and they carefully choose the times they speak to him depending on his mood. Chief Atstupenas did not deny this in his interview.

Several officers gave examples of instances when the chief screamed at them in the presence of others. There were also various incidents in which the chief wrote up or had counseling sessions for officers for very minor offenses. Many of these examples were backed up with either a letter or report outlining the situation or a grievance sheet to the town administrator. There were independent witnesses to some of the situations. These instances were reported by not only officers but dispatchers and the animal

control officer. There were current and former employees of the town whom I interviewed and they shared situations in which the chief was either rude to them or acted rudely in their presence. Some of these instances went back many years.

On November 28, 2018 Chief Atstupenas charged the clothing allowance accounts of Lieutenant Gregory Gilmore and Sergeant Maxwell Hurwitz for two cars that had been mistakenly towed from Woonsocket on November 15, 2018. During his interview I asked Chief Atstupenas if this was reasonable and he stated it was.

During the investigation I learned a great deal of information related to **favoritism**. Many officers expressed dismay with situations [REDACTED]. There was also information that Officer Greg Tappan was a favorite of the chief. [REDACTED] and Tappan were involved in situations that were not addressed by the chief. The situations are outlined in the findings and analysis section of this executive summary.

The chief not addressing issues with [REDACTED] and Tappan is completely contrary to the way others are treated. There are many documented situations when an investigation has been conducted for a minor offense. A few of the write-ups and counseling sessions are for the reasons below;

- An officer having an unsecured taser in his closed (but unlocked) locker
- An officer being counseled over the mishandling of a barking dog complaint which occurred eight (8) months earlier
- An officer being counseled for giving a female prisoner the wrong blanket
- A dispatcher was issued a letter for sitting in the wrong chair

There was also an occasion in 2007 when the state police conducted an investigation at the request of the chief regarding a matter of officer discretion. When the state police wrote a report there were no findings of wrongdoing by the officer. The first paragraph of the report indicated "*strife exists between management and the Blackstone Police Officer's Union*". It's the chief's position there have only been problems between himself and the union over the last couple of years. He specifically cited the current leaders of the union as problems although neither of them (Laudon and Hurwitz) were employed by the Blackstone police department in 2007. The state police report from 2007 dispels his notion that the problems with the union have only been for the last couple of years.

During his interview, Chief Atstupenas described himself as a "loud talker". I outlined to him various allegations made against him regarding his unprofessional conduct and provided him an opportunity to explain. The chief denied most of the accusations of misconduct and "didn't remember" many others.

There were situations he acknowledged including the clothing allowance deductions for two cars that were mistakenly towed from Woonsocket. He acknowledged receiving a written reprimand for speaking disparagingly about Lieutenant Gilmore but denied the incident occurred. The chief also acknowledged he fired Officer Joshua Rucho on the spot because he applied to another department. Rucho was on probation and the chief thought it was reasonable to fire him. The chief also acknowledged being counseled by former town administrator Michael Kuzinski for his poor people skills as far back as 2003.

Findings and analysis:

It is understood Chief Ross Atstupenas holds the position of "strong chief" which gives him the authority to make all decisions regarding the administration, operation and distribution of equipment for the Blackstone police department. In determining the "**root cause**" of the toxic work environment at the Blackstone police department I have taken the approach of how a fair and reasonable person would interpret the issues.

Some decisions made by the chief which lead to grievances were within the chief's authority of managing the department. An example is the issue of contention involving the issuance and use of "comp" time. Although the union has cited the FLSA handbook in the grievances involving "comp" time the chief has asserted "comp" time was collectively bargained by the union. It is my experience that this type of dispute or disagreement is not out of the ordinary.

The key observations I have made throughout this investigation have surrounded decisions and rulings made by the chief in which I question if they are unreasonable, too controlling and in some cases petty. After a careful review of all available material and the interviewing all officers including Chief Atstupenas I have concluded there are many instances in which he has been **unreasonable**. Examples of this are listed below;

- On November 28, 2018 Chief Atstupenas charged the clothing allowance accounts of Lieutenant Gregory Gilmore and Sergeant Maxwell Hurwitz for two cars mistakenly towed from Woonsocket. The tows occurred on November 15, 2018. During his interview I asked Chief Atstupenas if this was reasonable and he stated it was. I find this instance to be **the most unreasonable action** of everything I learned during the investigation. I also question whether this is a violation of Massachusetts General Law Ch. 44-33b.

- An employee alleged the chief demands the shades in the dispatch area remain down because he doesn't like the bright sun. The chief did **not** deny this during his interview.
- An employee presented a letter she received regarding which chair she could sit in while working dispatch. The chief stated during his interview he had no memory of this event.
- Officers are "*grounded*" to the station during snow-storms because the chief doesn't trust them to drive in the snow and doesn't want them to damage *his* cruisers. The chief did **not** deny this during his interview.
- An officer received a "*counseling session*" for the mishandling of a barking dog call which had occurred several months earlier.
- An officer received a "*counseling session*" for allowing a female prisoner to use the wrong type of blanket.
- Officers are not allowed to get a cup of coffee before the second hour of their shift. The chief did **not** deny this during his interview.
- Officers are not allowed to have drinks or food in *his* cruisers. The chief did **not** deny this during his interview.
- The chief fired a probationary officer for applying to another job. During his interview I asked the chief if this was reasonable considering the officer was self-sponsored through the academy and had prior policing experience. To this question the chief stated it was reasonable.

The next issue to be outlined is the question of whether there is ***favoritism*** under Chief Atstupenas. The investigation has clearly demonstrated there is a culture of favoritism for those who are aligned with Chief Atstupenas.

During the investigation I heard from many officers there is an "A" team and a "B" team at the police department. If an officer (or employee) is on the "A" team they are allowed to do whatever they want without fear of reprisal from the chief. If an officer (or employee) is on the "B" team they are held to a higher standard of conduct and scrutinized for everything they do. Below are examples of those who are in favor compared to those who are not;

[REDACTED] (issues of favoritism):

- There were three (3) occasions uncovered in the investigation involving issues of theft committed by [REDACTED]
- There was an I-Pod turned into the police station during Memorial Day weekend 2018. The I-Pod was placed into lost and found but when the owner came to the station to recover the I-Pod it could not be found. An e-mail was sent by Sergeant Luis asking that the I-Pod be returned and it

re-appeared without explanation. During his interview Chief Atstupenas stated there was "no evidence" [REDACTED] stole the I-Pod. There was clear speculation that [REDACTED] was responsible for the missing I-Pod but the chief took no action to conduct an investigation on the matter.

- Dunkin Donut gift cards – the issue involving the missing gift cards was initiated by Sergeant Hurwitz when he learned from the bank manager the gift cards had been dropped off at the station. Lieutenant Gilmore conducted an investigation and recovered the stolen gift cards from [REDACTED]. The gift cards were placed in an evidence bag as part of the investigation. The chief later took the gift cards out of the evidence bag and distributed them to the officers. When he learned at least one of the cards was lacking funds he purchased a new card with his own money.
- During his interview the chief was asked why he paid for the gift cards with his own funding and he replied "[REDACTED] was going through a tough time".
- Chief Atstupenas advocated with the town administrator that [REDACTED] not lose [REDACTED] job for the gift card theft but rather receive a suspension. He then advocated [REDACTED] forfeit accrued vacation time rather than receive an unpaid suspension.
- There was a collection from dispatchers and other town employees to buy a memorial tree for the town tree warden who had died. [REDACTED] took the money and did not place the order for the tree until several months later when [REDACTED] was confronted on the matter.
- Even after the theft of the memorial tree funds was proven the chief still advocated that [REDACTED] remain working until a new dispatcher was trained.
- [REDACTED] served community service at the animal shelter and the chief had the animal control officer drive [REDACTED] to and from the shelter to perform his service.
- During his interview the chief denied any knowledge that [REDACTED] [REDACTED] was being held by the Rhode Island department of corrections.

Analysis: All of the issues associated with [REDACTED] clearly illustrate a blatant level of favoritism for [REDACTED]. In [REDACTED] case there was speculation [REDACTED] stole an I-Pod. It was proven [REDACTED] stole Dunkin Donut cards. Finally, it was determined [REDACTED] stole money from a memorial tree fund. Even after the third situation [REDACTED] remained employed until a new dispatcher was trained.

Comparing and contrasting the [REDACTED] situation to the [REDACTED] termination further illustrates blatant favoritism. In the case of [REDACTED] he simply applied for a position at another police department and was fired

on the spot because he was still on probation. He had not committed any crimes or policy violations yet he was fired without any recourse.

Comparing and contrasting the situation involving the car tows from Rhode Island and the deduction of clothing allowance from Gilmore and Hurwitz. Chief Atstupenas used his own funds to reimburse money from a gift card stolen by [REDACTED] yet he found it reasonable that the officers would be deducted clothing allowance funds for an honest mistake that was made during the course of their official duties.

During his interview I asked Chief Atstupenas on three occasions the name of [REDACTED] who worked community service at the animal control shelter. The chief asserted he did not know the friend's name. **I find this to be implausible.** The chief assigned this person to work at the shelter to fulfill community service. He also had the animal control officer drive him to and from the shelter and yet he claims he doesn't know the person's name.

In his interview the chief denied any knowledge of [REDACTED] having a [REDACTED] who is in the custody of the Rhode Island department of corrections. **I find this to be implausible.**

On November 10, 2018 [REDACTED] sent the chief an e-mail regarding the memorial tree matter. In the body of the e-mail [REDACTED] writes that [REDACTED] claims [REDACTED] is in jail. During the investigation I conducted a Google search and very easily found the name of [REDACTED] alleged boyfriend [REDACTED] in the database for inmates being held by the Rhode Island department of corrections.

I find it **irresponsible** that Chief Atstupenas would not at least take the time to verify whether or not there was any merit to [REDACTED]'s e-mail regarding [REDACTED].

Officer Gregory Tappan (issues of favoritism):

- The chief did **not** have an investigation conducted after he learned Tappan [REDACTED]
- During his interview he stated the Tappan [REDACTED] had nothing to do with the Blackstone police department.

- Officer Tappan was allowed to conduct plain clothes narcotics investigations without direct supervisory oversight
- When Detective Loether advised the chief of Tappan's inexperience regarding his investigative procedures the chief did not address the issue but rather took Loether off all narcotics investigation assignments.
- Detective Loether was not interviewed in the investigation surrounding Tappan allegedly conducting an illegal search even though he had informed the chief of Tappan's procedural shortcomings.
- During his interview Chief Atstupenas admitted he drove to Uxbridge district court to have a "discussion" with an ADA who had called a third shift sergeant regarding an issue involving Tappan.

Officer Gregory Haynes:

- There was an issue involving Officer Gregory Haynes which clearly outlines officers are held to a different standard depending on whether they are aligned with the chief.
- In 2007, Chief Atstupenas requested the Massachusetts state police conduct an investigation surrounding an issue of discretion involving Officer Haynes.
- Comparing and contrasting the above Haynes matter with the fact the chief received information from three separate police departments regarding Tappan and did nothing, clearly shows blatant favoritism for Tappan.

The question of "union" disputes:

During the investigation Chief Atstupenas has stated the current union leadership are "*bullies*" and are unreasonable with their grievances. He further stated that in past years there were a minimum number of grievances and in recent years grievances have escalated in number. The union leadership (Laudon and Hurwitz) has stated the chief is so unreasonable that their ability to communicate with him has broken down. The union took a vote of "no confidence" in him on July 25, 2018.

It is my opinion the state police report from 2007 cannot be overlooked and is a key point in this investigation. The letter outlines in the body of its first paragraph "*strife exists between management and the Blackstone Police Officer's Union*".

It is my opinion this letter dispels the chief's assertion that he has only had problems with the union over the last couple of years. During his interview the chief acknowledged the current union leadership (Laudon and Hurwitz) were not even employed by the department at the time the state police report was written in 2007.

Question of management, supervision and people skills:

During the investigation many officers pointed out the chief is very good with administrative matters such as payroll and obtaining equipment. Town Administrator Keyes indicated that Chief Atstupenas submits an annual budget for the department that is not only outstanding but is used as a model for other departments.

Though his "administrative" skills are very good, the investigation has demonstrated his "supervisory and people skills" are lacking. There have been many reported instances in which there was a policy violation committed in the chief's presence. He did not address the issue immediately but rather took note of the violation and had the lieutenant address it at a later time. Examples of this are Officer Brodeur handcuffing a prisoner in front and Dispatcher Dugas sleeping in the dispatch area.

During the investigation I spoke to not only police department employees but other town employees both current and former. Most witnesses have described situations in which the chief "yelled and screamed" at them. Former town administrator Michael Guzinski stated he counseled the chief on his "people skills" as far back as 2003. Chief Atstupenas acknowledged this in his interview. Current town administrator Keyes required the chief to complete an on-line webinar on "leveraging personality differences on our teams". An investigation conducted by the town council lead to a written reprimand being issued to the chief for speaking disparagingly about Lieutenant Gilmore. Officer Anthony Lungurini and Dispatcher Bettina Weber wrote formal letters of complaint citing harassment and a hostile work environment created by the chief.

Chief Atstupenas has described himself as a "*loud talker*" particularly when he is passionate about a topic. I find it **implausible** that so many different people over such a long period of time would mistake his "loud talking" as anything other than screaming and yelling.

During his interview the chief spoke in great detail about many issues involving other people including their misconduct and rule violations. There were occasions during his interview when he stated "*that's not true*" when I asked about a topic. It has to be noted there were other occasions during his interview when I asked him specifically about an allegation made against him and he replied "*I don't remember*".

On at least one occasion I specifically asked if the allegation "didn't happen" or if he "didn't remember" and he answered "*I don't remember*".

I find it **implausible** the chief would have such a thorough memory with the ability to speak in great detail about what others have done yet when I asked him specifically about allegations of wrong-doing by him he "*didn't remember*" the event.

Questions of policy:

The investigative directive did **not** call for "findings" as it pertains to uncovering any violations of department rules and regulations. The investigation clearly revealed that Chief Atstupenas holds the officers and non-sworn members of the Blackstone police department to the highest standards of department rules and regulations. Although he demands adherence to rules and regulations it is clear he has violated many rules himself including;

- RULE 4.1 – CONDUCT UNBECOMING AN OFFICER
- RULE 6.3 - COURTESY
- RULE 9.1 - PROFESSIONAL IMAGE
- RULE 9.21 - REPORT RULE VIOLATION
- RULE 10.11 - FIGHTING/QUARRELING

Conclusion:

It is the findings of my investigation that the "*root cause*" of the toxic work environment at the Blackstone police department is caused by the inconsistent management approach and poor people skills of Chief Ross Atstupenas.

Respectfully Submitted,



Paul J. L'Italien #LP0952
Licensed Private Investigator