

RHODE ISLAND



STATE POLICE



**Assessment of the
Cranston Rhode Island
Police Department
2014 - 2015**



RHODE ISLAND STATE POLICE



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ATTACHMENT

Anonymous Letters

1.0 EXECUTIVE SUMMARY

On January 8, 2014, Cranston Mayor Allan W. Fung contacted Superintendent of the Rhode Island State Police, Colonel Steven G. O'Donnell, and requested a meeting to discuss the ongoing Cranston Police Department Office of Professional Standards Unit investigation into the aggressive issuance of parking tickets in two city wards, as well as other problems within the police Department.

As has been widely reported in the media, these two wards were targeted with the issuance of aggressive overnight parking tickets. These wards were represented by members of the Cranston City Council's Finance Committee, who voted against a proposed new contract with the Cranston Police union. The ticketing, which took place the night of the contract vote, prompted a public outcry and calls for an investigation.

At the January 8, 2014 meeting, Mayor Fung requested that the State Police assume control of the Cranston Police Department internal investigation as well as conduct its own independent investigation into the ticketing event. Colonel O'Donnell agreed to assign members from the State Police Professional Standards Unit to independently investigate the allegations of the aggressive ticketing. In addition, Mayor Fung said he had placed Colonel Marco Palombo, Jr., the Cranston Police Chief, on paid administrative leave from the Department. Consequently, Mayor Fung requested a member of the State Police be assigned as the Acting Chief of Police. Mayor Fung further requested the State Police conduct a thorough assessment of the Police Department in addition to running the day-to-day operations of the Cranston Police Department.

On January 9, 2014, Colonel O'Donnell assigned Captain Kevin M. Barry as the Acting Chief of Police of the Cranston Police Department. His assignment was to manage the day-to-day operations of the Department and complete a thorough assessment. On January 13, 2014, Colonel O'Donnell assigned Lieutenant Matthew C. Moynihan to assist Captain Barry. It is of note that the Mayor and the Colonel agreed there would be no interference from the Mayor and/or his staff while the State Police was managing the Cranston Police Department. It was also agreed that the State Police team would have unfettered access to the personnel of the Cranston Police Department and any documents, while the State Police was performing the functions and duties specified above. Although there would be briefings on the day-to-day

operations of the police Department, it was agreed upon that the State Police would run the Department until a new chief was selected.

Over the next several months, members of the State Police Professional Standards Unit conducted a thorough investigation into the ticketing event. Additionally, Captain Barry and Lieutenant Moynihan interviewed over fifty (50) Cranston Police Officers, civilians and officials about the operations and procedures of the Cranston Police Department.

The State Police investigation of the ticketing event confirmed an initial internal Cranston Police Department investigation, which determined that Captain Stephen J. Antonucci, President of the International Brotherhood of Police Officers (IBPO), Local 301, had orchestrated the action and was untruthful regarding his role in the incident. Captain Antonucci was charged with seven (7) administrative violations and Captain Barry, the Acting Chief, recommended to Mayor Fung that he be terminated for his actions. Mayor Fung agreed, and announced this publically. Captain Antonucci was placed on paid administrative leave on April 3, 2014. He requested a hearing under the Rhode Island Law Enforcement Officer's Bill of Rights (LEOBOR). For a fourteen- (14) month period, the LEOBOR process unfolded, which included two civil law suits filed by Captain Antonucci and an appeal to the Rhode Island Supreme Court. The case ultimately returned to the LEOBOR process for adjudication. On June 16, 2015 the case was resolved as a result of a settlement agreement. As a result of the settlement agreement, all charges were dismissed, and Captain Antonucci will remain on paid leave from the Department until he becomes eligible to retire in April of 2016.

The following information has been provided as a back drop to the legal issues surrounding Captain Antonucci's LEOBOR proceedings and civil litigation he filed in response to the administrative charges brought against him. The travel of the legal proceedings has been included in the Executive Summary, but is not contained within the body of the assessment.

After reaching a settlement agreement with Captain Antonucci, Mayor Fung announced through a press release that a resolution had been reached. As a result of the administrative charges brought against Captain Antonucci on April 3, 2014, he was placed on paid administrative leave while the LEOBOR process proceeded. Shortly after being charged, Captain Antonucci requested a hearing under LEOBOR. In addition, Captain Antonucci, through his attorney, William Conley, filed two (2) law suits against the State Police, Captain

Barry, in his capacity of Acting Chief, Colonel Winkist and Mayor Fung. The law suits were in an attempt to have the LEOBOR hearing dismissed.

Pursuant to the LEOBOR statute, the prosecution and defense must attempt to select a mutually agreed upon neutral committee person to chair the proceedings. In this case, both parties were unable to come to a mutually agreed upon chairperson. On June 25, 2014, Presiding Justice Alice Gibney, of the Rhode Island Superior Court, selected Lieutenant Ann Assumpico, of the Rhode Island State Police, from the lists provided to her pursuant to LEOBOR. These lists consist of names of active and retired law enforcement officers recommended from the Chiefs of Police and police unions. Lieutenant Assumpico was selected after numerous other law enforcement officers declined requests made by Presiding Justice Gibney. Attorney William Conley challenged Presiding Justice Gibney's appointment of Lieutenant Assumpico. After several hearings, the challenge was denied in the Superior Court and the case was ordered to return to the LEOBOR process. The first LEOBOR hearing occurred on March 5, 2014. During this time period, both sides continued to negotiate a settlement.

We were advised that a meeting had occurred on December 4, 2014, between Mayor Fung, his Attorney Vincent Ragosta, Director Gerald Cordy, City Solicitor Evan Kirshenbaum and Attorney William Conley at Cranston City Hall. The meeting was to discuss Captain Antonucci's return to the Cranston Police Department and settle the pending LEOBOR proceedings. Mayor Fung advised all in attendance that Captain Antonucci would be returning to the Department at the rank of Captain with minimum sanctions. Attorney Ragosta advised Mayor Fung that Colonel Winkist was not in favor of his order and recommended the proceedings continue, and the LEOBOR committee adjudicate the matter. We were further advised that Mayor Fung then became extremely agitated, emotional and stormed out of the room. After regaining his composure, Mayor Fung returned and requested Attorney Conley inquire if Captain Antonucci would consider returning as a Lieutenant within the Department. Attorney Conley contacted Captain Antonucci and a short time later advised that he would not accept any demotion in rank as part of a settlement agreement. The meeting concluded with the recommendation that the LEOBOR process continue.

On February 15, 2015, Presiding Justice Gibney entered an order dismissing the first law suit. On March 19, 2015, Attorney Conley appealed Presiding Justice Gibney's ruling to the Rhode Island Supreme Court. On March 24, 2015, Supreme Court Justice Francis Flaherty

issued a temporary stay in the LEOBOR process until the full court could review the appeal. On March 31, 2015, the full court vacated the stay and ordered the LEOBOR process to continue without further delay.

A second law suit was filed by Attorney Conley in Superior Court on April 3, 2015, adding Colonel Michael J. Winkquist, the new Chief of Police for the City of Cranston.

On April 20, 2015, a second LEOBOR hearing was held. Several motions were filed, and the process was continued for a date to be determined. Attorney Conley and the City of Cranston continued to engage in settlement negotiations. On April 27, 2015, a potential settlement agreement was reached between the Captain Antonucci and the City of Cranston. The agreement outlined that Captain Antonucci would resign from the Cranston Police Department, effective April 15, 2016. Captain Antonucci would utilize accrued vacation, compensatory time and sick leave prior to his resignation date. The agreement was finalized on June 16, 2015.

The State Police interviews of Cranston Police officers and others revealed a Department in turmoil and hampered by a lack of leadership. We found numerous examples of officers, who were harassed and retaliated against. We also found inappropriate interference, undue influence, lack of accountability, and inconsistent action from Mayor Fung, Colonel Palombo, as well as other city officials. As a result of these serious issues within the Department, morale was terrible. The lack of strong and effective leadership from the Chief of Police and the Mayor seriously undermined the hard work of the majority of Cranston officers, leading some officers to secretly record conversations with their superiors for their own protection.

Captain Barry and Lieutenant Moynihan found specific examples of lack of leadership, political interference as well as unfair and arbitrary discipline. All of these issues have resulted in costly litigation to the citizens of Cranston and could have been avoided or minimized. For the remainder of this document, Captain Barry and Lieutenant Moynihan will be referred to as “we,” “us,” and/or “the authors.”

1.1 Lack of Leadership

Under former Colonel Palombo as well as past police administrations, the Cranston Police Department was sharply divided between an “A Team” and “B Team.” Examples were found where officers who supported Colonel Palombo were rewarded with favorable assignments. Those officers who questioned the leader of the Department found it difficult to advance or do their jobs properly. Some were singled out and appeared to be harassed, which has resulted in costly paid leave and legal action. Favoritism, bullying and intimidation were common terms officers used to describe the Department’s culture. This report will detail numerous examples which support these allegations and contributed to the problems within the Department. In at least two (2) instances, Colonel Palombo took the highly unusual step of hiring private investigators to conduct surveillance on members of his own Department. In a separate incident involving a dispute with a firm hired by the City to manage the computer infrastructure of the Department, Colonel Palombo ordered his second-in-command, Major Robert Ryan, to dispatch a detective to follow an executive of the company and maintain surveillance outside his [REDACTED] house. This was done without notifying the [REDACTED] Police Department, which was an extraordinary action far outside the Department’s jurisdiction. The detective assigned to that duty was instructed to disguise the assignment on his overtime request as another ongoing criminal investigation within the City of Cranston. It is important to note that Mayor Fung knew of Colonel Palombo’s inappropriate actions with this incident, but yet took no corrective or disciplinary action against Colonel Palombo.

1.2 Political Interference

The problems within the Department extended beyond Cranston Police Headquarters. Interviews with officers and city officials revealed inappropriate interference in the Department’s operations by Mayor Fung and others in his administration. The Mayor did not act to address the growing problems in the Department and complaints about Colonel Palombo’s actions. The Mayor allowed these problems to fester.

Several people interviewed spoke of the close relationship among Mayor Fung, Colonel Palombo and Captain Stephen Antonucci, whose dual roles as a member of the Department’s leadership team and President of the IBPO, Local 301 presented a conflict of interest. Mayor Fung’s actions with regard to Captain Antonucci’s promotion in July of 2013 illustrate one of

several inappropriate actions he and the members of his administration had in the operations of the Cranston Police Department.

Captain Antonucci was promoted to Captain on July 24, 2013, filling a vacancy created by the retirement two days earlier of Captain Thomas P. Dodd, who was placed on a tax-free disability pension of 70 percent for a potential medical problem that has never been thoroughly medically diagnosed. Mayor Fung recommended the disability pension, and the Cranston City Council, in a special meeting on July 22, 2013, approved it by a seven-to-one vote, even at the objection of Captain Dodd and his private attorney.

Captain Dodd had not sought the disability pension and filed a grievance, saying that it had been “*rushed through for some reason*,” which he said was “*very suspicious*.” When he filed his grievance on July 23, 2013, he asked that then-Lieutenant Antonucci recuse himself from the grievance, because he would be promoted to captain as a result of Captain Dodd’s forced retirement. There was never any indication Captain Antonucci recused himself from the filed grievance or the grievance was ever addressed by the union. Captain Dodd also sought a Superior Court ruling on the legitimacy of the disability pension as a last-course remedy to Mayor Fung’s request for his retirement. The union ultimately took no action on the grievance, and the Court declined to get involved in the case.

On April 3, 2014, Mayor Fung held a press conference announcing his and Captain Barry’s recommendation that Captain Antonucci be terminated for his alleged actions relating to the issuance of the parking tickets. This was the result of a meeting, where Mayor Fung and his legal counsel were advised of the findings and recommended charges, based on the State Police investigation. However, on October 1, 2014, the day that Colonel Winkvist was sworn in as Cranston’s new Police Chief, he received an email from Mayor Fung’s Chief-of-Staff, Carlos Lopez, with an attached “Last Chance Agreement” that would have allowed Captain Antonucci to return to the Department without any reduction in rank or loss of pay. This email was sent approximately two (2) hours after Colonel Winkvist was sworn in.

Colonel Winkvist contacted Mayor Fung and told him that he would not approve the agreement, as it was ethically wrong and would damage Colonel Winkvist’s credibility as the new Chief of Police. Colonel Winkvist recommended allowing the LEOBOR process to proceed. On November 10, 2014, Mayor Fung told Colonel Winkvist that he was bringing Captain Antonucci back to the Department, despite Colonel Winkvist’s continued objections. He

also said he planned to dismiss the LEOBOR charges against Captain Antonucci under his authority as the Public Safety Director. Mayor Fung asked Colonel Winqvist to stand with him as a symbol of support when the LEOBOR complaint was withdrawn, and Captain Antonucci returned to the Department. Colonel Winqvist refused, and the LEOBOR case continued. Colonel Winqvist was aware of the potential financial burden on the City, but believed that pursuing the LEOBOR case was important to instill accountability for the alleged misconduct.

1.3 Personnel Problems

While every police Department has its share of internal disputes and disciplinary issues, several significant cases were identified within the Cranston Police Department, which are troubling and display the level of intimidation and political interference that existed.

One example involves Captain Todd Patalano, who was promoted to that rank in October 2006. Captain Patalano told investigators that he believed Colonel Palombo was “out to get him,” because of his allegiances to Colonel Palombo’s predecessor, Colonel Stephen C. McGrath. On February 22, 2010, Captain Patalano fell down a set of stairs within the Department while carrying boxes of paperwork, and injured his back. He filed an injured-on-duty claim (IOD), which was approved. He was listed as IOD from February 22, 2010, through September 8, 2010. It should be noted that although Captain Patalano was out on approved sick leave, he attended hearings and was the lead investigator during the LEOBOR proceedings involving the termination case of two Cranston Police officers. On August 5, 2010, Colonel Palombo requested a private investigation company, through [REDACTED] to conduct surveillance on Captain Patalano, ostensibly to obtain evidence that Captain Patalano was potentially faking his claimed injury, although Captain Patalano had been regularly updating the Department with records from his doctor regarding his condition. As is customary when questions arise about IOD claims, a police Department would order the officer to have an independent medical exam. This was not pursued in this case until Captain Patalano returned to the Department on light-duty status. In interviews with senior Cranston active duty and retired officers, none could recall the Department ever hiring a private investigator in an IOD review.

Other questionable actions taken against Captain Patalano include unwarranted discipline and a nearly two- (2) year paid leave of absence, without legal authority pursuant to the Law

Enforcement Officers' Bill of Rights, which cost the City of Cranston more than \$370,000 in legal fees and salary.

Another example of mismanagement within the Cranston Police Department involves the November 20, 2013, demotion of Sergeant Matthew Josefson, following his filed complaint to the Office of Professional Standards, feeling he was being targeted and sabotaged. Ironically, his reported allegations resulted in him becoming the target of an internal investigation alleging that he had filed an incomplete report of an arrest. Sergeant Josefson initially filed the complaint after being accused of not submitting an arrest package and finding missing pages from the report at the bottom of a recycling bin in the police station.

Sergeant Josefson was later accused of several Departmental charges, including secretly taping conversations with superior officers in violation of a policy that did not exist at the time he obtained the recordings.

After Sergeant Josefson was placed on paid administrative leave from the Department, Colonel Palombo authorized hiring a private investigation firm to conduct surveillance on Sergeant Josefson to determine if he was talking with other members of the Department about the probe.

Following our investigation, we concluded that the charges against Sergeant Josefson and subsequent demotion to the rank of patrolman were not supported by factual evidence. Mayor Fung was advised of the details of the investigation and it was recommended that Mayor Fung immediately restore him to the rank of sergeant. To date, Mayor Fung has not taken action, and Officer Josefson remains a patrolman on the Cranston Police Department.

A third example of mismanagement involves Captain Karen Guilbeault, who raised questions about Departmental practices. Captain Guilbeault has filed numerous grievances and currently has a pending lawsuit alleging that she was treated unfairly and discriminated against on the basis of her gender. Among her complaints are that attempts were made by Colonel Palombo to obtain her confidential scores on a 2012 promotional exam in order to influence the results of the promotional process. In an interview with State Police investigators, former Director of Personnel Susan Bello confirmed that there was an inappropriate attempt to get Captain Guilbeault's scores.

Former Director of Personnel Bello also felt she (Bello) had been subjected to bullying by Colonel Palombo, as she believes Colonel Palombo had an officer follow her from her house to work, but these beliefs were never substantiated.

Former Director of Personnel Bello resigned on May 13, 2013. In her resignation letter to Mayor Fung, she cited *“repeated attacks”* from Colonel Palombo and Captain Antonucci. *“They have engaged in bullying, thuggish behavior that has blossomed since you took office,”* she wrote to Mayor Fung, saying, *“this ugly employment experience leaves me with no choice but to leave.”*

1.4 Accreditation

It should be noted that, despite the internal problems in the Cranston Police Department and the public scrutiny of the Department summarized above, we identified that the overwhelming majority of the rank and file of the Department maintained a high level of professionalism and service to the citizens of Cranston.

On March 24, 2012, the Department was awarded a certificate of Advanced Accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). The accreditation is subject to review every three years.

On January 26, 2015, a three-person team from the commission provided a written assessment of its latest review, which took note of the Department’s *“rather tumultuous”* past two years.

The report cited two major issues: The inappropriate ticketing that became known as *“Ticketgate,”* and the *“failure to abide by the code or canon of ethics”* by the three top officers in the Department, which collectively represented a failure of leadership.

The CALEA Assessment noted the lawsuits filed by high-ranking officers alleging gender discrimination and abuse of authority. *“Based on observations and interviews by the assessment team with former interim chief Captain Kevin Barry, it became apparent that the individuals filing the lawsuits were singled out for retribution because they resisted the former leadership,”* the report said.

The report also noted the appointment of Colonel Michael J. Winquist as Chief of Police, saying officers and employees of the Department have embraced him. *“There is no doubt that the failure of leadership ... will not reoccur under Colonel Winquist and his executive staff’s*

leadership,” the report said. On March 21, 2015, Colonel Winkvist, Captain Patalano and other officers traveled to Reno, Nevada, to accept the reaccreditation by the Commission.

On October 1, 2014, Mayor Fung appointed State Police Lieutenant Colonel Michael Winkvist to be the new Chief of Police of the Cranston Police Department. Although there is great confidence in moving the Department forward under the leadership of Colonel Winkvist, the problems discussed within this assessment are of a serious nature. The fact that many of these issues remain unrectified to date at the displeasure of Colonel Winkvist is a further example of the lack of leadership by the Mayor and his administration.

2.0 BACKGROUND

On September 27, 2013, a tentative agreement on a proposed police labor contract was reached by the membership of the International Brotherhood of Police Officers, Local 301 (IBPO, Local 301) and Cranston Mayor Fung. In order for this tentative agreement to be finalized, the Cranston City Finance Committee, as well as the full City Council, needed to review its conditions and approve the agreement with a majority vote.

On November 14, 2013, members of the Cranston City Finance Committee met in Council Chambers at Cranston City Hall to vote on the proposed tentative agreement. The Finance Committee is composed of seven Council members. At the meeting, the committee rejected the tentative agreement by a vote of 4 to 3. As a result, the measure would not be forwarded to the full City Council for consideration.

During the early morning of Friday, November 15, 2013, members of the Cranston Police Department issued one hundred and twelve (112) parking tickets, of which one hundred and six (106) were for violations of the overnight parking ordinance. In addition, during the early morning of Saturday, November 16, 2013, the Cranston Police Department issued another thirty-four (34) parking tickets, of which thirty-one (31) were for violations of the overnight parking ordinance. The majority of these tickets were issued in the Arlington and Edgewood sections of the City of Cranston in Ward 1 and Ward 3.

On Sunday, December 1, 2013, Council Members Steven Stycos and Paul Archetto, who represent Ward 1 and Ward 3 of the City of Cranston, respectively, filed a complaint with the Cranston Police Department's Professional Standards Unit. Both Council members had voted against the proposed police union employment contract on Thursday, November 14, 2013, because they felt the contract was excessively lucrative to ranking members of the Cranston Police Department, and that if the contract were passed, it would be financially burdensome to the residents of Cranston.

Councilman Stycos stated that he felt the ticketing was suspicious, which prompted him to obtain historical ticket information from the Cranston Police Department. Upon their review, it was alleged that both his and Councilman Archetto's wards had been selectively targeted, and that an unusually large number of residents had been cited when compared to parking enforcement in other wards of the City. Councilman Stycos and Councilman Archetto expressed the opinion that their wards were selected because both are "ward-elected" Council members,

whereas the two other Financial Committee members who voted against the proposed police union employment contract, Council President John Lanni and Councilwoman Sarah Lee, are “city-wide” or “at-large” elected and do not represent a specific area of the city. Councilman Stycos’ research indicated that virtually no parking enforcement was conducted in the wards represented by ward-elected Financial Committee members who had voted in favor of the police union’s proposed contract. These wards are Ward 2, represented by Councilman Donald Botts, Jr., and Ward 4, represented by Councilman Mario Aceto.

On Tuesday, December 17, 2013, after the news media had reported on the ticketing, Mayor Fung stated during a press conference, *“If there is anything untoward found as a result of this investigation, I would follow up with appropriate discipline. People will be held accountable.”*¹ On Monday, December 23, 2013, Mayor Fung announced that he had hired [REDACTED] a retired Special Agent with the Federal Bureau of Investigation and President of New Jersey-based [REDACTED] Investigations and Consulting. Mayor Fung announced Stephens would oversee the Cranston Police Office of Professional Standards Unit’s investigation into the reported allegations. In a statement about the hiring of [REDACTED] Investigations and Consulting, Mayor Fung said: *“The role of the independent consultant will be to review the I.A. [Internal Affairs] report to ensure that it is complete, thorough, and that its findings are supported by facts and that the facts in turn support its conclusion. Due to the political nature of these allegations, an outside review is essential to maintain the reputation of our Police Department and faith of our citizens in its integrity and professionalism. Once the internal investigation has been completed and the independent review completed, we will address any evidence of wrongdoing. If these allegations are found to have merit, the citizens of Cranston can expect swift and decisive action from this office.”*²

While preparing this assessment, Mayor Fung advised us that his first intent was to keep the investigation internal within the Cranston Police Department. Mayor Fung changed his

¹ Smith, G. (2013, December 17) 2 Cranston councilmen say city police retaliated because of their police contract votes by ticketing cars in their wards. Providence Journal. Retrieved from <http://www.providencejournal.com>

² Naylor, D. (2013, December 23) Cranston enlists outside investigator to monitor probe of alleged police retaliation. Providence Journal. Retrieved from <http://www.providencejournal.com>

position after receiving pressure to have the investigation conducted by an outside entity and avoid the perception of a cover up.

Although Mayor Fung made the decision to seek the services of [REDACTED] Investigations and Consulting as an oversight to the Cranston Police Office of Professional Standards Unit internal investigation, no contract was finalized and no work was ever performed by any member of [REDACTED] Investigations and Consulting.

On Tuesday, January 7, 2014, Council President Lanni called for a special meeting of the Cranston City Council, which was scheduled for Thursday, January 9, 2014 at 6:30 PM. As part of the posted agenda, the Council anticipated discussing a resolution requesting that the State Police investigate the alleged Cranston ticketing scandal. This was following the receipt of several anonymous letters sent to Council members as well as other officials within the State of Rhode Island to include State Police Colonel Steven G. O'Donnell. The letters alleged the abnormal issuance of tickets in Ward 1 and Ward 3 were retaliation for denying the tentative agreement. Council members advised that it appears the letters were sent by police officers within the Cranston Police Department and indicated Captain Stephen J. Antonucci had orchestrated the directive to issue the excessive ticketing. On Wednesday, January 8, 2014, Mayor Fung received a preliminary report from then-Colonel Palombo regarding the findings of the internal Cranston investigation into the issuance of parking tickets. A further review of documents contained within the Cranston Police Department files revealed that on or about Thursday, January 9, 2014, a notice of discipline was drafted by Colonel Palombo and addressed to Captain Antonucci. In the letter, Colonel Palombo advised that the Office of Professional Standards Unit had determined that there were a total of one hundred and twenty-eight (128) tickets issued in Ward 1 and Ward 3 in the two days following the Finance Committee meeting in which the tentative contract agreement was voted down. The investigation uncovered compelling evidence to suggest that this aggressive ticketing was directed by Captain Antonucci and coordinated through his subordinate officer. This was in direct response to the two councilors who represent those wards, because they voted against the contract proposal. Colonel Palombo advised that Captain Antonucci was in violation of two (2) Departmental policies for conduct unbecoming an officer and violating the specifications and descriptions of the position of Captain. No disciplinary recommendation was listed within the notice of discipline, and there is no evidence to suggest Captain Antonucci ever received this letter.

On Wednesday, January 8, 2014, the same day he received the preliminary report from Colonel Palombo, Mayor Fung contacted Colonel O'Donnell and requested that the Rhode Island State Police assume control of the Cranston internal investigation. Mayor Fung cited the reported new allegations contained within the anonymous letters, and indicated that a number of officers within the Department are under suspicion of wrongdoing for the ticketing incident, as well as for other incidents within the Department, over the past several years. Mayor Fung advised Colonel O'Donnell that he had placed Colonel Palombo on paid administrative leave from the Department. Mayor Fung further requested the State Police oversee the day-to-day operations of the Cranston Police Department, review several disciplinary issues and allegations of mismanagement within the Cranston Police Department, as well as conduct a thorough assessment of the Department.

On Thursday, January 9, 2014, Mayor Fung held a press conference at his Cranston City Hall office. Mayor Fung announced that the State Police would be assuming control of the internal investigation as well as conducting its own parking ticket investigation, based on the new allegations that had surfaced. Mayor Fung disclosed that a number of Cranston Police Officers are under suspicion of misconduct, saying, *"If these allegations prove true, they are very troubling."*³ Mayor Fung further advised, *"he does not doubt the integrity of the internal investigation, but asked the State Police to intervene in order to instill public confidence in the outcome of the probe as well as the city police and his administration."*⁴ Mayor Fung indicated, *"the preliminary findings received from Colonel Marco Palombo, Jr. on Wednesday, January 8, 2014, were a basis for his decision to turn over the probe to the State Police."*⁵

City Council President Lanni welcomed the decision by the Mayor and said he appreciated the efforts of fellow Council members in proposing the resolution to have the State Police take over the investigation prior to this announcement by the Mayor. In addition, Mayor Fung announced his reversal on an original statement made on Tuesday, December 17, 2013, and said that all one hundred and twenty-eight (128) tickets issued would be dismissed, and people

³ Smith, G. (2014, January 9) Cranston mayor says R.I. State Police to investigate parking ticket scandal. Providence Journal. Retrieved from <http://www.providencejournal.com>

⁴ Smith, G. (2014, January 9) Cranston mayor says R.I. State Police to investigate parking ticket scandal. Providence Journal. Retrieved from <http://www.providencejournal.com>

⁵ Smith, G. (2014, January 9) Cranston mayor says R.I. State Police to investigate parking ticket scandal. Providence Journal. Retrieved from <http://www.providencejournal.com>

who parked illegally would be given warnings instead. In closing, Mayor Fung advised, *“Let me be clear, let me be really clear to all of the residents of Cranston, if these allegations prove true, I am not going to tolerate any intimidation or harassment of any residents or any individuals in the city under my watch. And if these allegations are true, any individuals will be held accountable.”*⁶

On Thursday, January 9, 2014, Mayor Fung announced Captain Kevin M. Barry, of the State Police, as the Acting Police Chief. Captain Barry’s assignment was to oversee the day-to-day police operations of the Department and provide a thorough assessment. In addition, Colonel O’Donnell assigned Lieutenant Matthew C. Moynihan, of the State Police, to assist Captain Barry on a full-time basis. Colonel O’Donnell also announced the assignment of Captain Benjamin M. Barney, of the State Police Office of Professional Standards Unit, to lead the State Police investigation into the parking ticket incident. In addition, Colonel O’Donnell assigned Sergeant Christopher J. Dicomitis to assist Captain Barney with the investigation. At the press conference Mayor Fung announced, *“Now is the time to rise above the fray, put rumors and allegations to rest and complete an independent, non-biased investigation. We will get to the bottom of those allegations.”*⁷

We immediately extended an invitation to meet on an individual basis with all sworn and civilian members of the Cranston Police Department. In order to properly and thoroughly assess the Department, the members of the Department had to share their experiences and thoughts regarding the issues within it. This was the first time in the history of the Department that an outside member of law enforcement assumed the authority of the Department. The internal issues, allegations of gross mismanagement and problems plaguing the Department could only be described by those within the Department who had first-hand knowledge of the incidents.

Members were encouraged to be truthful with investigators. Changes could only occur within the Department by identifying and resolving problems. To correct the problems, compromise, understanding and cooperation would be needed.

⁶ NBC 10 News, (2014, January 9) Cranston mayor asks state police to investigate ticket scandal. NBC 10 News. Retrieved from <http://www.turnto10.com>.

⁷ NBC 10 News, (2014, January 10) Cranston police chief on leave following ticket scandal. NBC 10 News. Retrieved from <http://www.turnto10.com>.

2.1 Cranston Police Department in January of 2014, Prior to the State Police Assignment

In January 2014, the Cranston Police Department was composed of one hundred and forty-eight (148) sworn officers. At that time, there was one (1) vacant Major position and four (4) vacant Patrol Officer positions. The Department had thirty (30) civilian members, both part-time and full-time. The Department had three (3) vacant civilian clerk positions, one (1) vacant radio officer, one (1) vacant switchboard operator and one (1) vacant animal shelter record attendant. The rank structure of the Department supported one (1) Chief (Colonel), two (2) Majors (Administrative and Operations), six (6) Captains, eight (8) Lieutenants and nineteen (19) Sergeants. Due to the five (5) vacant patrol officer positions, the Department, in January of 2014, was staffed by one hundred and thirteen (113) members at the rank of Officer. Within the full complement of sworn members, the Department supported five (5) major divisions with various subunits. The five (5) main divisions within the Cranston Police Department were as follows:

Uniform Division
Detective Division
Inspectional Services
Office of Professional Standards
Planning and Research

The subunits within these units include a Special Reaction Team, Crisis Negotiation Team, Underwater Recovery Team, Honor Guard, Peer Support Team, Training Division, Traffic Division and School Resource Officers.

2.2 Command Staff in January of 2014, Prior to the State Police Assignment

The Command Staff was composed of Chief of Police, Colonel Marco Palombo, Jr., Major Robert W. Ryan and six (6) Captains. As previously mentioned, the Department had one (1) vacant Major position with the retirement of Major John Schaffran on September 23, 2013. Controversy within the Department, because of this vacant Major's position, will be discussed further within this report.

Colonel Palombo was appointed Colonel on August 24, 2009, by Mayor Fung. He had risen through the ranks of the Department during his twenty-six (26) year career. As described above, on January 8, 2014, Colonel Palombo was placed on administrative leave; he subsequently retired on March 17, 2014. Mayor Fung announced in a press release after accepting Colonel Palombo's resignation, *"it is time for new leadership in the Cranston Police Department. I will begin immediately to search for a new chief."*⁸

Major Robert W. Ryan was appointed Major on Monday, May 24, 2010. At the time of his promotion, Major Ryan assumed the role of Adjutant Officer. Upon the retirement of Major John Schaffran, who held the role of Executive Officer and the second-in-command of the Cranston Police Department, Major Ryan assumed the roles of both the Executive Officer and the Adjutant Officer. Major Ryan resigned from the Cranston Police Department on May 19, 2014, after serving 26 years within the Department, following an internal investigation into allegations of wrongdoing involving a computer company, which will be discussed in more detail within this report. No promotions to the rank of Major occurred throughout the term Captain Barry held the position of Acting Chief.

Captain Todd Patalano was promoted to the rank of Captain on October 2, 2006. Captain Patalano served as the Officer-in-Charge of the Office of Professional Standards, formally known as the Internal Affairs Unit, following his promotion to Captain.⁹ On February 11, 2011, Captain Patalano was served a complaint issued by Colonel Palombo, charging him with violating eleven (11) Cranston Police rules and regulations relating to his conduct while working within the Office of Professional Standards Unit. These charges were specifically regarding his

⁸ Raia, C. (2014, March 17) Cranston top cop retires amid parking ticket probe. WPRI Channel 12. Retrieved from <http://www.wpri.com>.

⁹ All mentions of the former Internal Affairs Unit will herein be referred to as the Office of Professional Standards Unit, which it is now known by.

handling of the Department's civilian complaint reports. Colonel Palombo recommended Captain Patalano receive a ninety- (90) day suspension period for the alleged infractions contained within the complaint. Captain Patalano denied any wrongdoing and requested a hearing pursuant to the Law Enforcement Officer's Bill of Rights ("LEOBOR"), Rhode Island General Laws § 42-28.6-1. After thirteen (13) days of testimony in 2011, the proceedings stopped, and no further hearings took place. Captain Patalano was placed on paid administrative leave from the Department for almost two (2) years while he was being investigated for wrongdoings within the Department and his LEOBOR hearing was pending adjudication.

On January 8, 2014, the same day Mayor Fung received a preliminary report from Colonel Palombo and requested the State Police take over the ticket investigation and assume control of the day-to-day operations of the Department, Captain Patalano was authorized by Mayor Fung to return to work within the Cranston Police Department. Captain Patalano was assigned to a newly established position within the Training Academy.

The administrative charges against Captain Patalano were pending, and at the request of Mayor Fung, the case would be reviewed by us to determine the status of adjudicating the matter. Captain Patalano received his salary of \$98,626 in 2012 and \$99,368 in 2013, while he remained on leave from the Department. Further details regarding the allegations contained within Captain Patalano's administrative disciplinary charges as well as the findings from our review of all investigations conducted by the Cranston Police Department into the alleged acts of wrongdoings by Captain Patalano will be discussed in more detail later within this report.

Captain Robert Quirk was promoted to the rank of Captain on July 1, 2009. Captain Quirk was the day shift Patrol Commander.

Captain Gerard Carnevale was promoted to the rank of Captain on Tuesday, August 25, 2009. Captain Carnevale was the night shift Patrol Commander.

Captain Carl Ricci was promoted to the rank of Captain on September 29, 2009. Captain Ricci was the Officer-in-Charge of the Professional Standards Unit and assumed that position in a temporary capacity, while Captain Patalano was placed on paid administrative leave from the Department. After Captain Patalano was authorized to return back to the Department, Captain Ricci continued to remain the Officer-in-Charge of the Professional Standards Unit in a temporary capacity.

Captain Sean Carmody was promoted to the rank of Captain on October 7, 2010. Captain Carmody was the Detective Commander within the Cranston Police Department.

Captain Stephen J. Antonucci was promoted to the rank of Captain on July 24, 2013. Captain Antonucci was the Officer-in-Charge of the Inspectional Services Division prior to being placed on paid administrative leave on April 3, 2014. Captain Antonucci was serving within his one-(1) year probation period as a Captain when he was issued a complaint notice on April 2, 2014, at the conclusion of the State Police parking ticket investigation. The complaint alleges Captain Antonucci violated seven (7) Cranston Police rules and regulations regarding his involvement in the Friday, November 15, 2013 incident. Captain Barry, in his capacity as Acting Chief of Police, recommended a penalty of termination from employment for Captain Antonucci based on his actions. On April 4, 2014, Captain Antonucci requested a hearing before a LEOBOR hearing committee.

In addition, Captain Antonucci was the President of IBPO, Local 301, in January 2014. On July 1, 2014, Captain Antonucci did not seek re-election. Eight (8) out of the nine (9) positions within the Executive Board of IBPO, Local 301 were assumed by new members of the Executive Board. This was the result of all but two (2) previous members of the Executive Board not seeking re-election. The current Executive Board of the IBPO, Local 301 is now composed of no ranking members of the Department.

Acting Captain Karen Guilbeault was promoted to Acting Captain on July 8, 2013, and was assigned as the Officer-in-Charge of the Planning and Research Division. Acting Captain Guilbeault assumed this responsibility, while Captain Thomas Dodd was on paid leave from the Department as a result of an injured-on-duty medical condition. Captain Dodd's sudden retirement from the Department on a disability pension is explained in further detail later within this report. Acting Captain Guilbeault was offered and accepted this temporary assignment, while Acting Captain Guilbeault was the highest Lieutenant on the Captain's promotional list. Members of the Command Staff hold managerial positions, but all Captains are also members of the bargaining unit within IBPO, Local 301. In addition, all Cranston Police Patrol Officers, Sergeants and Lieutenants are members of IBPO, Local 301. The Colonel and two Major positions are the only members excluded from the bargaining unit. Although this may result in situations in which there is a conflict of interest between management and labor, it is not unique to other police Departments within the State of Rhode Island.

2.3 Uniform Division in January of 2014, Prior to the State Police Assignment

The Uniform Division is responsible for 24-hour, 7-day-a week patrol of the City of Cranston and is the largest single division within the Police Department. The men and women of the Uniform Division are commanded by a day Patrol Commander and a night Patrol Commander, each of whom holds the rank of Captain. As prescribed by the Cranston City Code (2.16.010), the Cranston Police Department shall have one hundred fifty-three (153) sworn members. The shift supervisors are made up of a complement of Sergeants and Lieutenants. Although the Cranston City Code details the number of officers within the Department, rarely is that complement fulfilled due to extended sick leave, retirements, and delays with recruitment and training. The Department works three shifts during a 24-hour period: the day shift, the evening shift and the night shift. The shifts are eight (8) hours in duration. Members assigned to the day, evening and night shifts work in one of two scheduled time brackets:

Day Shift:

0645 hrs. to 1445 hrs.

0745 hrs. to 1545 hrs.

Evening:

1445 hrs. to 2245 hrs.

1545 hrs. to 2345 hrs.

Night:

2245 hrs. to 0645 hrs.

2345 hrs. to 0745 hrs.

In the past, a swing shift consisting of 1845 hrs. to 0245 hrs. was utilized, but due to staffing shortages, this shift was discontinued. Within the Patrol Division, there are specialized full-time units such as the Traffic Unit, School Resource Unit and a one- (1) member K-9 Unit. Part-time specialty units such as the Special Response Team, Underwater Recovery Team, Honor Guard, Peer Support, Bicycle Unit and the Field Training Officer program are staffed by members of the Patrol and Detective Divisions.

The assignment of officers within their respective shift is conducted under a districting model of policing. Districting applies the tenets of community policing with a mission central to the City of Cranston's residents and business owners. The districting/community-policing model is geared toward allowing the Patrol Division to more efficiently and effectively carry out its

mission to uphold the safety and security of the residents and visitors within the City of Cranston.

The Districting model promotes the following:

- Fosters a sense of ownership and pride in an area of the city.
- Introduces heightened geographic accountability.
- Proactively identifies issues in the community and works to resolve them before they become major issues.
- Consistency of service to the community.
- Better structure, more appropriate distribution of assets and personnel.
- Better police/community relationships and partnerships with an increased sense of trust between the two entities.
- Ultimately improves the quality of life for the residents of the City of Cranston.

Officers within the Cranston Police Department are awarded shift assignments based on a seniority-driven bid system. When a vacancy occurs in a specific shift, a bid announcement is posted. The most senior bidder for the position is awarded the assignment upon the expiration of the bidding process. This is set forth within the collective bargaining agreement (CBA) between IBPO, Local 301 and the City of Cranston. This process is also incorporated for training opportunities within the Department. Although the intent of the seniority-driven system is to promote fairness within assignments, it frequently contributes to a situation in which the most suitable member does not always receive the assignment. Although attempts at times are made to offer assignments and training to those within a specific group or experience, the CBA prohibits singling out certain employees, in order to make the process fair for all. Situations have occurred in which training opportunities are awarded to a senior member of the Department, when a junior member and the Department may benefit more from the training. In these situations the training material is more closely associated with the junior member's assigned duties and responsibilities and would be more beneficial for the junior member to attend the training. This process was discussed in depth with numerous members within the Department while conducting the assessment, and most agreed that some concessions need to be made to this process for the betterment of the Cranston Police Department.

2.4 Detective Division in January of 2014, Prior to the State Police Assignment

The Cranston Police Detective Division is responsible for conducting follow-up criminal investigations and possesses primary investigatory authority regarding major crimes. The Detective Division operates under the command of the Detective Commander. The Division is composed of the Criminal Investigations Unit, Special Victims Unit, Special Investigations Unit, Prosecution Unit and the Bureau of Criminal Identification. All units are managed by the Detective Commander, who coordinates work assignments, directs criminal investigations and reports to the Executive Officer on all significant matters.

The Prosecution Unit is responsible for following up on an arrest by a member of the Department as the case is adjudicated through the judicial system.

The Special Investigations Unit is tasked with investigating narcotics and vice related offenses. Members assigned to the Special Investigations Unit may also be assigned on a part-time basis to federal task force units. Currently two (2) members of the Special Investigations Unit are assigned to the Drug Enforcement Administration and one (1) member is assigned to the Federal Bureau of Investigation Safe Streets Task Force.

Members assigned to the Special Victims Unit are responsible for investigating domestic related offenses, juvenile offenses and sexual assault related offenses.

Members assigned to the Criminal Investigations Unit are generally Detectives, who support members of the Patrol Division on daily basis with the follow up of investigations and also are tasked with any investigation that does not fall under the scope of any other detective unit.

Members assigned to the Bureau of Criminal Identification Unit are responsible for processing crime scenes and evidence seized by members of the Cranston Police Department. The Detective Division is also supported by part-time and full-time civilian personnel, who are assigned within the various units and are responsible for providing administrative support.

The Cranston Police Detective Division is led by a Detective Commander at the rank of Captain. The Detective Commander position is staffed by the most senior Captain interested in the position. If there is no desire for the position among the six (6) Captains, the position is staffed with the most junior Captain regardless of whether he or she puts in for it. The Chief of Police has no authority or latitude to assign the best-suited Captain to this position, due to the seniority bid system. The Detective Commander is responsible for overseeing and coordinating

complex criminal investigations within the City. Because of the bid system, this position could be filled by a Captain with no prior experience as a detective within the Detective Bureau.

2.5 Civilian Employees in January of 2014, Prior to the State Police Assignment

In addition to the one hundred and forty-eight (148) Sworn Officers within the Cranston Police Department, the Department is also composed of thirty (30) civilian employees. Three (3) civilian positions within the Department were vacant at the time of assuming command. Problems associated with staffing the civilian positions, due to sick leave and retirements, will be described in more detail within this report. The largest complements of civilian employees within the Department are assigned to the Dispatch Unit within the Department. The Dispatch Unit is under the scope and supervision of the Uniform Division night Captain. As of January 2014, the Cranston Police Department was staffed with thirteen (13) Radio Dispatchers. The Radio Dispatcher is responsible for the day-to-day communication and dispatch of personnel within the Department. The Department is also composed of the following civilian positions, although not all positions are currently staffed:

- One (1) Chief Records Clerk, who is responsible for overseeing a complement of other Clerks within the Records Department and facilitating the requests for Cranston Police records.
- Two (2) Radio Officers, who are responsible for maintaining the radio communication system for the Cranston Police Department as well as the Cranston Fire Department. Only one (1) of the two (2) positions is currently staffed. This position also assists with the maintenance and repair of emergency lights on Department vehicles.
- One (1) Bookkeeper, who is responsible for facilitating the payment of invoices and accounting for expenses by the Cranston Police Department. This position works in close relation with the Cranston City Finance Unit.
- Two (2) Data Entry Transcriptionist, who are responsible for transcribing reports and entering data into the Cranston Police Records Management System.
- Eight (8) Clerks, who are assigned to various positions within the Uniform, Detective and Administrative Units and support with clerical duties.
- One (1) Switch Board Operator. This position is currently not staffed within the Cranston Police Department.

- Five (5) Animal Control Officers who are responsible for enforcing animal control ordinances and related laws, rules and regulations within the City. Animal Control Officers are assigned to the Animal Shelter, located at 920 Phenix Avenue. As of January 2013, only four (4) of the five (5) positions are staffed.

2.6 Interviewing Members of the Cranston Police Department

Upon our arrival at the Cranston Police Department, we began immediately interviewing sworn and civilian members of the Department. Repeated comments of gross mismanagement within the Department were expressed by many who offered their opinions. Many also cited favoritism and a lack of accountability as reasons for the morale of the Department being at an all-time low. These observations were expressed by junior and veteran members and shared by numerous civilian employees.

We were informed of a division within the Department, which consisted of two (2) factions, an “A Team” and a “B Team.” This was known as a way of life within the Department that dated back for as long as many could remember. There was clear dissension caused by this division. Whichever faction was empowered within the Department, the opposing side would do whatever it took to disrupt the operation of the empowered faction. We were surprised at how deeply rooted this problem was and at what lengths some would go to embarrass or make members on the other “team” fail. It was clear to us that this division needed to end immediately. Members needed to respect each other and work together in order to increase morale and create a positive work environment. Favoritism needed to end, and discipline and accountability needed to be restored. This subculture was evident in many of the comments provided by members who were interviewed. Many of these examples will be discussed further within this report. The following statements were just a few expressed regarding the working conditions within the Department:

- “Morale is at an all-time low during my ten (10) plus years on the job.”
- “The job lacks top tier management.”
- “The job has become drastically a more hostile work environment.”
- “The Colonel needs to be replaced with someone from the outside, because anyone from within will have the same problems of the ‘good old boy’ network.”
- “There is a lot of hatred and mistrust amongst the rank and file.”
- “I feel safer on the street than when I am inside the Cranston Police Headquarters building.”
- “The Colonel is a bully who has completely abused his power on some members.”

- “I try to remain neutral, but it’s difficult because upper management associates you with one side or the other.”
- “The Department is run like the Mafia. You are either with them or you’re doomed.”
- “I want to be left alone to do my job, but that isn’t always possible.”

Many said the deplorable morale and problems within the Department were allowed to flourish, because the two-team culture had grown out of control. The majority believed the upper management within the Department was responsible. Rules and regulations were being aggressively enforced for some members, while others, including upper management and the Colonel, were allowed to ignore established policies. Examples of this type of behavior have been detailed within this report. Many examples were offered regarding the unfair treatment of some members of the Department by other members, just because of whom they were associated with. Rookie officers were tainted immediately based on who was “breaking them in,” and many new officers felt as though they were being recruited to support one team over the other. The deep-seated problems associated with having the two “teams” impacted promotional possibilities for some officers, assignments to certain units and acknowledgement for good work.

Many described how the close relationship between Colonel Palombo, Captain Antonucci and Mayor Fung resulted in problems being ignored or swept under the rug. Although some of the material contained in this assessment can be corroborated with factual findings, other details of events were reported to us by members of the Cranston Police Department, and cannot be confirmed as factual. Numerous sworn and civilian members were interviewed, but many of the same allegations may have been shared among fellow officers, originating from the same source. In the end, however, consistent themes emerged. The stories and details reported by members of the Department are extremely important to report within this assessment. Their views were proffered in hopes of exposing the problems within the Department, which could not be addressed in the past due to a fear of intimidation and retribution within their workplace.

The majority of sworn and civilian members interviewed said they had no confidence in Colonel Palombo as their leader. As time passed from January 2014, more members began to open up and express their thoughts, but there still remained fear that retribution would occur after the State Police ended its assignment. With the retirement of Colonel Palombo and Major Ryan

and the paid suspension of Captain Antonucci, more officers felt comfortable about being candid. Many said these officers had contributed to the negative subculture of intimidation and retribution within the Department. Several said the close relationship among Mayor Fung, Colonel Palombo and Captain Antonucci made them feel there was no place to turn to report wrongdoing within the Department.

There was a view that those who spoke out regarding mismanagement and favoritism were later targeted and investigated for violations of the Department rules and regulations. The belief that the union would not support or defend them kept many silent.

After Colonel Michael J. Winkvist assumed command of the Cranston Police Department, the intimidating subculture slowly diminished. Some members, who had previously refrained from speaking about problems, now opened up and described how the subculture within the Department affected the morale and the overall atmosphere. Some who originally viewed the Department's problems as not serious enough to warrant State Police oversight changed their position and said the appointment of outside leadership was the best thing that had happened to the Department.

Many reported that although it was wrong for members to send anonymous letters regarding the acts of mismanagement within the Department, it was the only way to get others to recognize the problems in the Department.

After conducting the interviews, it became clear that the problems within the Department were not due to the actions of the rank and file members. From January 2014 through November 2014, we observed daily the great police work and dedication performed by members of Department for the community. It was clear that the Department has numerous talented, dedicated and hardworking officers, but because of poor leadership and constant power struggles, the overall reputation of the Department suffered.

Throughout this report there are examples of Mayor Fung showing inconsistent leadership styles at times and interjecting himself into the operation of the Cranston Police Department. Mayor Fung failed to take the necessary and appropriate corrective actions, which empowered others to continue to make unprofessional decisions. This greatly contributed to the problems in the Department.

3.0 COLONEL STEPHEN C. MCGRATH ADMINISTRATION

In order to understand the problems identified within the Cranston Police Department under Colonel Marco Palombo Jr., it is useful to examine the tenure of his predecessor, Colonel Stephen C. McGrath. Colonel McGrath joined the Department in 1985 and was promoted through the ranks to become the Colonel on February 15, 2005. Colonel McGrath retired from the Department in May of 2009, after the membership of the IBPO, Local 301 voted “no confidence” in him as the Chief of the Department on May 11, 2009, by a vote of 104 to 23.

Shortly after assuming command of the Department, Colonel McGrath was criticized by IBPO, Local 301 President Antonucci for recommending to then-Mayor Stephen P. Laffey a change in the practice for promotions. At the time, the Cranston City Charter allowed for the selection of any one of the top three candidates from a promotion list ranked by test scores, oral interviews and seniority. In practice, the top candidate on the list was always promoted. Mayor Laffey and Colonel McGrath wanted flexibility in choosing the best candidate among the top three, but were criticized by exercising their authority provided under the City Charter. Colonel McGrath informed Mayor Laffey that a selection could come from among the top three (3) candidates within a rank for promotions. Colonel McGrath believed these changes to the existing practice were necessary and were in the best interests of the Department. Colonel McGrath advised that shortly after making promotions, grievances were filed by the union, challenging the selection from the top three candidates. This contributed to the disunity within the Department.

In April 2005, Mayor Laffey appointed a Lieutenant to a vacant Captain’s position within the Department. The Lieutenant was ranked third on the Captain’s promotional list. This resulted in two (2) other Lieutenants being passed over for the position. President Antonucci accused Mayor Laffey of “politicizing” a job that usually goes to the next officer on the list. Mayor Laffey publically responded, *“Please let the union know that it’s my prerogative to choose the person that I think will do the best job for the City of Cranston.”*¹⁰ The IBPO, Local 301 believed promotions were being filled due to friendships over selecting the more qualified

¹⁰ Mider, Z. (2005, April 14) Laffey’s police promotion irks union. Providence Journal. Retrieved from <http://www.providencejournal.com>.

candidates. The police administration advised they had properly selected the best candidate for the position, from an eligible list of three (3) candidates.

In the fall of 2006, President Antonucci and the IBPO, Local 301 coordinated to have this changed within the Cranston Home Rule Charter, by placing this “rule of three” on the November 2006 citywide ballot, and the measure passed. From that point on, only the highest-scoring candidate among the top three candidates could be promoted. (In November 2014, Cranston voters passed referendum Question 11, which rescinded the earlier change, allowing promotions to be made from among the top three candidates.)

In August of 2008, an IBPO, Local 301-sponsored survey was collected from the membership. President Stephen J. Antonucci advised that there were some “*unhappy people working at the Police Department.*”¹¹ About 80 of the Department’s 150 members participated in the survey. Fifty-eight said they were not satisfied with the “support and leadership” of top ranking officers. Fifty-two said their morale was “unsatisfactory.” The union also listed problems, including lack of equipment, lack of support for officers and using internal investigations to intimidate critics. Colonel McGrath said the union was responsible for the discontent and that its leadership was to blame for constantly focusing on the negative.

On May 11, 2009, IBPO, Local 301 members voted 104 to 23 to declare they had no confidence in Colonel McGrath. Several days later, Colonel McGrath announced he would be retiring. On May 22, 2009, Major Ronald T. Blackmar announced his intention to retire. This followed the retirement a month earlier of Commander Kevin Lynch, the third in command. This left the top three positions within the Department vacant. (This was similar to the condition that existed in the Department in May 2014 with the retirement of Major Robert Ryan.)

Many Department members described how the shift in leadership was orchestrated by some within the Department, saying there was an agreement between IBPO, Local 301 President Antonucci and then-Captain Palombo. In exchange for support with the measure to reach a “no confidence vote” against Colonel McGrath, the union would support Captain Palombo as the next Chief of Police. The Executive Board of the IBPO, Local 301, led by President Antonucci, shared a good relationship with Mayor Fung and supported his 2008 mayoral campaign. There were widespread allegations within the rank and file of the Department that the IBPO, Local 301

¹¹ Scharfenberg, D. (2008, February 5) Police union: Survey shows poor morale. Providence Journal. Retrieved from <http://www.providencejournal.com>.

offered its support to Mayor Fung's campaign in exchange for the removal of Colonel McGrath as Chief and the settlement of the ongoing labor contract. It is of note that Colonel McGrath did retire, and the labor contract was ratified after Mayor Fung's election.

We interviewed Colonel McGrath, who advised that he immediately received resistance from Mayor Fung in January 2009, shortly after Mayor Fung assumed office. Colonel McGrath further stated that he was informed by members of the Department and civilians outside the Department that Mayor Fung planned to replace him if elected. Colonel McGrath said he was frequently advised of three (3) conditions, which he had heard were discussed between President Antonucci and candidate Fung prior to his election:

- 1. In support of the IBPO, Local 301, candidate Fung would replace Colonel McGrath with Captain Palombo as the Chief of Police.*
- 2. Mayor Fung would exclude Attorney Vincent F. Ragosta Jr. from future labor discussions with the IBPO, Local 301, due to reported differences President Antonucci had with Attorney Ragosta.*
- 3. Mayor Fung would settle the pending labor contract with the IBPO, Local 301.*

In an interview with us, Mayor Fung said that he was supported by many Cranston police officers prior to being elected. He said he had conversations with President Antonucci, who said the rank and file was not happy with Colonel McGrath. Mayor Fung denied he had made any promises in exchange for the union's support.

Colonel McGrath said he knew his position within the Department was in jeopardy when Mayor Fung hired [REDACTED] as Director of Administration shortly after winning the 2008 election. Colonel McGrath said he had professional differences with Ms. [REDACTED] when she was Deputy Director of Administration under Mayor Laffey, prior to her acceptance of a position in [REDACTED] in 2007.

On January 2, 2009, Colonel McGrath issued memorandum 2009-1 to all members of the Department, after discovering that some members were circumventing the rank structure and his position as the Chief by directly contacting Director [REDACTED] and the Mayor's Office regarding operational components of the Department. Colonel McGrath issued a directive that all communication with the Mayor's Office must first be sent through the chain-of-command to the Chief of Police. On Tuesday, January 6, 2009, President Antonucci and the IBPO, Local 301

filed charges of an unfair labor practice regarding Colonel McGrath's directive. Immediately, Director [REDACTED] contacted Colonel McGrath and ordered him to rescind his directive. Director [REDACTED] included in an interoffice memorandum to Colonel McGrath, with a carbon copy to Sergeant Antonucci:

"I have reviewed the IBPO claim in addition to your memorandum of 2 January 2009. As this administration is absolutely opposed to any order or request which prohibits the open and free flow of information between any and all City employees and my office, please immediately send out written notification to all members of the Cranston Police Department who received that memorandum that it is being withdrawn unilaterally.

(It should be noted that within the first several weeks after assuming command of the Cranston Police Department in January of 2014, we issued the same directive to members of the Department at a roll call, after being made aware that members were directly contacting the Mayor's Office and City Council regarding operational components within the Cranston Police Department without the knowledge of Captain Barry. Allowing this type of activity undermines the authority of the Chief of Police as well as the rank structure within the Department and negatively affects the efficiency as well as discipline within the Department. The directive does not prohibit the filing of a grievance or any other remedy already in existence.)

Colonel McGrath said that Director [REDACTED] immediately interjected herself into the affairs of the Police Department without consulting with him. It was evident to him that some Department members were speaking directly to Director [REDACTED] regarding their opposition to his intended changes within the Department, undermining his authority and hurting the efficiency and morale of the Department. He said he would frequently be copied on emails that Director [REDACTED] would send to Command Staff members, directing certain assignments and duties, which he had not authorized.

For example, Director [REDACTED] sent an email to all Captains within the Cranston Police Department, with a carbon copy to Colonel McGrath, requesting an informal meeting with the Captains to become reacquainted with the Department. According to Colonel McGrath, Director [REDACTED] had not met informally or formally with Colonel McGrath or the two (2) Majors within the Department regarding the operations of the Department, prior to sending this request, despite being aware of the existing problems within the Department.

Another incident Colonel McGrath cited as an example of Director [REDACTED] interference in the Department involved a proposal by the IBPO, Local 301 to have a flat-screen television installed in the Department's roll call room. Colonel McGrath said he believed it would be a distraction and denied the request. On May 5, 2009, President Antonucci authored an email to Director [REDACTED] with the same previously denied proposal to have the union purchase the television and have it installed. Colonel McGrath was not copied on the e-mail. Director [REDACTED] approved the request without consulting Colonel McGrath.

In an interview with us, former Director [REDACTED] said several times she did not trust Colonel McGrath. She said that because of her "mistrust" of Colonel McGrath, she took a more aggressive role with being involved with the police operations but did not take an active role in an attempt to correct the fractured Police Department.

As for Mayor Fung, it was only after the May 2009, union vote of no confidence in Colonel McGrath that he felt it was necessary to address the troubling situations within the Department. Mayor Fung was unable to provide any specific steps he or his administration took in an attempt to correct the fracturing within the Police Department after becoming Mayor and prior to the no confidence vote. Mayor Fung advised that he had only met with Colonel McGrath, as he had done with all Department heads shortly after becoming the mayor, to determine if he was interested in retaining his position under Mayor Fung's administration.

Director [REDACTED] advised she "watched" and closely monitored the operations and problems within the Department. Examples of Director [REDACTED] actions contributed to the divide between the rank and file and leadership within the Department. Her circumventing the chain of command within the Department encouraged behavior that could destroy the structure, discipline, and direction of a properly performing Department.

Shortly after assuming office of Mayor for the City of Cranston, Mayor Fung solicited the assistance of the current Providence Public Safety Commissioner Steven M. Paré with a transitional report regarding the Cranston Police Department. Commissioner Paré, at the time of the request, was working in the private sector. Commissioner Paré assessed the Police Department at the time and submitted a report to Mayor Fung. Commissioner Paré advised that he did not retain a copy of his report. As part of preparing this report, Commissioner Paré met with Colonel McGrath and his Command Staff. Colonel McGrath said he was never provided

with a copy of this report and never had any follow up discussions with Mayor Fung regarding the outcome of the report.

Mayor Fung advised that he requested the assessment to get a clear understanding of the Police Department at the time he was elected as Mayor in 2008. Mayor Fung advised he had also obtained transitional reports from other Departments within the city, as a normal procedure when taking over the position of Mayor. Mayor Fung advised he did not review the findings of the transitional report with Colonel McGrath after receiving it from Commissioner Paré.

We requested a copy of Commissioner Paré's report regarding the Cranston Police Department in January of 2009, explaining it would be valuable in our review of the Department, conducted at Mayor Fung's request. Mayor Fung refused to provide a copy of this report, stating that it was a transitional document prepared prior to him being sworn in as the Mayor.

Colonel McGrath said that when he became Chief of Police, he felt there needed to be changes made in the best interests of the Department that would be unfavorable to some members. He said that as soon as he made some of those decisions, grievances were filed by the IBPO, Local 301 contributing to the division within the Department.

Colonel McGrath felt that Director [REDACTED] only added to this by not staying neutral, which undermined his position as the Chief of Police. By her interjecting herself into the operations of the Department and failing to seek his version of events only eroded his authority. Colonel McGrath also advised that shortly after Mayor Fung was elected, labor negotiations with IBPO, Local 301 were reopened. Director [REDACTED] coordinated these negotiations and excluded Colonel McGrath and Attorney Vincent F. Ragosta, Jr., who had previously represented the City in issues with the union.

It was only after the Cranston City Council questioned some of the conditions contained within a tentative agreement reached between Mayor Fung and the union in 2009, that Attorney Ragosta became involved. Colonel McGrath advised he was surprised to see that some management rights, which were earlier successfully litigated by Attorney Ragosta on behalf of the City of Cranston against the union several years earlier, were now allowed by Mayor Fung to return as a benefit within the collective bargaining agreement.

Director [REDACTED] advised that it was her decision and recommendation to eliminate Attorney Ragosta from the labor negotiations with the police union as well as other labor

negotiations with other City unions, in order to save money. Mayor Fung confirmed this decision.

Colonel McGrath advised that he had contacted Mayor Fung and offered to quietly retire prior to the IBPO, Local 301's no-confidence vote, in exchange for Mayor Fung interceding with the union's plans for the vote of no confidence. Colonel McGrath said he knew he was fighting an uphill battle, with resistance from the IBPO, Local 301 and the Mayor's Office to any changes he wanted to make. He said his intent was to lessen public attention and preserve his reputation. Mayor Fung and Director [REDACTED] confirmed that Colonel McGrath had sought their intercession, but said they told him they had no influence with the IBPO, Local 301 and would not make any recommendation to it.

Colonel McGrath retired voluntarily shortly after the vote, because he believed he could no longer be effective. He advised that undue influence from the Mayor and members of his staff from the date the Mayor assumed Office in January of 2009 up to his resignation in May of 2009, was greater than he had experienced during any other prior administration.

4.0 TENURE OF CRANSTON POLICE CHIEFS

Captain John Schaffran was promoted by Mayor Fung as the Acting Chief of Police following Colonel McGrath's retirement. A selection process ensued, and an interview panel composed of Mayor Fung, Providence Police Commissioner Steven M. Paré and former Cumberland Police Chief Anthony J. Silva convened to find the best candidate for the position. As a result of this process, Mayor Fung selected Captain Palombo to be the twenty-first (21st) Chief of Police for the Department.

Frequent turnover within the position of Chief of Police has been a usual occurrence. Within the last twenty (20) years, the position of Chief of Police has turned over seven (7) times. In May of 2005, Colonel McGrath sought a five- (5) year contract from the Cranston City Council prior to his appointment to the position. At the time the City Council was concerned that a five- (5) year contract could keep the Chief in charge under a future Mayor, who did not appoint him and could not remove him. The average tenure of a Cranston Police Chief is a little over two (2) years.

In order to understand the problems identified within the Cranston Police Department, it was useful in formulating this assessment to examine the operation of the Cranston Police Department under numerous past Chiefs of Police dating back to 1995. During the course of this assessment the following Cranston Police Chiefs were interviewed and information provided by them is used in this report: Colonels Vincent McAteer (1995-1998), James Abbott (1998-2001), Walter J. Craddock (2001-2002), Michael A. Chalek (2002-2005), Stephen C. McGrath (2005-2009), Marco Palombo, Jr. (2009-2014), and Michael J. Winkvist, (2014-present). A clear pattern arose which showed that the Department was plagued by constant control of the Union to such an extent that an atmosphere of distrust, animosity, bullying, and favoritism was the norm.

5.0 CAPTAIN TODD PATALANO

Shortly after assuming command of the Cranston Police Department, we attended a meeting with Mayor Fung and his Chief-of-Staff, Carlos Lopez. In addition to speaking about the day-to-day activities within the Department as well as other allegations of wrongdoing during the Colonel Palombo administration, Mayor Fung said he had been informed by Colonel Palombo that allegations of criminal wrongdoing by Captain Patalano had been brought to the attention of the State Police, but that Colonel Palombo had not received a response regarding their findings. Mayor Fung also requested that the case of Captain Patalano and the disciplinary charges brought against him be thoroughly reviewed.

Captain Patalano had been on administrative paid leave from the Department for almost two years, while an alleged criminal investigation ensued. On Wednesday, January 8, 2014, the same day Mayor Fung requested Colonel O'Donnell assume control over the day-to-day operations of the Department, Mayor Fung authorized Captain Patalano to return to work within the Department. Mayor Fung advised both Colonel O'Donnell and Captain Barry that he had assigned Captain Patalano to the Training Academy, because he did not want him within the Cranston Police Department building following his administrative leave.

Mayor Fung was advised that the State Police had concluded its inquiry into the Captain Patalano incident shortly after it was brought to their attention, and nothing was pending. Mayor Fung appeared surprised with this information and advised that Colonel Palombo had led him to believe that the matter was still being investigated.

A thorough review of the circumstances surrounding Captain Patalano's case revealed that the allegations against him were baseless. Furthermore, the review revealed a lack of accountability between Mayor Fung and Colonel Palombo on the allegations and charges against Captain Patalano. It displayed a lack of fiscal responsibility by placing a person on paid leave for approximately 22 months. Based on the facts and circumstances we found gross mismanagement in many forms including intimidation and as described by many as bullying.

As previously discussed, Captain Patalano was promoted to the rank of Captain on Monday, October 2, 2006. At the time of his promotion, Captain Patalano was the Lieutenant assigned to the Office of Professional Standards. Upon his promotion, Captain Patalano assumed the role of the Officer-in-Charge of the Office of Professional Standards. As mentioned

earlier, in August of 2009, Colonel Palombo assumed the leadership role of the Cranston Police Department.

In May of 2009, Captain Patalano and others believed Mayor Fung was involved in removing the three (3) highest ranking members of the Cranston Police Department from the previous administration (Colonel McGrath). In March 2009, Mayor Fung presented his projected budget, which called for the layoff of nine (9) patrol officer positions as well as layoffs for Commander Kevin Lynch's and Major Ronald Blackmar's positions within the Police Department. The layoffs of the nine (9) patrol officer positions would not be easily facilitated, due to contract restrictions, but the Commander and Major positions were outside of the IBPO, Local 301 bargaining unit.

After Colonel McGrath, Major Blackmar and Commander Lynch retired, Captain Patalano and Captain Thomas Dodd were the only remaining Command Staff members from Colonel McGrath's administration. Captain Patalano advised he began secretly recording conversations he had with Colonel Palombo, Major Schaffran and Major Ryan as well as other employees within the Cranston Police Department in order to protect himself. Captain Patalano recognized that this type of activity was unusual, but within his legal rights. Captain Patalano believed that Colonel Palombo and others within the Department may target him and was fearful of what they were capable of doing.

Shortly after being sworn in, Colonel Palombo requested Captain Patalano transfer out of the Office of Professional Standards Unit and become the Detective Commander. Captain Patalano declined this request, which according to Captain Patalano, was the start of several problems between him and Colonel Palombo. In addition, Captain Patalano advised that while he was assigned as the Officer in Charge of the Professional Standards Unit, President Antonucci approached him and requested that he provide information to him regarding new complaints initiated within the unit. Captain Patalano advised he had declined President Antonucci's request, because he felt it would be unethical. Captain Patalano alleged that this had been the practice performed by then-Captain Schaffran and then-Lieutenant Palombo, while they were assigned to the unit. Captain Patalano said that Colonel Palombo did not want him in charge of the unit because he wanted to have the position held by someone with whom he had a closer relationship.

In January 2010, Colonel Palombo requested Major Schaffran conduct an audit of the Office of Professional Standards Unit, specifically how complaints reported to the unit were recorded and investigated. During the interview of former Director [REDACTED] she revealed that she had ordered the audit, after receiving information from Colonel Palombo regarding the practices within the unit.

Colonel Palombo believed the audit revealed questionable practices that during 2006 through 2009, the unit was not properly reporting and fully investigating all complaints reported to it, contrary to Cranston Police rules and regulations. In 2005, Colonel McGrath had developed a new “file report” system to apply when evidence showed that reported complaints were frivolous and without a factual basis. Examples of such complaints ranged from a female complaining that the Department’s cellblock did not have toilet paper after she was arrested, to claims regarding the merits of an arrest or traffic summons, which would be handled during the adjudication of the offense in either the District Court or the Traffic Tribunal. Captain Patalano assumed the responsibilities of the unit during Colonel McGrath’s administration in 2006 and had been consistent throughout his tenure in performing the duties as directed by then Colonel McGrath. In February of 2010, the audit of the Office of Professional Standards Unit concluded. Colonel Palombo abolished the practice of the “file report” system.

It was alleged by Colonel Palombo that this procedure was not adhered to during the administration of Colonel McGrath. Numerous examples were observed by us, in which Colonel Palombo and Major Schaffran were aware of complaints made to the Cranston Police Department in 2009, leading up to the change in procedure in February of 2010. These complaints were not fully investigated and utilized the “file report” system.

On February 22, 2010, Captain Patalano filed an injured on duty (IOD) claim with the Cranston Police Department after he fell down a set of stairs within the Police Department while carrying a large box of binders and documents. Captain Patalano’s doctor had found that he was temporarily unfit to perform his daily duties as a police officer. Captain Patalano was approved by the Department to be out of work on IOD leave while he recovered. Captain Patalano was listed as IOD from Monday, February 22, 2010 through Wednesday, September 8, 2010.

In April 2010, while on IOD leave status, Captain Patalano was advised that the second Major’s position within the Department was going to be filled with the promotion of then-Captain Ryan. This position was to replace the previous rank of Commander within the

Department, which had remained vacant upon the retirement of Commander Lynch. As mentioned above, Mayor Fung had previously recommended laying off the Major and Commander positions in March of 2009. The intent of the proposed layoffs were to save the City of Cranston money, but Mayor Fung was now filling the position within the same fiscal budget year that he had proposed to make layoffs.

Captain Patalano objected to the process of how Major Ryan was promoted. Captain Patalano believed he was also eligible for consideration, but was never given an opportunity to be interviewed or compete for the position. Captain Patalano filed a grievance as prescribed within the IBPO, Local 301 collective bargaining agreement with the City of Cranston. In addition and as detailed within the Cranston City Charter, vacancies for the position of Major shall be filled upon the basis of an announcement and a competitive examination. Captain Patalano advised that there were no examinations offered or conducted for the position of Major. In addition, not all eligible candidates were contacted and given the opportunity to compete for this position. Captain Patalano alleged that the City of Cranston and the Department failed to abide by the terms of the collective bargaining agreement, the Cranston City Charter as well as the Cranston Civil Service rules.

Shortly after filing the grievance, Captain Patalano petitioned President Antonucci to change the IBPO's assigned attorney, because of a previous conflict he had with this attorney. Captain Patalano requested that the union hire Attorney Joseph F. Penza, Jr. to represent him. Attorney Penza advised he was willing to work with the union on discounting his fees if he was retained. Captain Patalano further advised that if the services of the IBPO-provided attorney were retained, the results could be very detrimental to his case.

Captain Patalano's request was denied and he felt the selection of this attorney was intentional by some members of the Executive Board of the IBPO, Local 301. Captain Patalano believed he would not be fairly represented and had no ability to appeal the Executive Board's decision. Captain Patalano therefore independently retained the services of Attorney Penza at his own cost. Attorney Penza is a well-known labor attorney with many years of experience involving disciplinary cases.

Captain Patalano's grievance regarding the Major's promotion was subsequently denied by the IBPO, Local 301. Captain Patalano received notification of the denial in the form of a letter left for him at police headquarters. Upon receiving notification, Captain Patalano

requested the opportunity to appeal the decision to the National IBPO. A hearing was conducted on the appeal, but it was also denied, after it was decided he had failed to file the appeal in a timely fashion. Captain Patalano believes the letter was intentionally left for him at Cranston Police Headquarters so that he would not receive it in a timely manner and be able to appeal the decision.

On August 5, 2010, Colonel Palombo, through [REDACTED] hired a private investigations company to conduct surveillance on Captain Patalano while he was out of work on IOD. This attempt to obtain evidence that Captain Patalano was potentially faking his claimed injury came after he was out of work for approximately five (5) months. Captain Patalano had continued to update the Department with records from his doctor regarding his condition and his expected prognosis.

This type of scrutiny was highly unusual within the Department. While interviewing many senior members as well as high-ranking retired members, no one can recall the Cranston Police Department ever hiring a private investigative firm to conduct surveillance on a member of the Department. The conventional practice involving suspect IOD claims is for the Department to order the member to have an independent medical exam (IME) completed at the city's direction. During Captain Patalano's instance, the IME wasn't requested by the Department until January of 2011, approximately four (4) months after Captain Patalano had returned to a light-duty status.

Shortly after the private investigator began surveillance, Captain Patalano observed the private investigator following him and his two young sons as they left his residence to have lunch. Captain Patalano, fearful that an unknown subject was following him and his sons, contacted the Cranston Police Department and requested an officer respond to investigate. This subject was later determined to be a private investigator, hired to follow Captain Patalano.

We were advised that the officer who assisted in identifying the private investigator was later questioned by Colonel Palombo regarding the incident. This officer advised that Colonel Palombo wanted the officer to change his account of the incident by indicating that Captain Patalano had prior knowledge of the private investigator. The officer did not change his report and felt intimidated by Colonel Palombo's line of questioning. The services of the private investigator were terminated immediately after Captain Patalano observed that he was being followed.

After identifying the private investigator, Captain Patalano attempted to contact Colonel Palombo regarding the incident. Colonel Palombo returned Captain Patalano's telephone messages the following day and spoke to Captain Patalano, saying that he had no knowledge of coordinating with [REDACTED] or hiring the private investigator. Colonel Palombo asked Captain Patalano if he had any other claims with [REDACTED] that would cause them to be investigating him. Colonel Palombo then advised that after reviewing the Cranston Police report regarding the incident, Colonel Palombo did not see within the report that [REDACTED] was involved. Captain Patalano requested a meeting with Colonel Palombo to further discuss the incident. Captain Patalano advised that he informed Colonel Palombo that if he had any concerns regarding his IOD claim, he (Captain Patalano) was available anytime to answer questions or concerns. Captain Patalano advised that Colonel Palombo denied having any questions or issues with his claimed injury and denied any knowledge of being involved with hiring the private investigator.

We obtained records from [REDACTED] regarding this incident and confirmed that Colonel Palombo had requested the services of a private investigator to conduct surveillance on Captain Patalano. As of the date of this report, payment for the provided services of the private investigator has not been made by the Cranston Police Department.

On September 8, 2010, Captain Patalano returned to work on a light-duty status, working four (4) hours of his scheduled eight-hour (8) shift. Although Captain Patalano was approved by the Department for IOD leave status as a result of his fall, Captain Patalano had still attended and assisted legal counsel with the scheduled LEOBOR termination hearings involving two former Cranston police officers. The City of Cranston, as with most other Cranston LEOBOR cases, retained the legal services of Attorney Vincent F. Ragosta, Jr. to prosecute both former officers. On April 22, 2010, after the successful conclusion of both LEOBOR proceedings, Attorney Ragosta authored and sent a letter to Mayor Fung and Colonel Palombo commending the exceptional job by Captain Patalano during the investigation and prosecution of the cases. Attorney Ragosta wrote, *"Captain Patalano ranks among the very best police officers I have worked with.....Rhode Islanders, and especially the citizens of Cranston and the dedicated men and women of the Cranston Police Department, should be justly proud to be served by Captain Patalano."*

From September 2010 through February 2012, Captain Patalano's duties were restricted, and he was prohibited from participating in any new Office of Professional Standards Unit investigations, under a directive issued by Colonel Palombo. Colonel Palombo cited the need to preserve the integrity of the office in the event the ongoing audit resulted in recommended discipline and the credibility of the Officer in Charge was called into question. During an interview, former Administration Director [REDACTED] advised that she ordered Colonel Palombo to restrict Captain Patalano's duties after receiving updates from Colonel Palombo regarding potential wrongful acts within the unit.

Captain Patalano described how he was ordered to remain at his desk and assist with accreditation preparation and other minor administrative tasks. On one occasion he was chastised for leaving his desk area and responding to an officer needs assistance call near the police station. In addition, adjacent to Captain Patalano's desk area was an interview room contained within the Office of Professional Standards Unit. Captain Patalano was prohibited from being in this area, because this room contained the unit's confidential files, despite the fact he was still the Officer-in-Charge of the unit. On one occasion, Colonel Palombo and Major Ryan entered Captain Patalano's office area after observing that Captain Patalano had entered this adjacent interview room. Captain Patalano was found to be making a personal telephone call regarding a medical issue with his son, but nonetheless was verbally reprimanded for disobeying an order to remain out of the room. Captain Patalano believed that he was subjected to unwarranted scrutiny on a daily basis, while the audit investigation continued.

On February 18, 2011, Captain Patalano was served a complaint issued by Colonel Palombo charging him with violating eleven (11) Cranston Police rules and regulations relating to Captain Patalano's conduct while working in the Office of Professional Standards. The charges were a result of the audit conducted by Major Schaffran. The charges were specific to Captain Patalano's handling of the Department's civilian complaints from 2006 through 2009, before Colonel Palombo was in charge of the Department. More specifically, the charges related to the "file report" system in place under the leadership of Colonel McGrath. Colonel Palombo recommended a punishment of ninety (90) days suspension for the alleged infractions contained within the complaint. Captain Patalano denied any wrongdoing and requested a hearing pursuant to the Law Enforcement Officer's Bill of Rights (LEOBOR).

Captain Patalano again approached President Antonucci with a request that the union hire Attorney Penza to represent Captain Patalano on the new alleged disciplinary charges. Captain Patalano reaffirmed the conflicts with the anticipated assigned attorney by the IBPO, Local 301, but the request was denied for the second time.

On March 9, 2011, Captain Patalano and Attorney Penza met with the Executive Board of the IBPO, Local 301 to outline his believed mistreatment by Colonel Palombo and Mayor Fung and request that the IBPO file an unfair labor practice complaint. Captain Patalano provided the board with numerous documents in support of his claim. Shortly thereafter, President Antonucci advised Captain Patalano that the Executive Board had voted against supporting his request to move forward. Captain Patalano later discovered the Executive Board convened a meeting to discuss the allegations made by Captain Patalano and decide a course of action. Colonel Palombo attended this meeting and was given the opportunity to defend the alleged claims made by Captain Patalano. Captain Patalano was not invited to attend this meeting. Captain Patalano was advised that the full Executive Board never took a vote regarding whether to move forward with his unfair labor practice claim and he was told the denial was rendered by President Antonucci and some other Executive Board members after consulting with Colonel Palombo.

On April 25, 2011, Captain Patalano's LEOBOR disciplinary hearings began. Thirteen (13) hearings were held, during which several witnesses provided testimony. On August 9, 2011, during a hearing at the Providence Housing Court, Attorney Penza advised that he had spoken to Attorney Kinder and told him that Captain Patalano had evidence that could refute the anticipated testimony of some potential witnesses in the case. Later during the proceedings, then-Administration Director [REDACTED] responded to the Housing Court and briefly spoke with Attorney Kinder. Captain Patalano and Attorney Penza advised shortly thereafter, Attorney Kinder proposed to Attorney Penza that Captain Patalano pick one (1) of the eleven (11) charges against him and accept a written reprimand for that violation. In return, the other ten (10) charges would be dropped. Captain Patalano declined the offer, emphatically denying any wrongdoing and saying he would not accept any deal for actions he did not do.

While compiling information for this report, we spoke to Attorney Kinder and Director [REDACTED] regarding this allegation. Attorney Kinder said he did not specifically recall the conversation or any conversations with Director [REDACTED] regarding a final settlement offer.

Director [REDACTED] said that she was unaware of the offer and had gone to the hearing, because she might testify as a witness. Director [REDACTED] advised she never ended up testifying.

We interviewed Mayor Fung, who advised that he had offered the written reprimand in the interest of settling the LEOBOR charges against Captain Patalano and having him return to the Police Department, but he was unable to say when the offer was made. Mayor Fung advised he was aware the allegations of wrongdoing were for actions taken at the direction of then-Colonel McGrath and that Colonel Palombo recommended the ninety- (90) day suspension period after concluding the internal investigation. Mayor Fung advised that as far as he knew, the charges that were being brought against Captain Patalano were valid, but stated that some type of settlement was necessary.

Without reaching a settlement the LEOBOR hearings continued on November 7, 2011, with Captain Sean Carmody testifying about his experiences working with Captain Patalano in the Office of Professional Standards Unit. As a result of Captain Carmody's testimony, Colonel Palombo initiated a new disciplinary investigation against Captain Patalano. This inquiry involved a previous Office of Professional Standards Unit investigation conducted by Captain Patalano and then-Lieutenant Carmody in 2009. No further LEOBOR hearings occurred after Monday, November 7, 2011 and the Department continued the new internal investigation against Captain Patalano.

On February 9, 2012, Captain Patalano was interviewed by Major Schaffran regarding the new allegations of wrongdoing. After the interview, Captain Patalano advised Major Schaffran that he had evidence that would prove him innocent of any wrongdoing in the new investigation. Captain Patalano further advised that he intended on presenting this evidence during his pending LEOBOR proceedings.

On Monday, February 13, 2012, Colonel Palombo ordered Captain Patalano to retrieve the evidence from his attorney and provide it to Major Schaffran. Colonel Palombo advised Captain Patalano that he was required to produce any evidence regarding an ongoing Cranston Police internal investigation, as outlined in Departmental rules, regulations, policy and procedures. Speculating that the evidence was possibly documents from the Cranston Police Department, Colonel Palombo ordered Captain Patalano to immediately go to Attorney Joseph F. Penza, Jr.'s office and bring the evidence back to the Department. At the time this order was given, Captain Patalano was secretly recording the conversation between himself and Colonel

Palombo. We obtained a copy of the recording and transcript, detailing the conversation. Contained within the recording, Colonel Palombo orders Captain Patalano to retrieve the evidence from his attorney. Captain Patalano advises Colonel Palombo that, *"you don't have to treat me like that, treat me like a gentlemen."* Colonel Palombo responds that Captain Patalano is a *"punk"* and accused Captain Patalano of coming into the office with an attitude. The exchange was heated and ended with Captain Patalano leaving the station and returning a short time later with a letter authored by Attorney Penza and addressed to Colonel Palombo. A copy of the letter was provided to Captain Barry and Lieutenant Moynihan. Contained within the letter, Attorney Penza denies having any property of the Cranston Police and refuses to turn over evidence, which they intend to present during the LEOBOR hearings.

Upon reading the letter and in the presence of Major Schaffran and Captain Patalano, Colonel Palombo questioned Captain Patalano if the letter was what he was ordered to get. This second conversation was again recorded by Captain Patalano and provided to us. Captain Patalano explains that the letter is what his attorney provided him and the evidence is in the possession of Attorney Penza. Colonel Palombo then addressed Major Schaffran and stated, *"Major....you will relieve the Captain of duty...his firearm, radio, his ID, his car keys... being in possession of stolen property.... advise him of his constitutional rights."* Captain Patalano responded by stating that he did not have any stolen property or property of the police Department and that the situation was getting out of hand.

In addition to this meeting being recorded by Captain Patalano, it was discovered during a forensic audit that Colonel Palombo and Major Schaffran were also secretly recording the above exchange. Documents containing transcripts were observed on Colonel Palombo's computer as well as within the files of Major Schaffran and Major Ryan. Other audio recordings were located within Major Schaffran's files, which showed that Captain Patalano was not the only member of the Cranston Police Department surreptitiously recording other members. Additional issues arising from secretly recording members of the Department will be detailed further within this report, under the section titled "Sergeant Matthew Josefson."

On February 24, 2012, Colonel Palombo issued a standing order that Captain Patalano would be suspended each day without pay, until he complied with the order to produce the evidence. Failure to produce the evidence would be considered insubordination and in violation

of the rules and regulations. Captain Patalano failed to turn over the evidence, and was suspended without pay.

On Wednesday, February 29, 2012, Captain Patalano filed a complaint, requesting an injunction from the Rhode Island Superior Court. The Court granted a temporary restraining order prohibiting any further suspension until a hearing could be conducted. Prior to the issuance of the temporary restraining order, Captain Patalano had been suspended without pay on Monday, February 27, 2012 and Tuesday, February 28, 2012. On Tuesday, March 27, 2012, a preliminary hearing was held in Rhode Island Superior Court regarding Captain Patalano turning over evidence involving an internal Office of Professional Standards Unit investigation.

Attorney Penza tried unsuccessfully to subpoena Colonel Palombo on numerous occasions to provide testimony to the Superior Court regarding his order. Colonel Palombo repeatedly avoided a Constable's attempts to serve him with a subpoena to appear in Superior Court. On five (5) different occasions, the Constable was advised that the Colonel was either in a meeting, not available or out of the building. Colonel Palombo made no attempt to contact the Constable to receive service, even though messages were left on each occasion for the Colonel. Attorney Penza contacted Attorney Kinder to inquire if Colonel Palombo was intentionally avoiding being served by the Constable. Attorney Kinder advised Attorney Penza that Colonel Palombo would be attending the Superior Court hearing and would be available to provide testimony. On the day of the hearing, Colonel Palombo failed to appear and instead sent Major Schaffran on his behalf.

On April 27, 2012, Captain Patalano's motion was denied; thereafter, Captain Patalano provided Colonel Palombo with the requested evidence. As instructed by the Superior Court, Captain Patalano turned over recorded conversations he had made refuting the evidence supporting any claims of wrongdoing as a result of the prior LEOBOR testimony on November 7, 2011. This was the first time it was revealed that Captain Patalano had been secretly recording conversations within the Cranston Police Department.

5.1 Colonel Palombo Requests Assistance from State Police and Attorney General's Office

On April 2, 2012, Colonel Palombo, Major Schaffran and Major Ryan met at Rhode Island State Police Headquarters with then-State Police Detective Commander Captain Michael J. Winkquist¹², Deputy Attorney General Gerald Coyne and Chief of the Criminal Division, Stacey Veroni. The purpose of the meeting was to discuss three (3) internal matters within the Cranston Police Department involving Captain Patalano. The complainant in all three (3) incidents was Colonel Palombo, who alleged:

1. That Captain Patalano orchestrated an unauthorized plea deal with the attorney of a defendant previously arrested by the Cranston Police Department, and filed a complaint with the Cranston Office of Professional Standards Unit. The basis of the purported deal was that, in return for dropping the defendant's complaint against the arresting officers, the defendant would plead nolo contendere to one (1) of five (5) pending criminal charges. The other four (4) charges would be dismissed. This complaint was initiated after testimony was provided during a LEOBOR hearing on November 7, 2011. Colonel Palombo alleged Captain Patalano had obstructed the judicial system by orchestrating the unauthorized plea deal and was withholding evidence from the Office of Professional Standards Unit¹³.
2. That Captain Patalano had removed documents from the Office of Professional Standards Unit without the authorization of Colonel Palombo and provided these records to Attorney Penza, who was representing Captain Patalano in his LEOBOR disciplinary hearings.
3. That the Executive Secretary to Colonel Palombo provided confidential information to Captain Patalano while he was under investigation by the Cranston

¹² The date of this meeting was prior to the Superior Court decision ordering Captain Patalano to turn over any evidence, which could assist Cranston Police with an ongoing internal investigation.

¹³ This evidence was subsequently provided to Colonel Palombo and Major Schaffran after being ordered to do so by the Superior Court on Friday, April 27, 2012.

Police Department. The Colonel's secretary was placed on suspension from the Department while the investigation into the allegation was conducted.

During the course of Colonel Palombo's investigation into his allegations against his Executive Assistant, the Cranston Police Department issued various search warrants for the telephone records of both Captain Patalano and the Executive Secretary. In reviewing the affidavits in support of the court-authorized search warrants for Captain Patalano's telephone records as well as the Executive Secretary's telephone records, it appears that these search warrants were improperly sought. The fact pattern contained within the affidavits for the search warrants appeared to be misleading to the Court. The warrants were obtained with the request that evidence of a crime would be found from the telephone records. Although the Executive Secretary admitted that she was in frequent contact with Captain Patalano and that she had inadvertently notified him of a telephone message regarding a criminal case, the telephone records only further confirmed the Executive Secretary's omission as well as establishing that the two (2) individuals were frequently in contact. This is not evidence of a crime, but confirmation that she may have violated an administrative Department rule and regulation.

Upon reviewing the three reported allegations of potential criminal wrongdoing, only one of the three required further investigative follow up. Prior to the conclusion of the April 2, 2012 meeting, the State Police in concurrence with the Attorney General's Office determined the unauthorized plea deal and the release of potential confidential information to Captain Patalano did not warrant further criminal investigation or criminal charges. Colonel Palombo was advised of this prior to the conclusion of this meeting. The allegation of the unauthorized removal of documents could potentially involve criminal behavior and possibly support a misdemeanor criminal charge at best. However, this allegation was determined to be unsubstantiated after several interviews were conducted by members of the State Police and found to have no criminal nexus. One of those interviewed as a result of this allegation was retired Cranston Police Commander Kevin Lynch, which will be detailed further within this report.

On April 9, 2012, seven (7) days after Colonel Palombo, Major Schaffran and Major Ryan met with then-State Police Detective Commander Captain Winquist, Deputy Attorney General Coyne and Chief of the Criminal Division, Stacey Veroni, Captain Patalano was served a notice indicating that pursuant to Rhode Island General Laws § 42.28.6-13(C), he was

suspended for a period not to exceed one hundred eighty (180) days. This statute provides the authority of the chief of police to suspend a law enforcement officer under investigation for a pending criminal felony offense. As noted above, none of the allegations reported by Colonel Palombo support a criminal felony violation.

Captain Patalano was not provided with any further details regarding what potential felony he had committed. The only information he was provided was that it was a result of a complaint filed November 7, 2011, the day a new internal investigation was initiated, alleging that Captain Patalano orchestrated an unauthorized plea deal and removed documents from the Cranston Police Office of Professional Standards Unit without authorization. As indicated above, the Attorney General's Office determined these allegations did not warrant further criminal investigation or criminal charges.

On June 1, 2012, then-Captain Winkist and Chief of the Criminal Division Veroni met with Colonel Palombo to provide him with the final findings of his last pending allegation. At this meeting, Colonel Palombo provided an update regarding the status of the Executive Secretary. Colonel Palombo stated that she was transferred out of the Cranston Police Department to another clerical position within the City of Cranston. Colonel Palombo further advised that she had signed a document advising she would not seek to return to her position within the Police Department and in return the Cranston Police would not pursue criminal charges against her. Surprisingly, this agreement was reached after Colonel Palombo was advised by the Attorney General's Office that there were no criminal charges to pursue against the Executive Secretary.

At this meeting, Colonel Palombo was advised that his third pending allegation was investigated and also found to have no criminal behavior. All matters were considered closed by the State Police. Captain Winkist concluded in his summary report regarding the three (3) reported incidents of alleged wrongdoing, stating, *"The timing of the Cranston Police Department bringing this complaint to our agency is questionable. It appears that the ultimate goal is to terminate Captain Patalano's employment with the Cranston Police Department."*

It should be noted that the Executive Secretary, a thirty-eight (38) year employee of the City of Cranston, was interviewed for the purposes of this assessment. She indicated that it was the threat of criminal prosecution and the possibility of being terminated from her job that forced her into reluctantly accepting a transfer to another Department in the City of Cranston. She

opined that the Department has been severely damaged by years of mismanagement and bullying by Colonel Palombo while under the supervision of Mayor Fung. Today, she regrets her decision after seeing the recent changes and wrongful acts being uncovered as part of this assessment. We found the Executive Secretary to be contrite and credible regarding her accounts of the incident. After reviewing the documents contained within the Cranston Police Department and speaking with her, there is no evidence to suggest that her actions were anything more than a mistake in judgment and at best a violation of Department policies.

We interviewed Criminal Chief Stacey Veroni regarding her involvement and knowledge regarding this incident. Criminal Chief Veroni confirmed that she first assigned Assistant Attorney General Carnes to contact Colonel Palombo in November of 2011. This was the result of Colonel Palombo contacting Criminal Chief Veroni regarding his allegations of missing files from the Department. Criminal Chief Veroni also advised that she had already provided her finding to Colonel Palombo in February of 2012 regarding the Executive Secretary allegation of wrongdoing and the unauthorized plea deal. At that time, Criminal Chief Veroni advised Colonel Palombo that neither incident involved a violation of Rhode Island General Laws. Despite already having the legal opinion regarding the allegations, Colonel Palombo requested to meet with then-Captain Winquist. The Attorney General's office was consulted and invited to the April 2, 2012, meeting by then-Captain Winquist and without the prior knowledge of Colonel Palombo.

After reviewing documents regarding the above three (3) alleged acts of wrongdoing by Captain Patalano it was clear that Colonel Palombo was again attempting to discredit Captain Patalano and obtain evidence of wrongdoing with the intent of terminating him from the Cranston Police Department. When allegations of wrongdoing were brought to the attention of professionals outside the Department, they were quickly dismissed without merit. The original eleven (11) alleged administrative violations were alleged to have occurred prior to Colonel Palombo assuming command of the Department.

5.2 Captain Patalano Suspended with Pay for Approximately Twenty-one (21) Months

While Captain Patalano remained on suspension from the Department, Attorney Joseph F. Penza Jr., representing Captain Patalano sent a letter on September 10, 2012, to Major John Schaffran requesting the status of the alleged criminal investigation against Captain Patalano.

This was approximately one hundred fifty-three (153) calendar days after Captain Patalano was suspended from the Department. In addition, Attorney Penza requested any and all State Police reports regarding the inquiry by Colonel Palombo with the State Police in April of 2012. Based on the fact that no criminal charges had been filed against Captain Patalano, Attorney Penza indicated within his request that it is assumed the investigation had concluded. In addition, Attorney Penza had been advised by the Rhode Island State Police that they were not investigating Captain Patalano. On October 19, 2012, approximately six (6) weeks later and one hundred ninety-two (192) days after placing Captain Patalano on paid suspension from the Department, Major Schaffran replied to Attorney Penza letter stating that the matter remained under investigation, and it was not “safe to assume” the investigation was complete.

It remains unknown as the writing of this report why Captain Patalano was suspended with full pay and benefits for approximately twenty-one (21) months from the Department and what alleged felony investigation was ongoing. There was an incorrect public and internal perception that the leave was the result of the eleven (11) disciplinary charges filed against Captain Patalano in February of 2011. Captain Patalano remained suspended from the Cranston Police Department with full pay and benefits until his return in January of 2014.

5.3 Captain Patalano's Audio Recordings

Following the receipt of the Superior Court decision on Friday, April 27, 2012, Captain Patalano turned over audio recordings. Beginning in March of 2013, Mayor Fung, Attorney Michael Lepizzera, Attorney Penza and Captain Patalano began discussions regarding reaching a settlement agreement and returning Captain Patalano to the Department.

Several meetings were held and a draft settlement agreement was produced. Of particular concern to Mayor Fung and Colonel Palombo were the audio recordings made by Captain Patalano and the contents of those recordings. Mayor Fung insisted that all the audio recordings be turned over and Captain Patalano be disciplined if at any time the recordings were provided outside the parties contained within the agreement. These discussions occurred over a ten- (10) month period. In December of 2013, discussions ended due to both sides being unable to reach mutually agreed upon terms. A proposal was made to have the recordings locked in a safe deposit box until all members involved within the recordings retire from the Department. Although the content of all of the recordings remain unknown to Mayor Fung and Colonel

Palombo, there was concern that if the tapes were released they would cause additional problems and embarrassment to the Department.

The desire to pursue the pending LEOBOR charges and any of the other pending disciplinary investigations ended and the focus was what to do with the audio recordings and how to return Captain Patalano to work within the Department. Captain Patalano alleges that the eleven (11) charges and other pending matters were no longer a priority, because Colonel Palombo was concerned the audio recordings contained information that would prove that statements and testimony presented were false. Captain Patalano alleges that the audio recordings show what truly transpired within the Department during this time and reveal that Colonel Palombo, Major Schaffran and other members of the Department were untruthful in an attempt to support the unsubstantiated charges against him.

As part of the assessment and investigation into claims of criminal wrongdoing by members of the Cranston Police Department, we reviewed the content from some of the recordings held by Captain Patalano. After reviewing the provided recordings, consulting with members of the Attorney General's Office and the United States Attorney's Office, it was determined that the evidence presented did not support criminal conduct on behalf of Colonel Palombo, Major John Schaffran or any other members of the Cranston Police Department. The recordings were found to contain unprofessional conduct on behalf of Colonel Palombo, as well as conflicting information regarding the alleged acts of wrongdoing by Captain Patalano.

From April 2011 through November 2011, thirteen (13) LEOBOR hearings occurred. After the thirteenth hearing and further proceedings in Superior Court regarding the withholding of evidence, the LEOBOR case stalled with no further progress. The last correspondence Captain Patalano received regarding reaching a settlement agreement prior to returning to work came on January 7, 2014. Captain Patalano was advised that due to the public media attention regarding the retaliatory issuance of parking tickets by members of the Department, as well as a recent Access to Public Records Act (APRA) request for all settlement agreements entered into by the City of Cranston, Mayor Fung was not interested in entering into an agreement with Captain Patalano at that time.

On January 8, 2014, the same day Mayor Fung requested the State Police take over the ticket investigation and assume control of the day-to-day operations of the Department, Mayor Fung authorized Captain Patalano to return to work with an assignment to the Training Academy

on Phenix Avenue in a newly created position away from police headquarters. All existing personnel assigned to the Training Academy remained within their assignments. However, the public pressure and anticipated City Council resolution requesting the State Police involvement and assistance forced Mayor Fung to take steps to rectify the protracted issues involving Captain Patalano.

Shortly after assuming command of the Cranston Police Department, we met with Mayor Fung and his Chief-of-Staff Carlos Lopez. In addition to speaking about the day-to-day activities within the Police Department as well as other allegations of wrongdoing during the Colonel Palombo administration, Mayor Fung also requested that Captain Patalano's case and disciplinary charges be thoroughly reviewed and asked for an update on the State Police investigation into Captain Patalano. As mentioned earlier, Mayor Fung was advised that there was not any pending State Police investigation regarding Captain Patalano. This was a surprise of Mayor Fung, who said that Colonel Palombo had continually advised him that the matter was being investigated and pending.

In addition, Mayor Fung advised that a major point of contention with the Captain Patalano case was the discovery that Captain Patalano had been secretly recording Command Staff members and possessed numerous audio recordings with potentially damaging information. Mayor Fung advised he had participated in settlement discussions regarding bringing Captain Patalano back to the Department, but all recordings would have to be turned over. In addition, Captain Patalano could not retain copies nor publically share any of the tapes. Mayor Fung advised this would be in the best interest of the Cranston Police Department and the City of Cranston. It appeared that Mayor Fung was potentially involved in a proposal to force Captain Patalano to turn over the recordings and agree not to disclose the contents of those recordings in exchange for Captain Patalano's return to the Department.

We reviewed Cranston Police Department files and conducted a thorough review of the investigation leading up to the eleven (11) disciplinary charges against Captain Patalano contained within his LEOBOR case. Mayor Fung also advised that Attorney Ragosta would be available to assist in the review of the LEOBOR case. Captain Barry, Lieutenant Moynihan and Attorney Ragosta met with Attorney Penza and Captain Patalano to fully review the case. In addition, Captain Barry, Lieutenant Moynihan and Attorney Ragosta reviewed testimony provided during the thirteen (13) LEOBOR hearings, as well as documentation regarding the

audio recordings. During these meeting, Captain Barry, Lieutenant Moynihan and Attorney Ragosta were advised of the specific details regarding the settlement offer allegedly made by the City of Cranston's Attorney, Daniel Kinder to Attorney Penza. As mentioned previously, a settlement offer was presented where if Captain Patalano picked one (1) of the eleven (11) charges against him and accepted a written reprimand for that violation, the other ten (10) charges would be dropped. Captain Patalano declined the offer, emphatically denying any wrongdoing and saying he would not accept any deal for actions he did not do.

Attorney Penza described how he and Captain Patalano met with Mayor Fung on May 30, 2012, to discuss the facts of the disciplinary hearing. Attorney Penza advised that Mayor Fung was informed that the charges against Captain Patalano stemmed from a change in leadership at the Cranston Police Department and two different approaches to handling complaints within the Office of Professional Standards and that Captain Patalano was only following the directive of the former Chief of Police, Colonel McGrath. Captain Patalano and Attorney Penza also advised Mayor Fung that Colonel Palombo was out of control with the establishment of new charges, which were all baseless and without merit. Attorney Penza also informed Mayor Fung that Captain Patalano had been legally recording Colonel Palombo and other members of his Command Staff since May of 2009. Attorney Penza and Captain Patalano played short excerpts from some of those recordings to Mayor Fung. Captain Patalano advised us that Mayor Fung was surprised and shocked after hearing the recordings and now had proof that the alleged charges were erroneous.

We met with Mayor Fung and advised him that it was evident that Colonel Palombo was attempting to find any type of wrongdoing against Captain Patalano with the intent of ending his position within the Department. When it appeared the eleven (11) disciplinary charges were not sustainable, Colonel Palombo reviewed past complaints that were closed or attempted to identify other areas in which Captain Patalano may have been in violation of Department rules and regulations.

In reviewing the pending disciplinary investigations initiated by Colonel Palombo against Captain Patalano, we also identified several others, which were initiated without the knowledge of Captain Patalano. In the end, all were determined to lack a specific fact base to successfully adjudicate the alleged inappropriate behavior. While the above information does not cover every action and claim regarding Captain Patalano, it provides some understanding that an initiative

was undertaken by Colonel Palombo to target Captain Patalano and attempt to use the criminal justice system and authority provided to him as the Chief of Police to discredit Captain Patalano in an attempt to end Captain Patalano's employment with the Cranston Police Department.

Attorney Penza and Captain Patalano advised that Captain Patalano had accrued approximately \$98,000.00 in legal fees during the process of defending himself against Colonel Palombo's efforts. Captain Patalano advised that these fees were the results of Captain Patalano having to hire his own counsel, after the Executive Board of IBPO, Local 301 failed to provide him with adequate counsel. Captain Patalano advised that he would request that the City of Cranston and/or the IBPO, Local 301 reimburse him for these legal fees regardless of the outcome of his pending matters.

We advised Mayor Fung that the administrative charges against Captain Patalano were going to be dismissed, based on the review of the charges, testimony provided during LEOBOR hearings, evidence in support of the charges and consultation with Attorney Ragosta. Further, we informed Mayor Fung that the ongoing, protracted investigation against Captain Patalano had spiraled out of control and needed to end. Mayor Fung advised that he believed that was the case, but that he had been convinced by Colonel Palombo that Captain Patalano was conducting business within the police Department inappropriately and against the rules and regulations. Captain Barry, Lieutenant Moynihan and Attorney Ragosta also recommended Mayor Fung coordinate the reimbursement of approximately \$98,000.00 to Captain Patalano with the leadership of the IBPO, Local 301.

Prior to his election as Mayor, Mayor Fung had previously praised Attorney Ragosta in Letters to the Editor that were published by the Cranston Herald March 7, 2007 and April 25, 2007.

In the first letter, he criticized the firing of Attorney Ragosta by then-Mayor Michael T. Napolitano, saying:

"Mr. Ragosta is the preeminent management side labor lawyer in the state and has negotiated labor contracts and litigated employment issues for numerous municipalities and even the state. In fact, he has been hired by Democrat and Republican administrations alike... While I was on the council, we negotiated several reasonable contracts (for the Teamsters, Laborers and police unions) and successfully challenged the costly crossing guard expense. We ended up with substantial savings for taxpayers. All throughout, we received sound legal advice and OPTIONS from Mr. Ragosta. Mr. Ragosta has a wealth of institutional

*knowledge about Cranston's municipal contracts and its numerous provisions. His historical knowledge cannot be duplicated."*¹⁴

In the April 25, 2007 letter, Mayor Fung wrote of Attorney Ragosta:

*"He has actually saved the city money by leading many successful legal challenges to correct the imbalance in the city's historically union-dominated labor relationships. Last summer, he won an arbitration granting the police chief the managerial flexibility to transfer police officers into specialized positions where they are most needed to protect the public."*¹⁵

Captain Patalano is a competent police officer with an unblemished record, who has served within the Cranston Police Department for the past nineteen (19) years. It was clear to us that Mayor Fung had been advised of the baseless allegations against Captain Patalano and how the new allegations and charges were undermining the day-to-day operations of the Police Department. In May of 2012, Mayor Fung was provided with recorded audio evidence from Captain Patalano to support the claims that the allegations against him were problematic and the situation at the police Department had become unmanageable.

Attorney Ragosta advised he was surprised when Mayor Fung had not consulted with him to prosecute the Patalano LEOBOR case in 2011, since he had prosecuted all the Department's LEOBOR hearings for the past thirty-one (31) years. Attorney Ragosta advised that if he had been consulted two (2) years ago about the case, he would have most likely concluded that it did not warrant charging and prosecution. Attorney Ragosta said this possibly was the reason the case was not originally brought to his attention. Attorney Ragosta stated that Mayor Fung never consulted with him over the years as the case continued without adjudication. It wasn't until the case was reviewed by us that Attorney Ragosta was advised of the investigations and charges.

In addition to the audio recordings, Mayor Fung was advised of the unsubstantiated accusations being made within the Police Department through a June 13, 2012, letter from retired

¹⁴ Fung, Allan A. (2007, March 7) Letter: Ragosta savings are an illusion. Cranston Herald. Retrieved from <http://www.cranstononline.com>.

¹⁵ Fung, Allan A. (2007, April 25) Letter: "Cuts" are illusionary. Cranston Herald. Retrieved from [www.cranstononline .com](http://www.cranstononline.com)

Commander Kevin M. Lynch, a former Command Staff member, who had an honorable career with the Cranston Police Department.

In his letter, retired Commander Lynch detailed troubling issues involving Colonel Palombo. Commander Lynch's correspondence to Mayor Fung was in response to a letter he had received from Colonel Palombo, which Commander Lynch said contained numerous erroneous and misleading statements. Commander Lynch further advised that Colonel Palombo's letter implied that criminal charges were on the horizon against him for the alleged removal of documents from the Cranston Police Department. Commander Lynch wanted to address the issue directly with Mayor Fung as the allegations were of great concern. Commander Lynch requested Mayor Fung resolve this issue in an expeditious manner and send a response to him correcting the inaccuracies in Colonel Palombo's letter.

During this assessment, we interviewed Commander Lynch regarding the accusations made by Colonel Palombo and any responses received from Mayor Fung. We were advised that immediately after speaking to the State Police on Tuesday, April 17, 2012, Commander Lynch approached Mayor Fung at his residence in Cranston and advised him that the accusations against him and Captain Patalano were erroneous. Commander Lynch maintained that he had authorization from then Colonel McGrath to retain electronic copies of his work product and that at no time did he remove original documents from the Cranston Police Department. Commander Lynch advised that Mayor Fung informed him that he (Mayor Fung) was concerned with the charges after Mayor Fung met with Captain Patalano and Attorney Penza and had listened to some of the recordings. Mayor Fung assured Commander Lynch that he was going to handle it. It is important to note that this took place in 2012.

Commander Lynch advised that after receiving the letter from Colonel Palombo on June 8, 2012, regarding the allegations of criminal wrongdoing and in addition to sending a written response to Mayor Fung, Commander Lynch again met with the Mayor at the Mayor's residence and expressed his frustration to him for allowing this situation to continue. Commander Lynch advised that Mayor Fung again informed him that he (Mayor Fung) was dealing with it. According to Commander Lynch, Mayor Fung informed him that they were "going to make it good with Patalano."

During the interview with Mayor Fung, we were advised by Mayor Fung that he was aware of the allegations against retired Commander Lynch. Mayor Fung advised he eventually

stepped in, put a stop to the Captain Patalano investigation and began negotiating with Attorney Penza. Mayor Fung advised that Colonel Palombo was not happy regarding this decision.

Mayor Fung confirmed that Commander Lynch had gone to his residence on two (2) separate occasions. Mayor Fung advised that Commander Lynch was concerned with the allegations being made but was surprised Commander Lynch had responded to Mayor Fung's residence and ultimately referred Commander Lynch to Solicitor Christopher Rawson. Mayor Fung advised he never drafted any letter nor did anything further regarding the incident.

Commander Lynch advised he met with Solicitor Rawson and offered to provide him with a personal thumb drive containing copies of Commander Lynch's work product from the Department. At that time, Solicitor Rawson declined the thumb drive and advised that it was completely permissible to retain a copy of his work product. Following this meeting, a decision was made reversing this position and Commander Lynch was instructed to turn over all documents to the Cranston Police Department. Command Lynch complied and turned over all copies of his work product from the Department. Commander Lynch advised all documents he retained after retiring from the Department were documents that he produced or had a part in producing and were electronic copies. Commander Lynch denies ever providing any Cranston Police documents to Attorney Penza, as alleged in Colonel Palombo's June 8, 2012, letter. Commander Lynch advised that the copies he retained were only provided to Captain Patalano in his capacity as the Officer in Charge of the Office of Professional Standards Unit.

It should be noted that Commander Lynch's letter to Mayor Fung was located within the computer files of Colonel Palombo and appears to have been added to his files on June 14, 2012, one day after the letter was sent to Mayor Fung. Commander Lynch advised he never received a response to his letter from Mayor Fung. In addition, there is no evidence to support that any action was taken by Mayor Fung with regard to Colonel Palombo after this letter was received, further supporting the contention that Mayor Fung was not rectifying the problems with the Cranston Police Department, but instead he was allowing them to continue as Captain Patalano remained on paid suspension. In addition, information provided to the Mayor regarding Captain Patalano's unfair labor practice and his action in the Superior Court seeking a temporary restraining order to prevent further unnecessary unpaid suspension of Captain Patalano should have led Mayor Fung to take a more active approach to rectify the groundswell of problems developing within the Cranston Police Department.

After further discussion of Captain Patalano's situation, Mayor Fung advised us that he would not be in favor of paying Captain Patalano the \$98,000.00, but would give it further consideration. We acknowledged that the amount was costly, but warned that the City could be subjected to a much larger expense if Captain Patalano sought further civil remedies. The City was already involved in several other recent police Department personnel civil litigation cases.

As previously mentioned, Captain Barry, while serving as Acting Chief, dismissed all eleven (11) charges against Captain Patalano. In addition all other disciplinary charges that followed the original complaint were also dismissed. It is important to note that the City of Cranston has accrued and continues to accrue substantial expense as it relates to these baseless and frivolous matters.

In May 2014, Captain Patalano filed a complaint with the U.S. District Court alleging Colonel Palombo orchestrated a campaign of harassment beginning in 2010, which includes the filing of numerous disciplinary cases against Captain Patalano. Mayor Fung and other members of the Department are named as defendants in the complaint. This complaint was filed after discussions with Mayor Fung ended regarding the reimbursement of approximately \$98,000.00 in accrued legal fees in order to settle this matter. Captain Patalano is now seeking approximately \$5,353,000.00 in damages from the City of Cranston. Currently this lawsuit is pending.

We are unable to determine why the LEOBOR case never continued after the thirteenth (13th) hearing. Attorney Penza, Captain Patalano and others advised us that Colonel Palombo knew he was the next witness to be called in the pending LEOBOR hearings. Colonel Palombo did not want to testify in the proceedings, after realizing Captain Patalano possessed audio recordings of Colonel Palombo. Captain Patalano had already produced evidence refuting other claims presented before the LEOBOR hearing committee.

We were troubled by statements such as this one made by Captain Patalano regarding actions taking place within the Department after Colonel Palombo assumed control:

"When you have to worry about the people you work with setting you up, that's a problem."

This feeling was not isolated to Captain Patalano. Many sworn and civilian members within the Department felt the same way. In addition, Attorney Penza, a respected member of

the Rhode Island Bar, advised us that while the LEOBOR investigation was occurring, he felt fearful that something might be done to him in an attempt to discredit him and impact the Patalano case. Attorney Penza stated that he began to double-check his car doors to ensure that they were locked when his car was unattended, fearing that someone might plant contraband within his car. Attorney Penza advised in all the years that he has been practicing law and dealing with numerous cases involving dangerous people, this was the first time he had this sick feeling. Attorney Penza advised that the allegations against Captain Patalano were so outrageous and the lengths they would go to in an effort to prosecute him, gave him the sense that anything was possible. While reviewing this case, we were concerned with the glaring problems associated with the investigation and charges, the unusual tactics taken and the great expense incurred by the city in this disciplinary case.

6.0 DISABILITY PENSION OF CAPTAIN THOMAS P. DODD

On July 22, 2013, at the recommendation of Cranston Mayor Allan W. Fung, the Cranston City Council voted to grant a tax-free disability pension to Police Captain Thomas P. Dodd. The decision created a vacancy, which was filled two days later, on July 24, 2013, when Mayor Fung promoted Lieutenant Stephen J. Antonucci, President of the IBPO, Local 301, to Captain.

The circumstances surrounding the unusually rapid granting of the disability pension, which Captain Dodd did not seek, and which was done without the normal due diligence, raises questions about the actions and motivations of Mayor Fung and others involved in the decision. Below is a summary of what transpired.

Consistent with the provisions of the Cranston City Code, §10(b), Captain Dodd applied to remain an active member of the Department on or about the time of his 55th birthday. Captain Dodd was required to undergo physical examinations in order to continue in active duty for the Department. On Monday, May 6, 2013, Captain Dodd reported for his exam as directed by the City of Cranston. Three days later, Captain Dodd underwent the remainder of his mandatory annual physical examination. During this examination Captain Dodd was informed that the results of the exam indicated the need for further testing.

That same day, Captain Dodd consulted with his primary care physician regarding the results of the exam. The primary care physician ordered a more extensive examination. The primary care physician also ordered Captain Dodd to remain out of work until the results of this test were determined. As provided by the IBPO, Local 301 collective bargaining agreement with the City of Cranston, Captain Dodd was placed on injured on duty (IOD) status, as he remained on leave pending further evaluation. Captain Dodd provided the Department with several medical notes from May 23, 2013 through July 14, 2013. All the received notes advised that Captain Dodd should remain out of work, pending further medical evaluation, but did not provide specific information regarding his potential condition or the results of the exams. All provided notes complied with the Cranston Police rules and regulations.

On May 31, 2013, a note was provided to the Department from Captain Dodd's doctor, which extended the time that Captain Dodd was to remain out of work until June 14, 2013. The listed reasoning was due to a pending medical evaluation.

On June 14, 2013, a note was received from the same doctor. This note again extended the time that Captain Dodd was to remain out of work until July 14, 2013. On June 21, 2013, the City's third-party claims adjuster sent a request to Captain Dodd's doctor, requesting the results of his medical exams, as well as requesting the doctor fill out a "Duty Assessment Form." The intent of this form was to provide the Department and the city with some insight into Captain Dodd's condition regarding his diagnosis and prognosis. This request was to be returned by Tuesday, June 25, 2013. After the documents were not received, second and third requests were sent on June 28, 2013 and July 9, 2013, to the same doctor.

On July 11, 2013, Captain Dodd's doctor responded to the third-party claims adjuster and advised that Captain Dodd was scheduled for an additional test on July 11, 2013, and the results of the test would be provided within one week of the examination. In addition, the doctor provided the results from Captain Dodd's May 23, 2013 test. The documentation and medical notes provided to the Department indicated Captain Dodd's condition was uncertain and further testing was needed. There was no indication from these exams that Captain Dodd had received a final diagnosis of a disabling condition and could no longer perform his duties as a police officer with the Cranston Police Department.

On Monday, July 15, 2013, a note was received from Captain Dodd's doctor indicating that Captain Dodd was to remain out of work until July 28, 2013. During this period, the Cranston Police Department never requested Captain Dodd follow up with an independent medical examination (IME). This would have been scheduled by the City of Cranston and would have been standard protocol.

On Tuesday, July 16, 2013, Mayor Fung recommended that Captain Dodd not continue active service within the Cranston Police Department, and pursuant to Section 2.20.050 of the Cranston City Code, requested members of the Cranston City Council award Captain Dodd a disability pension from the City of Cranston. From all indications, at the time of this request there had not been a definitive diagnosis that Captain Dodd had a medical issue or had been diagnosed as disabled. Captain Dodd's follow up examination was still pending when Mayor Fung requested the disability pension be placed on the City Council agenda.

On Monday, July 22, 2013, members of the Cranston City Council convened a special meeting to vote on approving Mayor Fung's recommendation for a disability pension for Captain Dodd. Captain Dodd was represented by his attorney at this Council meeting, his cousin,

Attorney Timothy J. Dodd. Attorney Dodd expressed his concern for placing Captain Dodd on a disability pension, prior to receiving all the medical records regarding Captain Dodd's potential ailment. Attorney Dodd cited the city ordinance requiring three (3) medical opinions prior to reaching a final decision regarding a disability. Attorney Dodd advised that he was not disputing the fact that Captain Dodd may be disabled and entitled to a tax-free disability pension, but wanted to raise the concern that the process underway was improper and the City Council was rushing to a decision. Attorney Dodd requested the matter be postponed and discussed at the next City Council meeting, as Captain Dodd had a scheduled appointment with his doctor on July 26, 2013, just four days later, at which time he would receive the results from his latest examination.

Due to the privacy issues involving Captain Dodd's medical condition, the remaining discussion regarding Captain Dodd's eligibility was moved into the City Council's Executive Session, which was closed to Captain Dodd, his attorney and members of the public. Members of the City Council reconvened in open session and voted seven (7) to one (1) to approve Mayor Fung's recommendation to provide Captain Dodd with a tax-free disability. The dissenting vote was from Council President John E. Lanni, Jr.

Captain Dodd's tax-free disability pension was initially calculated on sixty-six and two-thirds ($66 \frac{2}{3}\%$) percent of his current salary. In addition, as prescribed by the IBPO, Local 301 collective bargaining agreement, Captain Dodd was also eligible to receive an additional five (5%) percent because he was over the age of fifty-five (55). This would have resulted in Captain Dodd receiving a tax-free disability pension of seventy-one and two-thirds ($71 \frac{2}{3}\%$) percent. A disability pension more than seventy (70%) percent was prohibited by Cranston City Code. Effective Monday, July 22, 2013, Captain Dodd was retired from the Cranston Police Department and was awarded a tax-free disability pension of seventy (70%) percent. In addition, Captain Dodd was paid for eighty-six (86) unused accrued vacation days and sixty (60) unused accrued sick leave days.

On Wednesday, July 24, 2013, Lieutenant Antonucci was promoted by Mayor Fung to the rank of Captain within the Cranston Police Department. At the time, Lieutenant Antonucci was the highest member on the Captain's promotional list.

That same day, Captain Dodd's doctor faxed the results of his July 11, 2013, medical exams and indicated he would be analyzing the results and would discuss them with Captain

Dodd during his scheduled appointment on Friday, July 26, 2013. The doctor's analysis of these test results has never been disclosed to the Cranston Police Department, the City of Cranston or us. Of concern is that the decision to award Captain Dodd a tax-free disability pension of seventy (70%) percent was made without first obtaining these test results.

In reviewing this incident, we examined Captain Dodd's personnel files from City Hall, files from the Cranston Police, and documents provided by Captain Dodd. We reviewed the open City Council meeting transcripts regarding the discussions on Captain Dodd's disability pension. Nothing discussed during the open forum indicated that the Cranston Police Department, Captain Dodd, Mayor Fung or any member of the City Council had any additional medical documentation which would indicate Captain Dodd had received a final diagnosis that would have classified Captain Dodd as disabled and not fit to perform the duties of a Cranston Police Officer. In addition, Captain Dodd was interviewed and we requested the transcripts regarding what was discussed in the City Council Executive Session on Monday, July 22, 2013. All indications suggested Captain Dodd was prematurely awarded a disability pension at the request of Mayor Fung. It was unclear why a decision was reached to approve Mayor Fung's recommendation without benefit of a conclusive diagnosis, or three medical opinions.

On January 5, 2015, a special meeting of the City Council was held. During this meeting City Solicitor Evan M. Kirshenbaum presented a request by us to unseal the Council Executive session minutes of July 22, 2013, regarding Captain Dodd's disability pension. On January 13, 2015, the Cranston City Council voted to release the Executive Session minutes and then re-seal them after they were provided to the State Police. On January 22, 2015, City Solicitor Kirshenbaum provided the requested minutes to us.

A review of these minutes indicated [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is the belief that the request made by Mayor Fung was under the condition that Captain Dodd had not passed his required annual physical after age 55. As indicated, the results of the test were inconclusive and further testing was recommended. In addition, Cranston City Ordinance 2.20.050, Section 10 states when a member has been determined to be unfit for duty, at the recommendation of the Mayor, the member is placed on the pension list. In this case, Mayor Fung recommended that Captain Dodd receive a disability pension, not a regular pension under Section 10. The request for a disability pension is based on the presumption of disability as prescribed within the collective bargaining agreement.

In addition and detailed within Cranston City Ordinance 2.20.050, Section 14, the disability pension is based on the medical decision of the board of three (3) physicians.

14. *Disability Pension: Job-Related.*
 - a. *Whenever an officer or member of the permanent police Department shall become unfit to perform active duty, by reason of a job-related physical and/or psychological infirmity, such officer or member upon the recommendation in writing of the mayor, based on the medical decision of the board of three physicians, shall be retired from active service and*

placed on the disability pension list by the city council, and when so retired, he or she shall be paid annually from the police pension fund in equal monthly payments a sum equal to sixty-six and two-thirds (66 2/3) percent of his or her annual salary as defined in subsection (A)(3) of this section.

- b. No officer or member of the permanent police Department shall be placed upon the pension list unless and until that officer or member has been examined by a board of three physicians certified in, or specializing in, the area of medicine that deals with the alleged infirmity and after said physical examination the officer or member has attained a majority vote of the board of three physicians that the physical infirmity is job related and further that the physical infirmity incapacitates the officer or member from performing his or her duties as a police officer. The examining board of physicians shall consist of one physician selected by the union, one physician selected by the city and a third selected by the above-mentioned physicians.*

Captain Dodd was on IOD status while he was undergoing further testing. A review of this process has revealed not even one (1) physician determining Captain Dodd was permanently unfit for duty as a police officer and should be classified as disabled.

On July 23, 2012, Captain Dodd, through Attorney Dodd, filed a complaint with the Rhode Island Superior Court seeking injunctive relief restraining and enjoining the City of Cranston from requiring him to retire under the provision of the city retirement system. Attorney Dodd's complaint challenged the process by which the benefit of a disability pension was awarded by the Cranston City Council. Attorney Dodd indicated he was not challenging the awarded benefit or whether Captain Dodd was entitled to receiving those benefits. Captain Dodd was concerned that a different administration might question why three (3) medical decisions had not been obtained prior to awarding his disability pension. Captain Dodd wanted assurance that the benefit was awarded to him correctly. The complaint filed with the Superior Court was an attempt to obtain concurrence that the Mayor and City Council's decision was appropriate. In reaching a decision on Wednesday, August 7, 2013, the Court denied Captain Dodd's request for injunctive and declaratory relief. The Court further found that Captain Dodd's request to enjoin the granting of his pension or to declare how it should be granted under the collective bargaining agreement between the parties when it has already been granted by the City is not proper for equitable relief.

In addition to filing his complaint with the Superior Court, Captain Dodd also filed a grievance with the IBPO, Local 301, on July 23, 2013, the day after the City Council approved his disability pension. Captain Dodd indicated in his grievance that he had not been diagnosed by a doctor as being disabled and was still awaiting a diagnosis, which he was scheduled to receive on July 26, 2013. Captain Dodd advised that at this appointment, his doctor might advise for him to return to work without any restrictions. Captain Dodd advised the initial test indicating there were abnormalities was not a final determination that he had a disabling medical issue, but only an indication that further testing was required. Captain Dodd stated within his written grievance:

“Being the Captain of injured on duty claims, I can tell you that the proper process has not been followed and rushed through for some other reason. It is apparent to me that the city administration does not care what my condition is and only wants me retired for that other reason. I also find this very suspicious given that the city constantly scrutinized these pensions. Here they are recommending a disability pension on no official medical diagnosis, that is not in accordance with past procedure or practice. I ask that Union President Stephen Antonucci along with his first cousin Russell Henry recuse themselves from this matter in its entirety and have no involvement whatsoever, since it benefits them if I am forced to retire and Union President Stephen Antonucci will be promoted to Captain in my vacancy.”

Captain Dodd’s grievance was denied in August of 2013 by the City of Cranston and remained pending without any further action.

As part of reviewing this incident, we received cooperation from Captain Dodd and his lawyer, Attorney Timothy Dodd. Captain Dodd provided a release to the State Police for all medical records contained within the City of Cranston and Cranston Police files regarding his disability pension.

We also requested through Attorney Dodd the results of Captain Dodd’s tests that were to be provided to him by his physician on July 26, 2013, four days after he was awarded the disability pension. The purpose of this request was to determine the pending diagnosis by Captain Dodd’s physician.

Attorney Dodd advised that Captain Dodd has “no position” as to providing any medical documentation subsequent to being awarded a pension from the City of Cranston. Attorney

Dodd advised he is aware the Cranston City Council may decide to review its decision based on this assessment report. Captain Dodd remains on a disability pension from the Cranston Police Department.

On February 24, 2015, we interviewed a Cranston City Council member, Richard Santamaria, after receiving information that then-Lieutenant Antonucci had approached him prior to the July 22, 2013 Council vote. The Councilman was questioned regarding his knowledge of Captain Dodd's approved disability pension and Captain Antonucci's promotion to the vacant Captain position. Councilman Santamaria stated, "I wish I could have that one back." He advised that either on Thursday, July 18, 2013 or Friday, July 19, 2013, he had a discussion with then-Lieutenant Stephen J. Antonucci, who was working an assignment at the St. Mary's Feast. Councilman Santamaria advised that then-Lieutenant Antonucci approached him and asked him what he was hearing about the Captain Dodd retirement. The Councilman responded that he didn't know much about it, but was aware it was on the City Council calendar to be voted on the following Monday. According to the Councilman, then-Lieutenant Antonucci told him, "I would like to have that position." The Councilman advised the vote would be taken on Monday, July 22, 2013 and that he felt it was a done deal. Councilman Santamaria stated that he "regrets his vote and felt bamboozled" and described the process as "a runaway train." He advised he was unaware if any other Council members were approached by then-Lieutenant Antonucci or anyone on his behalf, but it appeared to Councilman Santamaria that the decision to approve Captain Dodd's disability pension had been discussed prior and the vote was a formality.

7.0 [REDACTED]

On Monday March 4, 2013, the Cranston City Director of Administration, Gerald Cordy, received an anonymous letter alleging Colonel Palombo acted inappropriately by using intimidating tactics and orchestrating the use of police personnel improperly. Below is the content of the received letter.

Mr. Gerry Cordy

02-24-13

We had another incident occurring involving our chief who yelled at a rep from a computer company who works for our police Department and had some codes the chief wanted. Maj. Ryan said the chief yelled and swore at the guy and threatened him. His name is (name omitted/ VP [REDACTED] and we know that city hall has the background on this issue because the guy called to report him. What is happening again is more assignments given by the chief to fight and push people around. He's using us to threaten the computer guy. After the chief made threats to the computer guy he sent Maj. Ryan to make us follow the guy like a criminal because he argued with him. Most of us refused OT. We can't work on criminal cases cause (sic) OT has been stopped but we can go make OT and follow the guy who lived in [REDACTED] and follow him all night and write down everywhere he goes. The detective was told to fill out an OT slip and put he worked on a robbery case because city hall would find out. The OT slip has a fake reason so you won't know the chief has a detective follow a guy for this reason. The chief said he don't (sic) answer to Cordy only the mayor. Making us do things we can't do is illegal and we got no jurisdiction in [REDACTED] It wasn't criminal and now we have to lie on OT slips and we don't want to be responsible. We got (sic) nowhere to go because the chief will make it hard for us and he has been making it hard for us. This is the worst place we ever worked. The whole place has no trust or moral left here. We think is it almost criminal to make a detective lie or he won't get paid to hide it from you. They didn't want the OT reason to say the surveillance on the computer guy, The major is afraid of the chief and they are both making us lie and it is getting really worse here and you need to know. It is going around the station that the guy is going to sue and we don't want the chief to force us to lie.

In addition, on Tuesday, January 14, 2014, we were provided with another anonymous letter containing similar allegations of wrongdoing by members of the Cranston Police

Department, to include Colonel Palombo. A copy of the two (2) received anonymous letters have been attached to this report as Addendum A and Addendum B.

We initiated an investigation into the reported allegations. Numerous members of the Cranston Police Department were interviewed during the inquiry into the allegations listed within the two (2) letters. We interviewed Colonel Palombo on two occasions as well as Major Ryan. Many of the names of the specific individuals interviewed regarding this incident have intentionally been withheld from this report as they wished to remain confidential for fear of retribution within the Police Department.

██████████ was under contract with the City of Cranston and responsible for maintaining, as well as providing support for the City of Cranston information technology computer network (CIT network). In 2009, the Cranston Police's computer network was part of the CIT network at City Hall. We learned that shortly after Colonel Palombo assumed command of the Cranston Police Department in August 2009, Colonel Palombo began an initiative to separate the Cranston Police information technology computer network (PDIT network) from the CIT network.

The separation of the two (2) networks required the cooperation of the Cranston Police, CIT network and ██████████. Part of this initiative resulted in the Cranston Police contracted the services of ██████████, LLC, to maintain and provide IT support for their network. Eventually ██████████, LLC would be responsible for the PDIT network as ██████████ was providing to the CIT network. The lack of coordination between these four (4) entities resulted in slow progress of Colonel Palombo's initiative.

The goal of the project was to separate the two networks and make the PDIT network more efficient by having it serviced by the police Department. Previously, when even simple computer issues arose, the police Department would have to contact the CIT network personnel, who would then have to contact ██████████ to correct the problem. This caused a substantial delay in rectifying problems and negatively affected morale among the rank and file. In addition, Colonel Palombo was concerned with the integrity and security of the computer system. Colonel Palombo faced many challenges immediately with the CIT network Department, which conflicted with new ideas and initiatives he had for the police Department. Colonel Palombo advised it was imperative to control the PDIT network in order to move forward.

Colonel Palombo advised he enlisted the help of the Cranston Police Chief Records Clerk to coordinate the separation with personnel from [REDACTED] as well as continue with his existing duties and responsibilities as the Chief Records Clerk for the Department.

Leading up to February 14, 2013, the PDIT network personnel still did not have exclusive access to the network. Certain access pass codes were required for the PDIT network personnel to start exclusively controlling the network. As a result, the system was still in the control of CIT network personnel and [REDACTED]. Colonel Palombo advised he believed that on the day in November 2012 when the contract was signed with [REDACTED], LLC, all access to the PDIT network was severed with [REDACTED] and transferred over to personnel within the PDIT network. When Colonel Palombo was informed that this did not occur, he believed personnel from the CIT network, and more specifically [REDACTED] were in violation of Rhode Island General Laws, § 11-52-4.1 – Computer Trespass. Colonel Palombo advised he had not authorized them to still have access to the network. Colonel Palombo instructed Major Ryan to coordinate a meeting with all involved parties and pursue the necessary steps to complete the separation.

We interviewed Mayor Fung as a result of this incident. Mayor Fung advised that he had approved the separation of the City and Cranston Police Department computer networks shortly after Colonel Palombo proposed the initiative to Mayor Fung. Mayor Fung was advised the separation was necessary for security reasons and because the police Department was becoming accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA). Mayor Fung acknowledged that the process experienced many delays and assigned his Director of Administration, Gerald Cordy to intervene.

We interviewed Director Cordy as a result of this incident. Director Cordy advised the initiative was brought to his attention after members of the CIT network Department complained about problems between personnel from the PDIT network Department and the Cranston Police. Director Cordy advised that Colonel Palombo was fully aware that the PDIT network Department and representatives from [REDACTED], LLC did not have sole control of the computer network in September of 2012. This information was different from the statements made by Colonel Palombo, who said the CIT network and [REDACTED] personnel's access to the system ended when the contract was signed with [REDACTED], LLC in November of 2012.

Director Cordy advised in September of 2012, the control of the system was co-accessed by the CIT network Department and their contract with [REDACTED] as well as personnel from the PDIT network Department. As the process slowed to a halt in October of 2012, Director Cordy advised he was contacted by Colonel Palombo requesting his assistance in helping reinvigorate the initiative. Director Cordy advised Colonel Palombo that he would schedule a meeting with all parties and establish ground rules on moving forward, because the project had become contentious on both sides. After some scheduling delays, a meeting was planned for February 12, 2013.

Director Cordy advised there was never a sense of urgency on the part of the Police Department to schedule meetings to move the initiative forward. In fact, Director Cordy advised there was never any indication from Colonel Palombo of an extreme urgency in separating the two networks following their discussion in October of 2012. Director Cordy advised Colonel Palombo was fully aware that CIT network personnel and [REDACTED] had access to the PDIT network during their discussions and leading up to the meeting on February 12, 2013.

On February 12, 2013, a meeting was held at Cranston City Hall. The Police Department was represented by Major Ryan, the Chief Records Clerk and representatives from [REDACTED] LLC. Also present on behalf of the City of Cranston was Director Cordy, the Chief Administrator with the CIT network and the Vice President of [REDACTED] (VP [REDACTED]). Director Cordy advised the meeting was productive and a plan was established to move the initiative forward. Director Cordy advised he was the only one in attendance who took notes at this meeting, and copies of those notes were provided to us. Director Cordy advised during the meeting there were discussions on getting “pass codes” to the system, which were needed by the Police Department to acquire sole control of the network. Director Cordy further advised that no deadlines were set, although the Police Department was concerned that personnel from the CIT network Department or [REDACTED] might have access to confidential data.

Director Cordy advised that Major Ryan frequently had to leave the meeting due to receiving telephone calls and had missed the majority of what was discussed. The Chief Records Clerk asked the questions on behalf of the police Department.

After the meeting concluded the Chief Records Clerk authored a memorandum to Major Ryan regarding the information discussed at the meeting, saying there was no deadline set for the pass codes to be provided, although they were expected within a few days. The Chief Records

Clerk also stated in the memorandum that, “no confidential information was accessed.” In addition, members of [REDACTED] advised that no confidential information could be accessed from the system.

The Chief Records Clerk said Colonel Palombo and Major Ryan came to his office two days later, on February 14, 2014, which he described as a pretty ugly day. The two asked for the pass codes and were told that they hadn’t been received. Colonel Palombo then directed Major Ryan and the Chief Records Clerk to get it done. The Chief Records Clerk left a voicemail for the VP of [REDACTED] advising him that Colonel Palombo wanted the pass codes that day. The VP of [REDACTED] returned the call and said he was not in the office and did not have the pass codes. He further advised his technicians would need to work to produce them. This information was provided to Colonel Palombo, who came with Major Ryan to the Chief Records Clerk’s office and advised the Chief Records Clerk to call the VP of [REDACTED] while they were in the office. The call was placed on speakerphone and Colonel Palombo took over the call.

According to the Chief Records Clerk, Colonel Palombo was irate and very agitated. He was yelling at the VP of [REDACTED] to surrender the pass codes and credentials immediately. When the VP of [REDACTED] repeatedly indicated that he did not have the pass codes, the Chief Records Clerk described Colonel Palombo as being out of control. As stated by the Chief Records Clerk regarding the telephone call:

“-- it’s mid to late morning. At this point, the Colonel didn’t want to hear it anymore and basically, again, it appeared to be like a psychotic episode where he flipped out, and he was screaming at this guy to surrender the credentials, and the guy was trying to tell him I....I can’t, I got to get back to the technicians and stop...”

“...he was out of control, screaming at this guy, and belittling him, and directing him...”

“He was basically threatening everything he could to get the security credentials....and...and (name omitted/VP [REDACTED] was almost in tears...”

“...and meanwhile, you know, spit is flying on my desk and he’s totally irrational, and I’m just backing up from the phone, and I’m looking at (omitted) who was present during this, and....and Major Ryan, and we’re all looking like, what the hell are we witnessing here..”

The Chief Records Clerk also advised that Colonel Palombo threatened to involve the Federal Bureau of Investigation, the Department of Homeland Security, the Rhode Island State Police, and the Department of Attorney General's Office if the VP of [REDACTED] did not turn over the pass codes immediately.

The Chief Records Clerk advised that in his opinion and as noted within the memorandum to Major Ryan following the February 12, 2013 meeting, there was no security threat to the PDIT network regarding not having the pass codes. When we asked, the Chief Records Clerk emphatically stated there was never any security breach, and *"He just didn't want to hear it."* This account was corroborated by additional personnel who were identified as being in the immediate area of the Chief Record Clerk's office at the time of the call.

Colonel Palombo was interviewed and admitted to being upset and agitated. He viewed this as an egregious situation. He believed that the delay in receiving the pass codes might have created a security risk within the Cranston Police Department.

During the interview with Colonel Palombo, we were advised by Colonel Palombo that the pass codes were obtained later in the night from the VP of [REDACTED] and provided to the Chief Records Clerk. Colonel Palombo advised that the codes were eventually received during the conference call between the Chief Records Clerk and the VP of [REDACTED]

The VP of [REDACTED] was interviewed and advised that on February 14, 2013, approximately between 2 p.m. and 4 p.m., he had received a call on his cellular telephone from the Cranston Police Chief Records Clerk. The VP of [REDACTED] advised he was then placed on speakerphone with Colonel Palombo, as well as some other unknown subjects. He described how Colonel Palombo accused him of withholding the pass codes that were needed to complete the transition of the system. He further advised that he tried to explain several times to Colonel Palombo and the other subjects involved in the call that he did not possess the pass codes. He advised the City of Cranston IT manager and or technicians from [REDACTED] may have those codes.

The VP of [REDACTED] described how Colonel Palombo became increasingly angry as he demanded the pass codes, yelling at him and threatening to send somebody to his home to pick up the information. He advised that he felt threatened by the statements made by Colonel Palombo, saying he feared for his safety. He said that the statements and the tone were not what

he would expect from a law enforcement officer. He contacted Mayor Fung and provided Mayor Fung with the details of what had transpired. In addition to the telephone call to Mayor Fung mentioned above, at approximately 6:16 p.m., the VP of [REDACTED] sent an email to Director Cordy, advising, *"I am done with the threats and to be quite honest, feel that my safety is in jeopardy"*. Director Cordy forwarded this email to Mayor Fung at approximately 7:17 p.m. and wrote, *"Allan: End of Project. See below"*.

The contents of those emails were reviewed as part of this inquiry and contained the following statements by the VP of [REDACTED]

I was told that I/ We would be pursued if any information we have about the police network was not handed over today. I am done with the threats and to be quite honest, feel that my safety is in jeopardy.

I thought the Police were supposed to serve and protect, not threaten and abuse power. I am at a loss for words. I would like to sever any communication with the Police Department as soon as possible.

I was also informed that the Police Department believes that [REDACTED] has access currently to their network and confidential information. This is absolutely not the case.

After receiving the above e-mail, Director Cordy sent a text message to Colonel Palombo advising Colonel Palombo or any member of the Cranston Police Department to cease any contact or communication with personnel from [REDACTED]. Colonel Palombo responded by text message stating, *"Sir I respectfully refer you to the City Charter as it pertains to directives to this office. I would hope you or any Admin. employee would at a minimum seek insight on a matter of this importance prior to issuing this directive."*

The VP of [REDACTED] advised that at no time did he ever make arrangements for someone from the police Department to pick up the pass codes from him either at his residence or workplace. He advised this would have been impossible because he did not have the codes and believed they never came from personnel at [REDACTED]

Major Ryan was interviewed regarding his account of what transpired on February 14, 2013. Major Ryan confirmed the details of the conference call described above and confirmed the Colonel was upset, stern and demanded the pass codes from the VP of [REDACTED]. Major Ryan advised that after the phone call, Colonel Palombo instructed him to monitor the progress

as the day went on and provide updates. After Major Ryan informed Colonel Palombo that they had still not received the pass codes, Colonel Palombo ordered Major Ryan to have the VP of [REDACTED] watched by saying, *"I want somebody on him until I get my pass words."* Major Ryan then coordinated the assignment of an overtime Cranston Police Detective to respond to the residence of the VP of [REDACTED] in [REDACTED]. While conducting this investigation, it was determined Major Ryan utilized the Registry of Motor Vehicles database to identify the location of this individual's residence and vehicles registered to him. Overtime was paid to the assigned detective, because no regularly scheduled duty detective was available. Major Ryan instructed the detective to list another ongoing investigation as justification for his submitted overtime slip, even though the detective was not called back for an overtime assignment regarding that ongoing criminal investigation. Major Ryan confirmed the overtime detective was paid four (4) hours of overtime for the assignment. When questioned further regarding what instructions the overtime detective was given upon responding to the VP of [REDACTED] residence, Major Ryan advised the overtime detective was instructed to watch this individual and monitor his movements.

This was in conflict with Colonel Palombo's explanation of the overtime detective's assignment. Colonel Palombo advised his directive to Major Ryan was to send a member from the Detective Bureau to pick up the codes. Colonel Palombo denied instructing anyone to go to the VP's house and watch him. Colonel Palombo advised repeatedly that the overtime detective was to respond to the VP of [REDACTED] residence to pick up the pass codes, but Colonel Palombo further admitted that there had never been any discussion or confirmation that he would provide the pass codes if a member responded to his residence. Major Ryan advised that the assignment to watch this individual was not covert.

When the VP from [REDACTED] was interviewed, he advised at no time did he ever make arrangements for someone from the police Department to pick up the pass codes from him either at his residence or workplace. He advised this would have been impossible because he didn't have the codes and believed they never came from personnel at [REDACTED]. The Chief Records Clerk advised us that everyone was extremely tense regarding the situation because Colonel Palombo was so enraged and irrational. The Chief Records Clerk advised that Major Ryan was under extreme pressure from Colonel Palombo to get the pass codes and Major Ryan was told by Colonel Palombo that he (Major Ryan) would be suspended if Colonel Palombo did not get the

pass codes that day. The Chief Records Clerk advised that after Major Ryan left his office and was coordinating the assignment of a detective to watch the VP of [REDACTED] the Chief Records Clerk was in contact with personnel from [REDACTED], LLC. The Chief Records Clerk was advised that there may be a “back door” approach, which could be used to gain access to the system and change the pass codes. As mentioned earlier, [REDACTED], LLC was essentially providing the same services to the Cranston Police Department as [REDACTED] was providing to the City of Cranston. [REDACTED], LLC advised the Chief Records Clerk that they would work on trying to access the system through those means.

At approximately 4:30 p.m. on February 14, 2014, the overtime detective was assigned the detail. Mayor Fung advised he received a call late in the afternoon from the VP of [REDACTED] advising of the threatening behavior of Colonel Palombo. Mayor Fung contacted Colonel Palombo and instructed him not to have any further contact with the VP or anyone else from [REDACTED]. At approximately 6:20 PM, Colonel Palombo called Major Ryan. The content of that conversation is unknown, but immediately after ending this call, Major Ryan terminated the overtime detail and instructed the detective to return to the City of Cranston. At the time of terminating the detail, the detective had already worked almost two (2) hours of the overtime assignment. Typically on a call back overtime assignment and as prescribed by the collective bargaining agreement, the detective would be paid a minimum of four (4) hours regardless of the time the detail was cancelled.

Upon cancelling the overtime detail in this instance, Major Ryan instructed the overtime detective to conduct surveillance in the neighborhood of a recent armed robbery and finish working the minimum four (4) hours of the call back assignment. A review of Departmental phone records revealed the overtime detective returned to the City of Cranston at approximately 6:55 p.m.

At approximately 7:44 p.m., the Chief Records Clerk received a call from [REDACTED], LLC advising that they were able to access the system and obtain the necessary pass codes for the transition. At approximately 7:45 PM, the Chief Records Clerk sent out a group text message to the VP of [REDACTED] Colonel Palombo, Major Ryan and the others directly involved in attempting to obtain the pass codes. This message advised that the pass codes had been obtained by personnel from [REDACTED], LLC, through the back door approach. The VP of [REDACTED] responded to this message by stating, *“So I no longer have to feel my safety is in jeopardy?”*

Telephone records and the review of several witness statements confirmed that the pass codes were eventually obtained from [REDACTED], LLC and not from [REDACTED]. This information conflicts with the accounts provided by Colonel Palombo and Major Ryan regarding when and how the pass codes were obtained.

We interviewed the detective supervisor, who assigned the overtime detail from Major Ryan. During the supervisor's witness statement, he advised that Major Ryan said that Colonel Palombo ordered him to assign a detective to conduct surveillance of the VP of [REDACTED]. The detective supervisor questioned the reasoning and indicated that Major Ryan was not initially forthcoming with the reason for the assignment. It was later revealed to the detective supervisor by Major Ryan that this assignment had something to do with software pass codes and that this was not a criminal investigation.

According to the detective supervisor, Major Ryan provided the subject's registration, home address and address of his place of employment and ordered the following directive:

"the detective assigned was to sit on his house and follow him wherever he goes. If he goes to the market and gets milk; follow him and get milk."

The detective supervisor responded by asking Major Ryan:

"when this guy goes to bed for the night, turns in for the night, should I tell Detective (omitted) that that's, that that's fine, and, you know, that he can go home at that time? And I was told that: No, he was to, he was to surveil him 'round the clock, it didn't matter, it didn't matter how long it took or how many hours it took, he was to stay on him."

We interviewed the Cranston Police detective who was assigned the overtime detail. This detective stated he was contacted late in the afternoon on February 14, 2013, and offered an overtime assignment. The detective was provided with the VP of [REDACTED] address and instructed to respond to the residence and watch him. The detective further advised that the assignment was not covert and he had parked his unmarked police vehicle in front of the residence. When questioned further regarding this, the detective advised he was not instructed to make contact with the VP of [REDACTED] or obtain pass codes from him. The detective was advised to conduct surveillance in front of the individual's house. The detective further added

that he was to stay with the subject wherever he went. The detective advised that shortly after arriving at the residence in [REDACTED] he was advised to come back to the City of Cranston and was told the pass codes had been obtained. The detective was then advised to conduct surveillance in the neighborhood of a recent armed robbery for the remainder of the overtime shift. Furthermore, the detective was instructed through the chain of command that he was to indicate the recent armed robbery investigation as justification for the overtime and when submitting his overtime voucher. The detective advised he was paid \$173.64 for the assignment.

A review of the original overtime voucher confirmed that \$173.64 was paid to the assigned detective for four (4) hours of overtime worked. The justification listed on the overtime slip indicated surveillance performed for an unrelated criminal investigation. The overtime voucher contained the approval signature of Major Ryan.

Mayor Fung called for a meeting the following day to discuss the situation. We learned that Colonel Palombo failed to appear at the meeting and in response Mayor Fung sent Colonel Palombo an e-mail at 12:21 p.m. expressing his disappointment and ordering Colonel Palombo to a meeting at 2:00 p.m. Mayor Fung's e-mail read as follows:

"I am extremely disappointed to hear that you failed to show up at the 8:30 AM meeting that Director Cordy had requested by text last night to you regarding the IT situation at the police Department. When we spoke last night because you implied in your reply back to the Director that only I had the authority "consistent with the charter" to order anything, I said that I agreed with his cease of communication directive with [REDACTED]. I also expressed my disappointment to you in the allegations that was emailed to Director Cordy that you and/or your people within your Department may have threatened use of process to the CEI of [REDACTED]. I said that we would talk this morning so that you could provide your side of the story because if true this type of behavior is unacceptable. Plus, at that meeting on the 12th they only promised to turn over in a timely fashion certain information which was readily available to them. From what the Director saw, there was never any intentional withholding of any information. This is one example of probably many points that need to be clarified and why he asked for the meeting this morning. Thus, please be available this afternoon at 2PM so that we can discuss this entire situation and how we need to move forward."

Director Cordy advised he never heard back from Colonel Palombo. Mayor Fung advised he was concerned over the allegations of wrongdoing and stated during his interview with us:

"I told him explicitly that night: stop it, you're cutting off all communications with [REDACTED] from you or any other individuals; until we get this straightened out...and..., you know...I know I expressed my frustration that I don't want any member of the public, whether you're having challenges or not, threatened or feel threatened in any manner. You know. Because that...for me...personally upset me. I was concerned about, you know, his threat and abuse of process to go..."

Mayor Fung further advised that he was upset and "blasted the Colonel" at the 2:00 p.m. meeting. Mayor Fung advised he was angered that Colonel Palombo failed to show up at the scheduled 8:30 a.m. meeting and was prepared to fire the Colonel if he failed to attend the scheduled 2:00 p.m. meeting. Mayor Fung advised at no time during the process of attempting to receive the pass codes were there any discussions regarding seeking the Court's assistance and obtaining a court order to have [REDACTED] provide the pass codes. Mayor Fung advised it was not discussed because after the meeting on Tuesday, February 12, 2013, a plan had been established and the project was rejuvenated. Mayor Fung was uncertain why there was such urgency to receive the pass codes on Thursday, February 14, 2013.

As previously mentioned, on Monday, March 4, 2013, Director Cordy received an anonymous letter regarding this incident and the allegations of wrongdoing. Director Cordy brought the letter to the attention of Mayor Fung. Mayor Fung advised Attorney Ragosta, who suggested that Mayor Fung question Colonel Palombo regarding the allegations. The anonymous letter was then provided to Colonel Palombo regarding the allegations and he was instructed to, "look into it."

Mayor Fung confirmed Director Cordy's receipt of the anonymous letter and advised he was most concerned with the allegations that someone was paid overtime and allegedly sent down to the VP of [REDACTED] residence. Mayor Fung advised he never received, or asked for any additional follow-up information regarding the incident from Colonel Palombo. A review of the Cranston Police Office of Professional Standards case log revealed no internal investigation was ever initiated and no one was disciplined for any of the alleged acts.

At the conclusion of our review, we discussed the findings of the investigation with Major Ryan and advised him that the investigation would be further reviewed for criminal wrongdoing, as well as internal violations of the Cranston rules and regulations. On Friday, May 16, 2014, Captain Barry accepted Major Ryan's letter of intent to retire from the Cranston Police Department, effective on Monday, May 19, 2014.

We provided the completed [REDACTED] investigation to personnel from the United States Attorney's Office, as well as personnel from the Rhode Island Office of Attorney General. Both agencies believed there was not enough evidence to support a criminal prosecution. Although the fact pattern is disturbing, the payment of overtime is covered by the collective bargaining agreement.

During an interview regarding this incident, the VP of [REDACTED] advised that several months after the incident he was approached by an unknown male subject who told him that Colonel Palombo had sent a Cranston Police Detective to his residence in [REDACTED] to wait for him. He advised this unknown male approached him in Narragansett, while he was picking his child up at a skate park. He described the incident as strange, as the unknown male subject explained that he wanted the VP of [REDACTED] to know that Colonel Palombo ordered this, but that their conversation "had never happened." The unknown male would not provide his name and walked away. The VP of [REDACTED] advised that he felt scared and stated, *"it seemed like organized crime the way I was treated. Like, I was threatened; I was scared for my safety."* We were unable to confirm this incident and were unable to identify the unknown male.

The [REDACTED] investigation provides further details of mismanagement and intimidation within the leadership of the Cranston Police Department. It also displays the lack of accountability and lack of supervision by Mayor Fung over Colonel Palombo. It is unconscionable that an independent investigation did not ensue after this citizen had contacted the Mayor and his Director of Administration, to express his fear about the threatening behavior of Colonel Palombo. In response, the Mayor directed Colonel Palombo to look into these allegations. It defies logic to assign this investigation to the person who is being accused. Based on Mayor Fung's own admission, he never followed up with Colonel Palombo on this matter.

8.0 DEMOTION OF SERGEANT MATTHEW JOSEFSON

We were advised by numerous members within the Cranston Police Department regarding the alleged unjust demotion of Officer Matthew Josefson on Wednesday, November 20, 2013, by Colonel Palombo. Due to the feedback of this potential wrongful act, we reviewed documentation from the Office of Professional Standards files that ultimately resulted in Officer Josefson's demotion from the rank of Sergeant. We observed several potential problems immediately with the final charges and resulting discipline. As a result, we initiated an inquiry into the facts and circumstances regarding the demotion.

On Friday, July 5, 2013, members of the Cranston Police Department arrested a subject during the second shift. The arresting officer and Acting Sergeant Josefson prepared the documents to include in the subject's arrest package. The following morning, the oncoming day shift supervisor was not able to locate the arrest folder that Acting Sergeant Josefson and the arresting officer had secured the previous night. After searching for the missing folder and attempting to reach the officer and Acting Sergeant Josefson by telephone, an officer from the Cranston Police Department was directed to respond to Acting Sergeant Josefson's residence and wake him up. Acting Sergeant Josefson was instructed to call the shift supervisor, as the arrest package had still not been located and the defendant had to be presented and arraigned before a Justice of the Peace. After speaking to the shift supervisor, Acting Sergeant Josefson was directed to return to the Cranston Police Department and produce the missing arrest package¹⁶. In addition, the other involved officer was also directed to return to the station to either locate the package or resubmit the required paperwork. At the time of the arrest, Acting Sergeant Josefson was the shift supervisor and was responsible for reviewing arrest packages for accuracy and completeness. When Acting Sergeant Josefson and the other officer arrived at the station, the other officer advised that the majority of the arrest package was completed, but said that a required complaint form had not been generated within the Record Management System and printed out¹⁷. Acting Sergeant Josefson acknowledged that he had also submitted some of the

¹⁶ The paperwork, with the exception of one (1) document, required to arraign the defendant before the Justice of the Peace could have been reproduced/ reprinted by anyone within the Cranston Police Department currently on duty as it was saved within the Department's Record Management System (RMS).

¹⁷ The required complaint form could have easily been produced by an on-duty officer as all required information to produce this form was contained within the RMS database.

paperwork to the arrest folder, but had not reviewed the entire package for completeness and accuracy prior leaving the package for the incoming shift supervisor. Both Acting Sergeant Josefson and the officer prepared another arrest package and departed the station without requesting overtime.

Upon his return to duty that same evening, Acting Sergeant Josefson began to search for the missing arrest package, ultimately finding four reports from the missing package at the bottom of a recycling bin within the station. Before ending his shift, Acting Sergeant Josefson had left the arrest package for the incoming supervisor. Believing the arrest package had been purposefully and maliciously discarded, Acting Sergeant Josefson prepared a memorandum through his chain-of-command to the Office of Professional Standards, composed at the time of Lieutenants Russell Henry and Carl Robert Ricci. The memorandum alleged that someone was attempting to unfairly malign his reputation and work product. Acting Sergeant Josefson stated within his submitted memorandum, *“This is not the first time that something I did for work has been sabotaged”* and noted that his submitted overtime slips had disappeared in the past. Acting Sergeant Josefson also alleged that an unknown person had previously accessed the Department’s scheduling program system, utilizing Acting Sergeant Josefson’s credentials, in order to enter erroneous information. Acting Sergeant Josefson requested an internal investigation be initiated, as he was concerned that this incident and others would negatively affect his future promotional opportunities within the Department.

It should be clearly noted that the focus of Acting Sergeant Josefson’s memorandum was to document a series of events that illustrated his allegations that he was being set up to fail. Acting Sergeant Josefson’s wanted to have the Department investigate his assertions and to stop the perceived mistreatment.

Acting Sergeant Josefson’s memorandum was forwarded to the Office of Professional Standards Unit and an internal investigation was immediately initiated. On Thursday, July 11, 2013, Acting Sergeant Josefson was ordered to report to the Office of Professional Standards Unit. Prior to responding to the office, Acting Sergeant Josefson activated a digital voice recorder, which he then secreted within the breast pocket of his uniform shirt to memorialize conversations, based on his mistrust of some of his colleagues and his belief that he was being targeted. Upon arrival at the Office of Professional Standards Unit, Acting Sergeant Josefson

was instructed that the Office of Professional Standards Unit was no longer allowing any electronic devices within unit, a change in procedure instituted just prior to Sergeant Josefson's July 11, 2013, interview. Acting Sergeant Josefson was instructed to secure any electronic devices that he had in a closet across the hall from the Office of Professional Standards Unit prior to entering the office area. Acting Sergeant Josefson entered the closet area and secured his portable radio and cellular telephone in the closet and then requested to use the restroom, where he removed the recorder from his uniform shirt pocket, turned it off and placed it under a trash can liner in the garbage can within the bathroom.

We reviewed an audio recording provided by now Officer Josefson, which clearly captured this initial conversation with personnel from the Office of Professional Standards Unit and confirms Acting Sergeant Josefson's account that he had secured the recorder in the trash container. Acting Sergeant Josefson explained that he had done this in order to comply with the new directive and prevent members of the unit from knowing that he had a digital audio recorder on his person.

It appears this change in procedure was the result of the recent disclosure that Captain Patalano had been secretly recording members of the Cranston Police Department, as described previously in this document.

After leaving the restroom, Acting Sergeant Josefson entered the Office of Professional Standards Unit and was interviewed regarding the missing arrest folder. Acting Sergeant Josefson stated that although he submitted his memorandum for the purpose of documenting the events and having the missing arrest folder incident investigated, the interview with personnel from the Office of Professional Standards Unit focused more on his potential faults rather than his reported allegations. Acting Sergeant Josefson was primarily questioned regarding his claims within his submitted memorandum that he had left a "completed" arrest package upon securing from duty, but upon further questioning admitted that one (1) document, identified as the required complaint form, had not be produced. This would therefore make his statement false regarding a "completed arrest package." Additional questions centered on Acting Sergeant Josefson failure to thoroughly review his subordinates' work prior to submission. Acting Sergeant Josefson's interview also consisted of questions about his allegations concerning missing overtime slips and improper entries into the Department's scheduling program. Acting Sergeant Josefson described the line of questioning to be more similar to him being suspected of

wrongdoing, rather than him as a complainant. Our review of the interview appeared to confirm that the focus of the interview centered on Acting Sergeant Josefson's potential inactions in these areas as opposed to obtaining information in an attempt to determine who may be responsible for these incidents. Although the investigation clearly identified problems with the events surrounding this arrest, it failed to address Acting Sergeant Josefson's claims.

We asked Officer Josefson why he believed someone would have intentionally discarded his work product and why he was secretly recording members within the Police Department¹⁸. Officer Josefson theorized that someone either didn't like him, someone was simply spiteful and or that one of his competitors for promotion to the rank of sergeant was attempting to discredit him. Officer Josefson advised he believed he needed to record conversations he had with certain supervisors within the Department to protect himself and his career with the Cranston Police Department. Officer Josefson believed he was being targeted and had nowhere to turn for help regarding his concerns. Officer Josefson stated he authored the memorandum due to his belief that these issues were escalating and he wanted the matter to be addressed by the Department. He was not anticipating that he would become the target of an internal investigation. Officer Josefson advised that his belief that he needed to record events within the Department was only strengthened that he had no place to turn for help.

On Tuesday, July 23, 2013, Acting Sergeant Josefson received a call from Major Schaffran advising Acting Sergeant Josefson that he would be promoted to the rank of Sergeant on Wednesday, July 24, 2013. This came as a complete surprise to Acting Sergeant Josefson as he was on scheduled leave from the Department and was unaware of any recent retirements within the Department that would have allowed for a promotion to occur. Acting Sergeant Josefson was advised that Captain Thomas Dodd was retired from the Department the previous night as a result of a City Council meeting, as previously detailed within this report. On Wednesday, July 24, 2013, the Cranston Police Department promoted Lieutenant Stephen J. Antonucci to Captain to replace Captain Dodd. Sergeant Stephen Brooks was promoted to Lieutenant to replace Lieutenant Antonucci and Acting Sergeant Josefson was promoted to Sergeant to replace Sergeant Brooks. As discussed within this report and prescribed within the

¹⁸ Acting Sergeant Josefson was promoted to Sergeant on July 24, 2013, but demoted on November 20, 2013. At the time we were reviewing these events, Josefson held the rank of patrolman.

collective bargaining agreement, promotions are made within twenty-five (25) days of a vacancy and from a certified promotional list for each ranking position. The City Charter at the time of these promotions dictated that an officer in the first position within the respective rank would automatically receive the promotion.

On October 4, 2013, Sergeant Josefson was again summoned to the Office of Professional Standards Unit for further questioning regarding the investigation of the missing reports. Sergeant Josefson requested representation from the IBPO, Local 301 to accompany him. Prior to entering the office, Sergeant Josefson and his union representation were instructed to secure all electronic devices in the closet across the hall from the office. When Sergeant Josefson entered the office, he was presented with a rights form and a complaint form, now indicating he was the subject of a complaint filed by Colonel Palombo for an unidentified violation of the policy and procedures. Further review by us revealed the complaint was a result of Sergeant Josefson's memorandum being used to identify deficiencies in his actions with respect to overseeing the arresting officer's paperwork. After reviewing all presented rights and complaint forms, Sergeant Josefson was asked whether he was in possession of a recording device. Sergeant Josefson then recalled that he still had his digital voice recorder in his left breast pocket. The recorder was not powered on or recording at the time. Sergeant Josefson then produced the recorder stating: *"I still have mine."*

The recorder was seized by members of the Office of Professional Standards Unit and found to have not been recording. Sergeant Josefson was then questioned about his knowledge of the Cranston Police Department recording policy. Sergeant Josefson stated he first became aware on July 11, 2013, when he was last interviewed, that electronic devices, including recorders, were prohibited from within the Office of Professional Standards Unit.

Interestingly, a page from the Department's rules and regulations (General Order 130.00) was on the interview room table prior to the start of the interview. Personnel from the Office of Professional Standards Unit requested Sergeant Josefson read aloud a highlighted paragraph of General Order 130.00. Sergeant Josefson read aloud:

"Possession and use of recording devices: no employee of the Department shall possess or use any type of audio recording devices, including mobile phones to surreptitiously record another employee or to use for any unauthorized or unlawful purpose."

Sergeant Josefson was then questioned regarding his use of the recorder in the Office of Professional Standards and for how long he had possessed the recorder. The interview was stopped and both Sergeant Josefson and his union representation were ordered to wait outside of the office until further notice. Sergeant Josefson's digital recorder was retained by personnel from the Office of Professional Standards Unit.

According to Sergeant Josefson, Colonel Palombo arrived shortly thereafter and advised that he was disappointed with him and stated that this was corruption.

After approximately twenty minutes, Sergeant Josefson and his union representation were allowed back into the Office of Professional Standards Unit and Sergeant Josefson was advised that a new investigation had been initiated by Colonel Palombo regarding the use of his digital recorder. Sergeant Josefson was questioned regarding his knowledge of the regulation governing audio recording devices within the Cranston Police Department and not just within the Office of Professional Standard Unit. Sergeant Josefson replied, "*I do now, sir...*"

During this interview, Sergeant Josefson was asked why he had a digital recorder. Sergeant Josefson explained that he felt he had been discriminated against, treated unfairly and that he had disagreements with some of his supervisors. He admitted that he had his recorder activated prior to the Thursday, July 11, 2013 interview, but said he had placed it in the bathroom trash can and did not bring it into the office. Sergeant Josefson further explained that he did not know it was a violation of a policy or a Departmental rules and regulation until he was informed of the policy on October 4, 2013.

Sergeant Josefson further admitted during this interview that he had possessed his digital recorder within the Police Department for approximately two (2) years and had periodically secretly recorded certain supervisors within the Department. Sergeant Josefson signed a written consent, authorizing members of the Office of Professional Standards Unit to search and listen to any and all recordings Sergeant Josefson had saved on his digital audio recording. Sergeant Josefson denied recording anyone within the Office of Professional Standards Unit and stated that the recorder was never activated on Friday, October 4, 2013 prior to entering the office.

Sergeant Josefson was then asked whether he knew of members of the Cranston Police Department that were secretly recording other members as well as who suggested that he should record conversations he had with certain supervisors within the Cranston Police Department.

Sergeant Josefson advised no one had suggested to him to record; he advised that he had started recording on his own for fear that he would be set up and disciplined for something he said or did¹⁹. Sergeant Josefson also advised he believed other members of the Department were also secretly recording within the Department for similar reasons, but did not have any firsthand knowledge of who.

After signing a written consent authorizing the digital recorder to be searched for any saved recordings, members of the Office of Professional Standards Unit questioned Sergeant Josefson regarding any other saved recordings he may have. He acknowledged that he had downloaded some on his personal computer. At that point, he was ordered to produce the recordings by the end of the day.

Sergeant Josefson was then asked if he had given any of his recordings to anyone or had played any of the recordings to anyone. Sergeant Josefson denied giving a copy to anyone, but advised he had played some of the recordings to his immediate supervisor, Lieutenant Karen Guilbeault.

Sergeant Josefson apologized for possessing his digital recorder, but advised he was unaware that Departmental policy prohibited him from possessing one.

Sergeant Josefson was further questioned regarding if anyone put him up to recording other members. He repeatedly denied being involved with any other member of the Department regarding secretly recording other members. Sergeant Josefson was then ordered not to discuss the investigation regarding his digital recorder with any member of the Cranston Police Department.

This interview of Sergeant Josefson ended at approximately 4:30 p.m. Sergeant Josefson was instructed to wait outside the Office of Professional Standards Unit. At approximately 6:30 p.m., Sergeant Josefson was brought back into the office and the original interview regarding his complaint concerning the missing arrest package resumed.

At the conclusion of the second interview at approximately 7:15 p.m., Sergeant Josefson was advised that Colonel Palombo wanted members of the Office of Professional Standards Unit to accompany Sergeant Josefson to his residence in order to comply with the earlier order to

¹⁹ During later interviews Sergeant Josefson advised members of the Office of Professional Standards Unit that Captain Thomas Dodd had suggested to him that he needed to protect himself and he should record conversations.

produce any and all voice recordings from his residence. As a result, members of the Office of Professional Standards, Sergeant Josefson and his union representative traveled to the Sergeant Josefson's residence and retrieved recordings from Sergeant Josefson's home computer, which were downloaded from his digital recorder. At the residence, Sergeant Josefson was advised that he did not have to give consent or turn over the recordings but, if he refused, he would be suspended without pay for one day. This would be a standing order and would continue until Sergeant Josefson produced his recordings from his home computer. Believing he would not be able to support his family without pay, Sergeant Josefson felt he had no choice but to turn over the recordings. At his residence, Sergeant Josefson signed a document, whereby he, *"relinquished any/all original or duplicate audio/video recordings and or recordings in any other format, of members of the Cranston Police Department, civilian or sworn, that are in my possession."*

Members of the Office of Professional Standards Unit then watched as Sergeant Josefson transferred recordings from his home computer to a thumb drive. All members then returned to the Office of Professional Standards Unit.

Sergeant Josefson was brought back into the Office of Professional Standards Unit at approximately 8:30 p.m. and advised per order of Colonel Palombo that he was being placed on administrative leave pending the completion of the investigation. Sergeant Josefson was required to turn in his police identification, firearm, portable radio and all access keys to the Department and was advised that he could not enter the Cranston Police Department without prior authorization from Colonel Palombo. Sergeant Josefson was again instructed not to discuss the investigation with anyone.

Upon reviewing the statements contained within the Cranston Police internal investigation regarding this incident, we were concerned to see that the initial complaint regarding Sergeant Josefson was never thoroughly investigated. Instead, the investigation was directed away from his initial complaint and Sergeant Josefson became a target based on his written statement that an arrest package was left upon completing his assigned shift. Further investigation revealed that one (1) document had not been completed as part of the arrest package and the internal investigation centered on Sergeant Josefson not making a truthful statement, because he hadn't left a completed arrest package with all required documents.

During the interviews, Sergeant Josefson was never asked whether any of the recordings were made while he was not a participant to the conversation, which could potentially be a violation of Rhode Island General Laws. We were advised by Sergeant Josefson that all recordings which Sergeant Josefson made were done legally and Sergeant Josefson was present and part of the conversation, consistent with Rhode Island General Laws.

Sergeant Josefson did advise that one of the recordings contained a voicemail message left on Lieutenant Guilbeault's voicemail from another supervisor. This recorded voicemail message was in regards to a conversation the supervisor had with Sergeant Josefson and wanted to bring it to the attention of Lieutenant Guilbeault. Lieutenant Guilbeault played the conversation for Sergeant Josefson and he recorded the playback message with Lieutenant Guilbeault's authorization. Although Sergeant Josefson was not a participant of the conversation, this clearly would not constitute a violation of Rhode Island General Laws because the message was left voluntarily and the expectation of privacy that the message won't be replayed for someone else was gone when the voicemail message was left.

As mentioned within this report, the secret recording of other members of the Police Department had already surfaced when Captain Patalano had provided recorded evidence to Colonel Palombo following the Superior Court ruling on Friday, April 27, 2012, as well as when Captain Patalano had provided Mayor Fung with several sample recordings regarding Colonel Palombo's accusations on Wednesday, May 30, 2012. We also reviewed documented evidence that Colonel Palombo and Major Schaffran were also secretly recording members within the Department during the same time that Sergeant Josefson was interviewed and placed on paid administrative leave upon the completion of the investigation.

We asked numerous members within the Cranston Police Department regarding their knowledge of the rules and regulations concerning surreptitiously recording members of the Cranston Police Department. All members advised that they were never aware there was a rule and regulation prohibiting recording within the police Department until Sergeant Josefson was demoted in November of 2013. In August of 2012, a compact disk was distributed to all members of the Cranston Police Department who were preparing for the upcoming Promotional Exams within the Department, containing all updated Cranston Police policies and procedures as well as the rules and regulations. A review of this distributed compact disk revealed the

Cranston Police rule and regulations did not contain any language prohibiting the practice of surreptitiously recording other members of the Department.

8.1 Last Chance Agreement

On October 8, 2013, Sergeant Josefson met with his union-appointed attorney, [REDACTED] of [REDACTED]²⁰. The meeting was arranged by the IBPO, Local 301 and Sergeant Josefson was accompanied by two (2) Executive Board members. Sergeant Josefson advised that Attorney [REDACTED] did not ask Sergeant Josefson to explain his version of the events, saying he had had already been provided with all of the details. At the time of this meeting, Sergeant Josefson remained on administrative leave from the Department. According to Sergeant Josefson, Attorney [REDACTED] stated he had worked with Colonel Palombo and members of the IBPO, Local 301 in the past and Sergeant Josefson may be facing criminal charges for illegal wiretapping. Attorney [REDACTED] explained to Sergeant Josefson that he had two (2) options:

- *Return to Office of Professional Standards, answer all questions and sign a last chance agreement.*
- or*
- *Face termination and potential criminal charges.*

Sergeant Josefson, believing he had no other choice, agreed to return to answer further questions. On October 10, 2013, Sergeant Josefson reported to the Office of Professional Standards Unit with Attorney [REDACTED] and provided another formal statement. A review of the transcript revealed a considerable number of questions focused on the relationship and interactions between Sergeant Josefson and Lieutenant Karen Guilbeault²¹. There were no questions about the rules and regulations governing voice recorders or Sergeant Josephson's knowledge of the Cranston Police rules and regulations. Questions focused on how Sergeant Josefson acquired the recordings; who suggested Sergeant Josefson use a recorder; who knew of

²⁰ It should be noted that Attorney [REDACTED] [REDACTED] is from the law office of [REDACTED] and should not be confused with Attorney Joseph F. Penza Jr., from the law office of Olenn & Penza, the attorney for Captain Patalano as mentioned within this document.

²¹ Lieutenant Karen Guilbeault was Sergeant Josefson's immediate supervisor at the time of the questioning.

the recorder; who had heard the recordings; what conversations Sergeant Josefson had with Lieutenant Guilbeault about the recordings; and whether Lieutenant Guilbeault directed or asked Sergeant Josefson to specifically record someone in order to obtain a specific response. When questioned regarding what supervisor within the Department suggested Sergeant Josefson use a recorder, Sergeant Josefson advised it was Captain Thomas Dodd. Sergeant Josefson stated:

“Capt. Dodd said that I should protect myself.”

Of note, Sergeant Josefson admitted using the digital recorder for approximately two years prior to being questioned in 2013. As mention previously in this report, Captain Dodd was involuntarily retired in July of 2013.

Members of the Office of Professional Standards noted that some of Sergeant Josefson’s recordings involved supervisors who spoke to Sergeant Josefson about issues that ended with no disciplinary action and it was apparent to members of the Office of Professional Standards Unit that the supervisors were rather lenient with Sergeant Josefson. The Office of Professional Standards believed the recordings did not provide any information that Sergeant Josefson had been harassed, discriminated against or sabotaged. It should be noted that the recordings involving supervisors who spoke to Sergeant Josefson, including Colonel Palombo and Captain Antonucci, were regarding instances involving Sergeant Josefson ticketing illegally parked cars outside of a church during service and ticketing illegally parked cars during a Little League National tournament held in Cranston. The basis of these conversations centered on Sergeant Josefson using discretion and were not conversations addressing any acts of alleged wrongdoing on behalf of Sergeant Josefson.

Sergeant Josefson was repeatedly asked if Lieutenant Guilbeault had encouraged Sergeant Josefson to make the recordings; Sergeant Josefson replied, *“Absolutely not.”* Sergeant Josefson stated that he didn’t trust Colonel Palombo or the Office of Professional Standards Unit and was not comfortable going to the IBPO, Local 301 Executive Board for help. Sergeant Josefson advised he trusted Lieutenant Guilbeault and therefore had shared information with her. Sergeant Josefson was then asked a series of questions regarding his relationship with Captain Todd Patalano. Sergeant Josefson stated he had no relationship with Captain Patalano but that Captain Patalano had recently contacted him to inquire about Sergeant Josefson’s well being, as

they were both on administrative leave from the Department. Sergeant Josefson denied that he had ever met with Lieutenant Guilbeault or Captain Patalano regarding the recordings, or that they met outside of work regarding the recordings.

Sergeant Josephson denied that Lieutenant Guilbeault suggested he should use other methods to undermine the police Department and that she only suggested documenting events to protect himself. Sergeant Josefson further denied that he had ever had conversations with Lieutenant Guilbeault, Captain Quirk, Captain Patalano or Captain Carnevale about future plans for the police Department and whether he was ever promised anything to “*see things their way.*” Numerous questions were then asked of Sergeant Josefson regarding unrelated incidents and if Sergeant Josefson had personal knowledge of wrongdoing by other members of the Department. As indicated earlier, the interview had very few questions regarding Sergeant Josefson potentially being in violation of Department policy, but rather attempting to determine if there was some type of conspiracy by certain members of the Department against the current administration.

While reviewing this investigation, we were advised by members of the Office of Professional Standards and others within the Department, that Colonel Palombo would frequently provide specific questions to ask during certain interviews. We observed several sheets of yellow legal pad paper containing numerous questions and notes within this investigation. The questions involved Lieutenant Guilbeault’s potential involvement in the incident, as well as Captain Patalano, Captain Quirk and Captain Carnevale were supplied to the Office of Professional Standards by Colonel Palombo.

A last chance agreement was developed between the City of Cranston and Attorney [REDACTED] Sergeant Josefson’s union appointed lawyer. The City of Cranston was represented by Attorney Jeffrey W. Kastle. The agreement had no fewer than five (5) revisions, which culminated in the last chance agreement being signed on Wednesday, November 20, 2013.

A review of the original agreement called for Sergeant Josefson to be demoted to the rank of patrol officer and that any violations not covered in the last chance agreement would be adjudicated in accordance with the standard and appropriate forum. Violations for the charges addressed in the last chance agreement would be solely addressed in accordance with the last chance agreement. Furthermore, the agreement would be in effect for a period of twelve (12) months upon execution.

As noted, this document was revised on several occasions to include: demotion to probationary patrol officer; inability to participate in the next two (2) future promotional examinations; increasing the duration of the agreement to include twelve (12) months of working days, which would not including regular days off and other approved leave days; removal of all rights for recourse against a violation of the aforementioned rules or regulation while on probationary status provided the decision to charge was not arbitrary or capricious.

The final agreement was forwarded to Sergeant Josefson by Attorney [REDACTED] on the evening of Tuesday, November 19, 2013. According to Sergeant Josefson, he requested a few days to review the document, as this was the first occasion that the document actually listed the violations against him. Prior to this, the document identified the charges as follows:

“WHEREAS, on or about October 11, 2013 Officer Josefson was notified by the Department of accusations of violations of Departmental Rules and Regulations stemming from allegations that he had engaged in specific types of prohibited conduct and actions deemed to be subversive to the interests of the Department over the past approximately two (2) years, which prohibited conduct and subversive actions were _____ (insert descriptions from the written charges presented to Officer Josefson) (hereinafter, for purposes specific to this Last Chance Agreement, these types of prohibited conduct and subversive actions shall be referred to as “Covered Misconduct”)”

Sergeant Josefson did not know what activities he had engaged in to constitute “prohibited conduct and actions deemed to be subversive to the interests of the Department over the past two (2) years.”

On Tuesday, November 19, 2013, Sergeant Josefson read the last chance agreement and, for the first time, viewed the charges leveled against him. To date, Sergeant Josefson has not received an explanation as to how several of the following charges relate to his actions. Sergeant Josefson’s charges are as follows:

- *Possession of a digital voice recorder for the purposes of surreptitiously recording other members of the Cranston Police Department;*
- *Possession of a digital voice recorder in the Office of Professional Standards after being ordered by Captain Carl Ricci to secure all electronic devices in the storage area in the Executive Wing;*
- *Conducted an unauthorized investigation into another member of the Department;*

- *Improperly and without authorization did disseminate information regarding official business of the Department.*
- *Failed to treat the official business of the Department as confidential;*
- *Made and submitted inaccurate or improper information, and;*
- *Was not familiar with the contents of the Department's rules and regulations as required.*

According to Sergeant Josefson, Attorney [REDACTED] informed him that his request for a few days to review the last chance agreement would not be approved and noted the police administration would seek termination if the last chance document was not signed by 3:00 p.m. the following day, Wednesday, November 20, 2013. Sergeant Josefson acquiesced and agreed to meet Attorney [REDACTED] at 3:00 p.m. to sign the last chance agreement.

Sergeant Josefson was concerned that the Department would seek to file criminal charges against him. According to Sergeant Josefson, Attorney [REDACTED] informed him that the Department was considering criminal charges involving an illegal wiretap. After reviewing the recordings, it was clear to us that the recordings did not violate any Rhode Island criminal statute, because Sergeant Josefson was a party to the communication. In addition, the recording made from Lieutenant Guilbeault's received voicemail message was with her authorization and she was the intended recipient of the message. Rhode Island General Laws § 11-35-21 expressly allows the recording and disclosure of the contents of any wire, oral or electronic communication by a party to the communication or with the prior consent of one of the parties, so long as no criminal or tortuous purpose exists.

As part of reviewing this incident, Sergeant Josefson provided us with several emails he had exchanged with Attorney [REDACTED] regarding the settlement agreement. Attorney [REDACTED] carbon copied Captain Antonucci, then IBPO, Local 301 President, on an email sent to Sergeant Josefson containing the final last chance agreement. In addition, Captain Antonucci was assigned to the Office of Inspectional Services and the overseer of the Accreditation Unit, which is responsible for the development, revision, and dissemination of all policies within the Department. Sergeant Josefson asked Attorney [REDACTED] by email for clarification on what criminal charges might be brought against him based on his documented actions. This question was not answered, but Attorney [REDACTED] included in his reply:

.... Also, they will agree to no other changes in the Agreement. Basically, if you don't agree to what we have negotiated now over the past 2 weeks in several drafts, they will move for termination. As you and I discussed, because the circumstances underlying such termination charges do not stem from the performance of police duty (i.e. the unauthorized and potentially illegal audio taping of conversations is not within the scope or performance of duties) ... the Union cannot and will not represent you in such termination charges and you will have to hire an attorney with your own funds. As you and I discussed, in my experience the Department possesses a strong case for termination.

Sergeant Josefson was relieved of duty by Colonel Palombo and placed on paid administrative leave from October 4, 2013, through November 20, 2013. This was for a total of forty-seven (47) days while this incident was investigated. Under Rhode Island General Laws § 42-28.6.13, a law enforcement officer can be suspended with pay not to exceed one hundred eighty (180) days when the law enforcement officer is under investigation for a criminal felony matter; no more than thirty (30) days when the investigation is for a misdemeanor criminal matter; and no more than fifteen (15) days when the investigation is for a non-criminal matter, as was the case with this incident.

We discovered that prior to Sergeant Josefson's demotion, many members of the Department were unaware of the regulation pertaining to the possession and use of audio recording devices. We probed further into the development of General Order 130.00, Rules and Regulations.

As listed within the purpose of General Order, 130.00 Rules and Regulations in November of 2013:

The purpose of this policy is to inform all employees of Departmental rules and regulations for the good order and government of the Cranston Police Department. The purpose of this policy is to improve the effectiveness of the Cranston Police Department by making clear to all officers and employees what is required of them and what they can expect of fellow officers and employees of the Cranston Police Department.

The Cranston Rules and Regulations in November of 2013 consisted of a (19) page document. On page thirteen (13) of this policy, a subsection entitled "Possession and use of audio recording devices" prohibits the following conduct:

No employee of the Department shall possess or use any type of audio recording device, including mobile phones, to surreptitiously record another employee or to use for any unauthorized or unlawful purpose.

We examined a network drive within the Office of Inspectional Services containing a Master Policy folder. This folder contains the following sub-folders:

Revised Directives
Issued Policies on IMC
Policies Converted to PDF 2013

IMC is the Cranston Police Department's Records Management System and has a policy and procedures module, which is used by all members of the Department as a means of referencing all disseminated policies and procedures within the Cranston Police Department.

We learned when an existing policy is revised, a new Microsoft Word document is created and the revisions are highlighted in yellow for easy identification of the modifications. The document is then saved in the *Revised Directives* sub-folder and titled with the policy name, policy number and revision date, i.e.: *310.01 Use of Force 4-4-13*. The new revised policy is then also saved into the *Issued Policies on IMC* sub-folder. The document is then forwarded to all Department members via the IMC email system to ensure complete dissemination of the revised policy. Simply opening the email is considered confirmation that the policy has been read and understood by a Department member. Finally, the new revised policy is also saved as a portable document format (PDF) in the *Policies Converted to PDF 2013* sub-folder and titled by the policy number and policy name, i.e.: *310.01 Use of Force*.

A review of the *Issued Policies on IMC* sub-folder revealed one (1) document titled *130.00 Rules and Regulations.doc* with a modification date of Thursday, August 29, 2013. This document contained the recording prohibition section titled: Possession and use of audio recording devices. A review of the *Policies converted to PDF 2013* sub-folder revealed one (1) document titled *130.00 Rules and Regulations.pdf* with a modification date of Thursday, August 29, 2013. The IMC email system was queried and revealed that no new revised rules and regulations containing the recording prohibition language had been disseminated to members through the IMC email system. In addition and as noted previously, numerous members of the Department advised that they were unaware of the recording prohibition contained within the rules and regulations until Sergeant Josefson was disciplined.

Based on the review of the Office of Inspectional Services network drive and contained sub-folders, it was still unclear when the recording prohibition language was added to the Department's rules and regulation policy. A review of the 2012 Policy and Procedures compact disk, as described above, revealed that the subsection prohibiting the use of audio recording devices was not included within the rules and regulations at that time. As part of our review, a date stamped copy of the General Order 130.00, Rules and Regulations was located, which contained the language prohibiting the use of audio recording devices. This document was printed from within the IMC software on Sunday, June 28, 2013.

On April 23, 2014, members of the Rhode Island State Police Computer Crimes Unit initiated a forensic examination on the desktop computer hard drive assigned to the Office of Inspectional Services. This computer was assigned to Captain Stephen J. Antonucci, who was the Officer-in-Charge of the Inspectional Services Unit, prior to his suspension on pending LEOBOR charges. An examination was also conducted on the network drives for the Office of Inspectional Services and Captain Antonucci. The focus of the forensic examination was on all activity related to the audio recording policy found in General Order 130.00: Rules and Regulations.

As a result of this examination, a document titled "RULES & REGS.doc" was found on Captain Antonucci's network storage drive. This document was identified as being created on Wednesday, February 20, 2013. A review of this document revealed it was a Microsoft Word document containing General Order 130.00: Rules and Regulations. Page thirteen (13) of this document contained the recording prohibition language.

In addition, on Friday, April 26, 2013 at 3:51 p.m., Captain Antonucci sent an email from his Departmental email to the personal email address of Cranston Police Lieutenant Alan Loiselle. The subject line for this email was "130.00 Rules and Regulations.doc." The contents of the email were blank, but the email contained one (1) attached file, "*130.00 Rules and Regulations.doc*." A review of this document revealed it also contained the recording prohibition section on page thirteen (13). When asked about receiving the email, Lieutenant Loiselle had no recollection about the email and stated he was unaware of the recording prohibition until Sergeant Josefson was disciplined in the fall of 2013.

The forensic examination also identified that a document, "*130.00 Rules and Regulations.pdf*", containing the section prohibiting the possession and use of audio recording

devices was created on Thursday, August 29, 2013 and saved on the Office of Inspectional Services network drive, in the Master Policy folder, within the sub-folder of *Policies converted to PDF 2013*. The forensic examination did not reveal any distribution of the document titled “130.00 Rules and Regulations” to members of the Department, except to Lieutenant Loiselle. It appears Captain Antonucci created a revised document containing the language prohibiting the use of audio recording devices on Wednesday, February 20, 2013, but there is no evidence to suggest that the language was approved to be included within the issued policies and procedures and the revisions were never disseminated thorough the IMC email system. On Thursday, August 29, 2013, the PDF document was added to the *Policies converted to PDF 2013* folder and may have been added to the IMC policies, but there was still no evidence to suggest that the revised policy was disseminated to members of the Cranston Police Department. There would have been no way for members to know of this change unless it was specifically brought to their attention that the policy had been revised. It appears the members of the Cranston Police Department were unaware that a policy existed prohibiting the use of audio recording devices until Sergeant Josefson was disciplined.

Sergeant Josefson was interviewed by members of the State Police and provided his version of events pertaining to the investigations leading up to his discipline and demotion to the rank of patrolman. Sergeant Josefson stated he was unaware that the policy relating to the use of audio recording devices existed, but acknowledged that he did not sufficiently convey his ignorance of the policy when interviewed by members of the Office of Professional Standards Unit. Sergeant Josefson advised he felt intimidated and embarrassed during his interview and had been made to feel as though he had committed a criminal act.

Sergeant Josefson advised that he believed he had turned over all original recordings on Friday, October 4, 2013, when he “cut” and “pasted” the files from his personal computer to the Office of Professional Standards Unit’s portable drive. Sergeant Josefson advised he, along with members of the unit, had examined the folder after the files were transferred and determined they were no longer contained within the drive of his home computer. Sergeant Josefson advised his personal home computer crashed several months later and he had his hard drive repaired. When the computer was returned to him, Sergeant Josefson observed that the audio files were contained within a recovered files folder. Sergeant Josefson consulted with an attorney for fear

that he had violated the directive to produce all copies of his recordings. Sergeant Josefson provided all twenty (20) recordings to us.

A review of the provided recordings revealed the first recording was created on Thursday, January 27, 2011 and the last recording was created on Wednesday, August 7, 2013. There are seven (7) recordings created in 2011, six (6) in 2012 and seven (7) in 2013. We confirmed that Sergeant Josefson was a participant in all twenty (20) recordings. During the last recording, Sergeant Josefson provided his digital recorder to Lieutenant Karen Guilbeault and Lieutenant Guilbeault played and recorded a voicemail message that was left to her by another supervisor within the Department. Lieutenant Guilbeault was a party to the communication, because the message was left for her and she consented to the disclosure of the content of the message when she voluntarily recorded the message on Sergeant Josefson's digital recorder.

Sergeant Josefson advised that personnel from the Office of Professional Standards Unit would call Sergeant Josefson's residence on Friday afternoon and inquire if Sergeant Josefson had divulged any information about the case, while Sergeant Josefson was on paid administrative leave from the Department. Sergeant Josefson was also asked if any Department members had attempted to contact Sergeant Josefson. Sergeant Josefson stated he had never spoken with anyone from the Department and was petrified to speak with anyone while he was on paid leave from the Department.

Shortly after Major Ryan retired from the Department all files and paperwork contained within his office were placed in boxes and provided to us. While reviewing the contents of the boxes from his office, a folder containing paperwork from [REDACTED] was discovered. A review of this folder and enclosed paperwork revealed on Wednesday, October 9, 2013,

[REDACTED], a private investigation firm was hired by the Cranston Police Department to conduct surveillance on Sergeant Josefson after he had been placed on paid leave from the Department. A further review of this paperwork revealed thirty-one (31) hours of surveillance, management and consultation was conducted over the two- (2) day period of Wednesday, October 9, 2013 and Thursday, October 10, 2013. In addition, an invoice in the amount of \$1,550.00 was paid to [REDACTED] for their services through the Cranston Police Department Part Time Help Account. According to notes from [REDACTED], *"Josefson is the subject of an internal investigation being conducted by the*

Cranston Police Department. Investigators were directed to conduct surveillance of the aforementioned residence and Josefson, and to document any and all visitors to the address.”

Numerous interviews were conducted as part of the review of Sergeant Josefson’s demotion. The union representative who accompanied Sergeant Josefson to the Office of Professional Standards Unit when Sergeant Josefson’s digital recorder was seized advised that it appeared Sergeant Josefson forgot he had the digital recorder on his person when they asked him and was not attempting to record the interview. As with other members of the Department, the union representative, who had accompanied Sergeant Josefson during his interviews was unaware there was a policy prohibiting the use of recorders within the Department and advised that he had never received an email or a revised policy at roll call advising of a change to the rules and regulations. The union representative also advised he was present in the Office of Professional Standards Unit when Colonel Palombo first arrived after being notified that Sergeant Josefson had a recorder on his person. The union representative advised that Colonel Palombo was “*heated*” when he entered the Office of Professional Standards Unit. The union representative further advised, after Colonel Palombo entered the office, Colonel Palombo stated, “*If someone did that or a piece of shit did that twenty years ago...he'd get his ass kicked.*” The union representative also advised that he felt Sergeant Josefson was intimidated by members of the Office of Professional Standards, as well as Colonel Palombo and that Sergeant Josefson would have done anything they requested.

The Officer in Charge of the Office of Professional Standards Unit at the time of Sergeant Josefson’s demotion in November of 2013 was Captain Carl Ricci. Captain Carl Ricci advised that sometime between June and July 2013, he had a conversation with Colonel Palombo regarding Captain Ricci’s concerns with recording devices being secretly used within the unit during interviews. Captain Ricci recalled that Colonel Palombo advised him to develop a rule strictly prohibiting the use of recording devices within the unit. Captain Ricci advised that Colonel Palombo also informed him that a policy had already existed prohibiting the practice of surreptitiously recording members within the Cranston Police Department. Captain Ricci advised that he was unaware of a policy prohibiting the use of recording devices and stated he was never informed of the prohibition prior to being advised by Colonel Palombo.

Captain Ricci was asked why a special provision would be necessary for the Office of Professional Standards if the rules and regulations already addressed the matter. Captain Ricci

advised that the Department policy allegedly addressed surreptitious recording, but did not deal with a member who wanted to openly record an interview being conducted within the Office of Professional Standards. Captain Ricci further advised that no evidence was found during his investigation into the Sergeant Josefson incident that would suggest that the recording prohibition policy had been sent to members of the Department prior to Sergeant Josefson's demotion. Captain Ricci further advised that the Office of Professional Standards should never charge a member for violating a policy if that member was never made aware of the policy.

Captain Ricci advised Sergeant Josefson signed a written consent to search for and listen to the audio recordings contained within Sergeant Josefson's digital recorder. In addition, Sergeant Josefson was ordered to turn over any additional recordings he had on his personal home computer, which was a directive to Captain Ricci from Colonel Palombo. Captain Ricci explained the reasoning for this directive.

Q. And again, what basis did the Department have to seize personal recordings from the computer of Officer Josefson?

A. Colonel Palombo's attitude was that it's work-related material and therefore, property of the police Department. As we spoke about on Monday, I believe that was due to the case involving Patalano.

Q. And did you also agree with that, or was that Colonel Palombo's interpretation, sir?

A. Colonel Palombo's interpretation.

Captain Ricci advised that at the time he questioned Sergeant Josefson regarding his digital recorder, there were discussions that his recordings could have been a violation of criminal law and an illegal wiretap. Captain Ricci further advised that Sergeant Josefson had been provided with his Garrity Rights and was compelled to answer the line of questions regarding his digital recorder. Captain Ricci advised in his mind, any thought of initiating criminal charges against Sergeant Josefson were immediately dismissed when Sergeant Josefson was provided with his Garrity Rights and his questioning ensued. Sergeant Josefson's compelled

statements and or anything that came from his compelled interview could not be used in a criminal proceeding²².

Captain Ricci advised he was not part of formulating the charges or negotiations leading up to the last chance agreement. Captain Ricci advised in his opinion, Sergeant Josefson's conduct constituted insubordination and conduct unbecoming, but those charges were not included in any of the seven (7) charges against Sergeant Josefson. Captain Ricci explained that Colonel Palombo developed the last chance agreement with the involved attorneys. Captain Ricci could not recall ever having any direct conversations with either attorney prior to the settlement agreement.

As the Officer in Charge of the Office of Professional Standards Unit, Captain Ricci was asked to provide his opinion on the seven (7) charges contained within Sergeant Josefson's last chance agreement.

- *Possession of a digital voice recorder for the purposes of surreptitiously recording other members of the Cranston Police Department.*

Captain Ricci stated that the recording policy had not been properly disseminated and, as such, Sergeant Josefson should not have been charged with this violation.

- *Possession of a digital voice recorder in the Office of Professional Standards after being ordered by Captain Carl Ricci to secure all electronic devices in the storage area in the Executive wing.*

Captain Ricci stated that Captain Josefson was insubordinate and should have been charged with insubordination. After further discussion, Captain Ricci admitted that it was his belief that Sergeant Josefson simply forgot that the recorder was in his pocket.

- *Conducted an unauthorized investigation into another member of the Department.*

²² Garrity Rights protect public employees from being **compelled to incriminate** themselves during investigatory interviews conducted by their employers. *Garrity v. New Jersey* (United States Supreme Court, 1967) held that compelled statements cannot be used in a subsequent criminal proceeding.

Captain Ricci advised that Colonel Palombo determined that anyone who collects information on someone else would constitute an investigation, and since it was not authorized by Colonel Palombo, it would be an unauthorized investigation. When asked if Captain Ricci agreed with the charge, he stated he did not and stated one would need more to constitute an investigation.

- *Improperly and without authorization did disseminate information regarding official business of Department.*

Captain Ricci stated Sergeant Josefson was charged with this violation because he allowed Lieutenant Karen Guilbeault of the Cranston Police Department listen to a recording that Sergeant Josefson had made.

- *Failed to treat the official business of the Department as confidential.*

Captain Ricci stated this was again the result of Sergeant Josefson allowing Lieutenant Karen Guilbeault of the Cranston Police Department to listen to a recording that Sergeant Josefson had made.

- *Made and submitted inaccurate reports and caused to be entered into Departmental records or reports inaccurate or improper information.*

Captain Ricci advised this charge was cited because Sergeant Josefson's original complaint memorandum referred to a missing arrest package that was later found to have been in fact incomplete, because it lacked one (1) document. The original memorandum did not indicate that the arrest package did not contain this one (1) document. When asked if there was a specific definition for what constitutes an arrest package, Captain Ricci stated he was unaware of any policy that contained an arrest package definition.

- *Was not familiar with the contents of the Department's Rules and Regulations as required.*

Captain Ricci stated Sergeant Josefson should not have been charged with this violation because Sergeant Josefson had never been advised of the policy.

Lieutenant Vincent McAteer was interviewed as part of this inquiry as a result of his being assigned to the Office of Professional Standards Unit, an assignment he had off and on since 2009. Lieutenant McAteer also advised he has been assigned to the Office of Inspectional Services and has very good working knowledge of both the development and dissemination of departmental policies. Lieutenant McAteer advised he was present for the first interview with Sergeant Josefson in July 2013, when his initial complaint memorandum was being investigated. Lieutenant McAteer advised he was assigned to the Office of Inspectional Services as the Acting Captain and Officer-in-Charge of that unit in October of 2013, when Sergeant Josefson's digital recorder was seized.

When questioned about the recording prohibition, Lieutenant McAteer stated that he was never made aware of the recording prohibition during his tenure within the Department. He stated he learned of the prohibition from a conversation with Captain Ricci in late June or early July 2013. It was at this time that the Office of Professional Standards created a new standard that prohibited the use of recording devices specifically within the Office of Professional Standards. Lieutenant McAteer noted this provision was developed as a result of a conversation between Colonel Palombo, Captain Ricci and Lieutenant McAteer regarding concerns that recordings were taking place within the unit. Lieutenant McAteer advised the purpose of this provision was to prohibit the use of *non-surreptitious* recordings within the office.

Further questions regarding the recording prohibition policy resulted in Lieutenant McAteer advising that the Cranston Police General Order 120.00, clearly directs the process in which a new policy or revised policy should be disseminated within the Department. Lieutenant McAteer advised that generally, for new policies, an email notification goes out to all personnel regarding the particular policy indicating that it can be found on the Inspectional Services Division bulletin board, located in roll call room. This is a part of General Order 120.01. After it is put out on the roll call board, there is a certain amount of time that elapses that officers have to review the policy, ask supervisors any questions, and contact a member of the Inspectional Services Unit. Sometimes there are revisions made as a result of this vetting period. Lieutenant McAteer advised that there is an activation date for new and revised policies. After a certain date the revision or the new policy will come into effect and all officers are to abide by that policy. Contained within the policy is an acknowledgement that officers understand the policy

and will be responsible for that policy going forward. Before the activation date, or on or about the time of the activation date, an IMC email is authored to all the officers, and when they open up that email, it confirms receipt and understanding of the policy.

Lieutenant McAteer advised Captain Antonucci was assigned to the Office of Inspectional Services at the time the revisions of the policy allegedly occurred and if an email would have been sent, it would have been Captain Antonucci's responsibility. Lieutenant McAteer advised that his review of the recording prohibition in General Order 130.00 had not followed any of these procedures. Lieutenant McAteer advised that an employee could not be held responsible for knowledge of a policy, if the policy was not properly disseminated.

Lieutenant Russell Henry was interviewed regarding his knowledge of the Sergeant Josefson investigation. Lieutenant Henry was assigned as the lead investigator after Colonel Palombo initiated the investigation. Lieutenant Henry advised he was a twenty-one (21) year veteran of the Department, who had been assigned to the Office of Professional Standards Unit during the October 2013 interview of Sergeant Josefson. Lieutenant Henry was also identified as a former Executive Board member of the IBPO, Local 301, in which he served for approximately eight (8) years.

Lieutenant Henry advised us that Captain Ricci was concerned that Sergeant Josefson was recording while being interviewed in the Office of Professional Standards. Lieutenant Henry advised that he and Captain Ricci contacted Colonel Palombo to inform him of their concern. When Lieutenant Henry was ordered to question Sergeant Josefson regarding the matters previously described, Lieutenant Henry acknowledged that the line of questioning was directed by Colonel Palombo. Lieutenant Henry also acknowledged that he was not aware of a policy prohibiting surreptitiously recording Cranston Police Department members. He further stated that he could not recall if the policy had been disseminated within the Department. Lieutenant Henry acknowledged that there are many policies and e-mails about rules that have changed and said it is the responsibility of each individual officer who receives an email to read it. Lieutenant Henry also confirmed that Colonel Palombo as well as Major Ryan had arranged a private security firm to conduct surveillance on Sergeant Josefson. Lieutenant Henry said, *"the Colonel was concerned that there was some conspiracy going on with tape recordings between Josefson and other members of the Department and that he wanted to know if any of these people were going to Josefson's house to talk to him."*

Lieutenant Henry was questioned about his findings at the conclusion of the Professional Standards investigation into Sergeant Josefson. Lieutenant Henry stated he developed a memorandum upon his conclusion of the investigation and recommended that Sergeant Josefson be charged with two violations of misconduct: Insubordination and Conduct Unbecoming. Lieutenant Henry further advised that he was advised by Major Ryan to revise his report and include three additional charges: 1) Possession and use of audio recording device, 2) Knowledge of regulations, and 3) Conducting an unauthorized investigation. Lieutenant Henry stated that he did not agree with these three additional charges, but complied with Major Ryan's orders.

During the course of the investigation, the Attorney for the City of Cranston, Attorney Jeffrey Kastle and the attorney provided by the union, Attorney ██████ were interviewed. Attorney Kastle indicated that he was provided with the details of the situation and assisted with drafting the last chance agreement. He said at the time he became involved, an agreement had already been negotiated among Sergeant Josefson, his union attorney, and the Cranston Police Department. He advised it was at this point that he began to finalize the last chance agreement with Attorney ██████. Although Attorney Kastle advised he was familiar with the charges, after assisting with the drafting of the last chance agreement, he did not have any involvement in determining the charges against Sergeant Josefson. Attorney Kastle advised any questions regarding the charges contained within the last chance agreement would have to be directed to Colonel Palombo and Major Ryan.

Attorney ██████ was interviewed via a telephone interview. Attorney ██████ stated he was no longer retained by the IBPO, Local 301 and was unsure if he could speak about the Sergeant Josefson matter. However, Attorney ██████ advised that he never personally listened to Sergeant Josefson's recordings and was informed of the internal investigation and desired charges by Colonel Palombo. Attorney ██████ stated Sergeant Josefson "*recorded everyone*" and had done so for years and noted that he was "*not the best cop*" and "*nobody wanted to work with him.*" Attorney ██████ further stated that Josefson's job "*was on the line*" and that "*they wanted him strung up.*" When asked if Attorney ██████ understood the recordings to have been obtained via an illegal wiretap or without one-party consent, Attorney ██████ stated he believed some of the recordings violated state law and that Sergeant Josefson "*wore a wire.*" However, Attorney ██████ reiterated that he had not personally listened to the actual recordings and relied solely upon the information presented to him by either Colonel Palombo or Major Ryan.

Attorney ██████ was not pleased that he had been contacted and was now being asked questions regarding the Sergeant Josefson case. He noted that he had saved Sergeant Josefson's job and that Sergeant Josefson was satisfied with his services. Attorney ██████ surmised that Sergeant Josefson was now feeling "*empowered*" by the union's new attorney, Attorney Paul Saccoccia, and that Sergeant Josefson may now be re-thinking his options.

When asked if Attorney ██████ was aware of Sergeant Josefson having any prior disciplinary issues, which would warrant a last chance agreement, Attorney ██████ noted that Sergeant Josefson had submitted a false report to the Department regarding an arrest. This incident Attorney ██████ was referring to was when Sergeant Josefson submitted his complaint memorandum to Lieutenant Guilbeault and was included within the last-chance agreement. Attorney ██████ ended the call by stating that he would research further if he should provide the State Police with a formal statement, since he is no longer retained by the IBPO, Local 301.

On June 5, 2014, Attorney ██████ contacted the State Police and inquired if he was under any investigation regarding the Sergeant Josefson case due to Attorney Paul Saccoccia's position within the National IBPO organization. Attorney ██████ was advised that he was not under investigation, at which point he reiterated that neither he, nor his law firm were retained by the IBPO, Local 301.

On Tuesday, June 10, 2014, Attorney ██████ was again contacted regarding his willingness to provide members of the State Police with a formal statement. Attorney ██████ declined to provide a formal recorded statement, but did agree to answer questions. Attorney ██████ stated the last chance agreement was formulated by himself, Sergeant Josefson, Attorney Kasle and Colonel Palombo. Attorney ██████ further advised that he directed Sergeant Josefson to sign the last chance agreement based on Sergeant Josefson's best interests and Attorney ██████ perspective at the time of the investigation.

Attorney ██████ further stated that Colonel Palombo was seeking to terminate Sergeant Josefson, due to the "*egregiousness*" of the recordings and the potential for criminal charges associated with the recordings. Attorney ██████ stated that there were other charges that Sergeant Josefson was facing and the charges outlined in the last-chance agreement were the charges that were agreed to by all parties involved. In fact, Attorney ██████ stated he was concerned because Sergeant Josefson had admitted to lying during the investigation and Attorney ██████ felt the last

chance agreement was the only viable option to ensure Sergeant Josefson would remain employed by the Cranston Police Department and salvage his career.

Upon reviewing the entire investigation leading up to the last chance agreement, we did not find any evidence or instance that could be construed that Sergeant Josefson had lied. We found him truthful and forthcoming regarding the line of questioning prior to his last-chance agreement as well as during our inquiry regarding the incident. As previously mentioned within this document, if the allegations of being untruthful is from Sergeant Josefson stating that an arrest folder had been submitted, and then through further investigation it was revealed that one (1) document had not been completed within the arrest folder, that clearly does not constitute the charge of untruthfulness of which he was charged. That indicates that an incomplete package was submitted.

Attorney [REDACTED] continually advised that he never personally listened to Sergeant Josefson's recordings and all of the information regarding the investigation was solely provided to him from Colonel Palombo. Attorney [REDACTED] advised that he had carbon copied Captain Antonucci, the IBPO, Local 301 President in all email correspondences between himself, Attorney Kasle and Sergeant Josefson. Attorney [REDACTED] stated that he routinely did this regarding any and all events regarding union clients.

Attorney [REDACTED] concluded that if some of the charges lodged against Sergeant Josefson were erroneously filed, they should be corrected. Attorney [REDACTED] reiterated that at the time of the negotiations and based on his experience as an attorney as well as the information presented by Colonel Palombo, he felt the last chance agreement was crafted in the best interest of Sergeant Josefson in order to salvage his law enforcement career. He also stated that although he recommended to Sergeant Josefson that he accept the last chance agreement, Attorney [REDACTED] left the decision up to Sergeant Josefson. The below email was sent to Sergeant Josefson from Attorney [REDACTED] on November 14, 2013. Sergeant Josefson voluntarily provided this email to the State Police and consented to the email being included within this report.

-----Original Message-----

From: [REDACTED]

Sent: Thursday, November 14, 2013 11:48 AM

To: [REDACTED]

Subject: Re: FW: Josefson

Dear [REDACTED],

What were the criminal charges (state and federal) that they said I violated? (I was curious and wondering what they were) If this goes to a Bill of Rights hearing the union does not represent me? They still have not told me what the policies were that were violated. Can we get that please? Castle mentions a case from Providence, is that precedent for this case and similar. If so can I get the name of the case so I can read it? If the worse case scenario happens and I lose my job, do you know what I get? (Accrued comp time, sick time, vacation time, and pension contributions)

As to the agreement, I still don't agree with Probationary Status as that was not agreed upon. I also don't agree with the end of section 6 (c) which states that I can pretty much be fired for any violation of Rules and Regulations and that was not agreed upon. We were informed that the Last Chance Agreement only covered the charges that were brought against me. (The tape recorder)

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: FW: Josefson

Date: Thu, 14 Nov 2013 22:13:48 +0000

Matt-

I've been in meetings most of the day, but I had a chance to discuss the language I drafted and added regarding the "arbitrary and capricious standard" with the Department's attorney, Jeff Kasle. He agreed with me on the meaning and principle of the language ... namely to incorporate the understanding that the "probationary status" is not typical "probationary status" in that you cannot be terminated or subjected to higher levels of disciplinary charges during the one year period than normal and customary levels of charges, except of course for the "Covered Charges". He only requested a minor change in the language which I was OK with as it does not change the meaning of what I drafted.

I incorporated the new language into the draft agreement and attached a copy for your review. Please note however, that while Jeff is recommending the language

to the Department, the Department needs to give its approval. On that same token I am sending this to you for your approval.

Also, they will agree to no other changes in the Agreement. Basically, if you don't agree to what we have negotiated now over the past 2 weeks in several drafts, they will move for termination. As you and I discussed, because the circumstances underlying such termination charges do not stem from the performance of police duty (i.e. the unauthorized and potentially illegal audiotaping of conversations is not within the scope or performance of duties) ... the Union cannot and will not represent you in such termination charges and you will have to hire an attorney with your own funds. As you and I discussed, in my experience the Department possesses a strong case for termination.

Also, the other matter Jeff mentioned isn't relevant or helpful to your case, it's just a case we both worked on regarding a demotion and prohibition from taking future exams.

Therefore, I recommend that you accept this Last Chance Agreement that we have negotiated. However, that decision is yours ultimately.

Thanks, [REDACTED]
[REDACTED] Esquire
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On July 24, 2014, Captain Antonucci was interviewed at the law office of Attorney William J. Conley, Jr. At the time of this interview, Captain Antonucci was on paid administrative leave from the Cranston Police Department, pending his adjudication of his LEOBOR hearing, as described above. Captain Antonucci advised that he is an eighteen- (18) veteran of the Cranston Police Department and the former President of the IBPO, Local 301 Union. Captain Antonucci advised he has held an elected position within the IBPO, Local 301 for the past fifteen (15) years. Captain Antonucci was assigned to the Office of Inspectional Services as the Officer-in-Charge prior to being placed on administrative leave. Captain

Antonucci had been assigned to the Office of Inspectional Services as the Acting Captain from November 26, 2012 through July 15, 2013, when he was transferred to the position of day shift Patrol Commander. As mentioned earlier within this report, Captain Antonucci was promoted to the rank of Captain on, July 24, 2013.

Captain Antonucci was asked a series of questions regarding his knowledge of the Sergeant Josefson incident, which led up to the last chance agreement. Captain Antonucci advised he was aware of the incident, but didn't have a "*full comprehensive understanding of it.*" Captain Antonucci advised he didn't recall when he was advised by Colonel Palombo that they had discovered Sergeant Josefson had been secretly recording other members of the Department, but was advised that he (Captain Antonucci) was one of the members Sergeant Josefson had recorded.

Captain Antonucci advised that after discovering that he had been recorded by Sergeant Josefson, Captain Antonucci intentionally did not get involved in the internal investigation. Captain Antonucci advised he believed Colonel Palombo brought the information to his attention, because Captain Antonucci was the IBPO, Local 301 President and Captain Antonucci had been recorded by Sergeant Josefson. Captain Antonucci advised he had little knowledge of the investigation and the charges contained within the last chance agreement, because he had intentionally removed himself from the investigation.

Captain Antonucci was asked whether he learned that the Department was considering charging Sergeant Josefson for violating the recording policy. He said he knew there was an investigation but he didn't know the specific charges and had no role in the last chance agreement negotiations.

Captain Antonucci was then asked a series of questions regarding his knowledge of the revised rules and regulations, pertaining to the possession and use of audio recordings within the Cranston Police Department.

He stated he believed Colonel Palombo approached him in December of 2012 to modify the policy. Asked whether that was related to the revelation that Captain Patalano had a series of recordings potentially of command staff members and other Department members, Captain Antonucci said he was not sure of the timing, but said, "*I think that was probably in the back of a lot of peoples' minds.*" Upon receiving the request from Colonel Palombo, Captain Antonucci advised sometime in December of 2012, he began researching and speaking to others within the

law enforcement community who may have similar policies prohibiting the practice of surreptitiously recording members. Captain Antonucci was advised that following a forensic examination of his computer, a document was found to have been created in February of 2013, and the new prohibition was added to the Department's rules and regulations. Captain Antonucci confirmed the document may have been created in February of 2013, but he believes he first began research on changing the policy in December of 2012.

As mentioned earlier within this report, on April 23, 2014, a forensic examination was performed on the Cranston Police computer hard drive assigned to Captain Antonucci, the network storage drive allocated specifically to Captain Antonucci, and the network storage drive allocated to members of the Office of Inspectional Services who have been provided access to this storage location. As a result of this examination, a Microsoft Word document titled, "RULES & REGS.doc" was located on Captain Antonucci's network storage drive, with a creation date of February 20, 2013. This document contains the Cranston Police rules and regulations, with the prohibited recording language added. Captain Antonucci advised he began researching a change to the policy shortly after being assigned to the Office of Inspectional Services on Monday, November 26, 2012, but a review of all three (3) storage locations, revealed this was the first document to contain the language regarding surreptitiously recording other members of the Cranston Police Department.

Captain Antonucci was then asked a series of questions regarding the email he sent to Lieutenant Alan Loiselle of the Cranston Police Department on April 26, 2013, containing one (1) attached file, "130.00 Rules and Regulations.doc." A review of the attached document revealed it contained the recording prohibition section on page thirteen (13). Captain Antonucci advised that he didn't recall specifically why he emailed the rules and regulation policy, containing the recording prohibition language to Lieutenant Loiselle. Captain Antonucci advised that it wouldn't be unusual for him to consult with other members of the Department when considering making policy changes, as Lieutenant Loiselle was a respected veteran member of the Department who Captain Antonucci held in high regards and would want his feedback on suggested policy changes.

As mentioned earlier within this document, Lieutenant Loiselle had no recollection about the email and stated he was unaware of the recording prohibition until Sergeant Josefson was disciplined in the fall of 2013.

Captain Antonucci was then asked a series of questions regarding when the revision to the rules and regulation was finished. Captain Antonucci explained that there were numerous draft copies developed regarding the change in policy, while it was sent back and forth between himself, Colonel Palombo, Major Schaffran and Major Ryan. Captain Antonucci advised the Colonel and both Majors had input in developing the change to the policy. Captain Antonucci further advised that eventually a final version was approved by the Colonel and two Majors and returned to him.

Captain Antonucci then advised that after getting the final authorization to revise the rules and regulations to reflect the prohibited recording language, he went into the IMC database and made the changes within the current rules and regulations document. Captain Antonucci advised he is not sure when this was completed. Captain Antonucci then advised that he made the changes within a Microsoft Word document within the Policy and Procedures Master Policy folder on the network drive of the Office of Inspectional Services. In addition, Captain Antonucci advised that he had made a PDF version and saved that document within the Policy and Procedure Master Policy folder. Captain Antonucci explained that this process is completed in order to track the creation date and indicate if any updates or revisions were made to the policies. He was advised that a forensic audit was performed on his Department computer and certain documents relating to this incident were located. He was asked a series of questions regarding the development and dissemination of the policy and the following is an excerpt from his interview.

Q. Would you be surprised that the forensic audit that we have conducted through the Rhode Island State Police has revealed that this policy was never disseminated among the rank and file of the Cranston Police Department?

A. That would not surprise me, no.

Q. Why do you say that, sir?

A. Colonel Palombo instructed me not to disseminate it.

Q. Okay, so you formulate a policy; it's requested to be implemented, but it was never implemented at the direction of Colonel Palombo, is that correct?

A. Yea....he asked me - actually, specifically told me not to disseminate it, and I left it at that.

Q. Is there a reason why, did he give you an explanation, --

A. No.

From Captain Antonucci's statement as well as the evidence obtained from the forensic examination and further inquiry, Colonel Palombo and Captain Antonucci discussed revising the Cranston Police rules and regulations sometime after Monday, November 26, 2012. Captain Antonucci researched this policy change and on February 20, 2013, created a Microsoft Word document with the draft changes. It appears on Thursday, August 29, 2013, when Captain Antonucci created the PDF document it was saved within the Master Policy file. After the policy changes were finalized on Thursday, August 29, 2013, Captain Antonucci indicated the policy was never distributed to members of the Cranston Police and therefore the revised changes could not have been known to members of the Department.

Throughout Captain Antonucci's interview, Captain Antonucci repeatedly advised that he intentionally stayed out of the Sergeant Josefson investigation and did not have any first-hand information regarding its progress or the discussions leading up to the last chance agreement. Captain Antonucci also advised he never listened to the recordings and was only provided information from Colonel Palombo that Sergeant Josefson had recorded Captain Antonucci. Captain Antonucci advised other members of the Executive Board of the IBPO, Local 301 were assisting Sergeant Josefson during the internal investigation, but admitted that they were inexperienced and Captain Antonucci advised them to call an attorney for Sergeant Josefson. Captain Antonucci advised he does not recall Attorney [REDACTED] sending him any versions of the last chance agreement or documents relating to the last chance agreement.

A review of emails revealed Captain Antonucci's personal email account was included as a carbon copy on several emails between Attorney [REDACTED] Attorney Jeffrey Kastle and Sergeant Josefson leading up to the last chance agreement. No other members of the Cranston Police Department or IBPO, Local 301 were included in these messages. The content of these emails discussed the last chance agreement and included an attached file with the proposed draft last chance agreement with revisions.

Captain Antonucci admitted to signing the last chance agreement, but advised he never thoroughly reviewed it and was under the belief if the Administration and Sergeant Josefson agreed to the terms, he as the President of IBPO, Local 301 with fifteen (15) years of experience involving labor disputes, was okay with the agreement. Captain Antonucci was provided with the signed last chance agreement to review again. Captain Antonucci refused to offer his opinion on whether the seven (7) charges contained within the last chance agreement were appropriate and advised he did not have enough information regarding the investigation to offer an opinion. The following excerpt is from Captain Antonucci's interview.

We feel it is important to include the below questions and answers to highlight the condescending tone and the inability of Captain Antonucci to recognize his professional and ethical responsibilities.

- Q. Okay. Well, you stated that at this particular point in time that the policy of surreptitiously recording members of the police Department was not in effect - or it was never disseminated among the troops. Sergeant Josefson was charged with this violation. If a member of the police Department had never received that policy change or did not know about the policy....should he have been charged with this violation, sir? In your opinion.*
- A. Well, I think you raise a... an interesting argument, but I also think that the conduct is so reprehensible that I don't know it needs to be written in the Rules and Regulations, in my opinion, in order to charge him with it....but I guess you - you raise a - an interesting argument that that may be a defense to that.*

We inquired with Captain Antonucci regarding the logic of developing a new rule and regulation prohibiting recording within the Police Department and never disseminating it to members of the Department, but then disciplining a member for violating the policy that no one had been advised of.

- Q. You were in charge of Accreditation, correct? You researched the policy, contacted an agency in Florida, developed a policy, sent it to the majors, sent it to the Chief, obtained a finalized version of the verbiage, entered it into the computer system, but did not disseminate it to the sworn members of the police Department. Is that correct?*

A. *That's correct.*

Q. *Matthew Josefson was subsequently charged with violating that policy. It's "A." It's listed right here as the very first charge. And as the Lieutenant stated, that policy was never disseminated. Is that correct?*

A. *That's correct.*

Q. *Yet he was charged with violating a policy that he was unaware of. Is that correct?*

A. *That's correct.*

Q. *Is there any way possible he could have known that that policy existed if you didn't disseminate it?*

A. *Yes.*

Q. *How?*

A. *If he had read through the -- taken the time to go through the policies in the IMC, he would have known.*

Q. *And when did you disseminate -- When did you make that change in IMC?*

A. *I don't recall. Sometime --*

Q. *Did you make that change in IMC?*

A. *I believe I did, yes.*

Q. *Because our records indicate that that actually, the PDF was done in August.*

A. *Okay.*

Q. *But there was never an email that went out, like these --*

A. *Correct.*

Q. *-- indicating that there's a change. Is it your contention that an officer comes into duty and is required to read every single policy of your hundred and thirty-seven policies prior to going on the road to ensure he knows all of those policies,[ice clinking] to ensure that he knows all of those policies? [ice clinking]*

A. *Sorry, the ice came out --*

Q. *Okay.*

A. -- came out of the pitcher.

Q. Is it your contention that they have to read all of the policies before they go in the road?

A. No.

Q. How is it possible that Matthew Josefson should be held to that standard, though?

A. If this were some minor change in a rule or regulation, I would agree with you, Sergeant. Again, I think his conduct was so reprehensible that it goes without saying.

Q. Can I stop you there?

A. You can stop me.

Q. You - you said it goes without saying.

A. Yes.

Q. But you contacted an agency in Florida.

A. I did.

Q. If it goes without saying, why did you have to make the policy?

A. I was asked to by the Chief of Police.

Q. Do you see the issue with the logic there? Your contention is that you don't need a policy for this.

A. That- that's my contention.

Q. But you spent months, --

A. Possibly.

Q. -- developing and researching and creating a policy. You subsequently created the policy, but you didn't disseminate it.

A. That's correct.

Q. You don't know why you didn't disseminate it?

A. The Chief told me not to.

Q. But do you have any idea why he would do that?

A. He's the boss; I do what I'm told.

Q. I understand. Should Matthew Josefson be charged with a violation of a policy that he did not know about?

A. It's not my decision to make.

Q. I realize that. But you were the union president. You're a captain. You're in charge of Accreditation.

A. Mm hmm.

Q. You're not a brand new recruit in the academy.

A. That's correct.

Q. You have eighteen years on the job.

A. I did.

Q. And fifteen years in a union position.

A. Correct.

Q. How can a member be required to comply with a policy that he was never told about?

A. There's not a policy that I'm aware of that says you shouldn't open your driver's door when you're driving down the road with a police car either, but everybody knows not to do it.

Q. But you didn't write a policy about opening up your driver's door.

A. Yeah.

Q. In this case you - you wrote a policy, and then he was held to that policy, and he was actually charged twice with it. The first one was for violating the policy. And the last charge was for not knowing there was a policy that was never disseminated. How can you charge someone with not knowing that there was a policy?

A. That's not my forte, that's not my area of responsibility, that was -- those charges were levied by the Chief, and with the Internal Affairs Office of Professional Standards. I had no role in that, and so that - that's really outside my - my area of expertise, if you will, Sergeant.

Q. So you're saying you had no role in it.

A. I didn't.

Q. But you were the last signature on that document. You were the union president.

A. You're correct.

Q. So how do you not have a role in it?

A. As I said from the beginning, I tried to stay as far out of this investigation as I could. After I was notified by Attorney [REDACTED] that Attorney [REDACTED] was okay with it, Officer Josefson was okay with it, and Colonel Palombo was okay with it, and the city's attorney, Attorney Kasle was okay with it, they asked me to sign, basically acknowledging that the union had sanctioned this, if you will. I had no role in negotiating this; I didn't see this document until the day that I signed it. And I kind of breezed through it because it had already been agreed to by Officer Josefson and by the - all the parties involved, which I wasn't one. So yeah, I did sign that as acknowledgement that the IBPO had sanctioned that. But we pay our attorneys a lot of money to handle those types of issues. So if that was - if - if the attorney on both sides was okay with that, and the officer who was accused was okay with it, I wasn't really going to be somebody to stand in the way of that.

Captain Antonucci concluded the interview with advising that this was the first last-chance agreement that he had been a part of during his fifteen (15) years' experience with the IBPO, Local 301. In addition, Captain Antonucci advised he believed this instance was the only formal discipline Sergeant Josefson had faced during Sergeant Josefson's nine (9) years of service within the Department. Captain Antonucci was advised that during Colonel Palombo's interview, Colonel Palombo said he did not want Sergeant Josefson charged with possession of a digital voice recorder, nor did he want him charged with failing to know about Department rules and regulations. Colonel Palombo advised that he had made an error by signing off on those charges, because he knew the revised policy had not been disseminated to the rank and file officers by Captain Antonucci. Colonel Palombo failed to provide a reason why Captain Antonucci never sent out the revised policy.

Colonel Palombo was interviewed in the law office of Adler, Pollock and Sheehan in the presence of Attorney John A. Tarantino. Prior to beginning any questioning, Colonel Palombo was provided a copy of Sergeant Josefson's executed last-chance agreement and the Office of Professional Standards reports resulting in Sergeant Josefson's discipline. This was the result of a request from Colonel Palombo to be allowed to review the documents to refresh his memory

prior to initiating the interview. Once he and Attorney Tarantino reviewed the provided documents, the interview commenced.

Colonel Palombo was specifically questioned regarding his knowledge of the investigation. His recollection of the events suggested he was very familiar with the investigation, despite the time lapse. Colonel Palombo provided an overview of the investigation and confirmed that it began based on an untruthful memorandum authored by Sergeant Josefson. Colonel Palombo stated that Sergeant Josefson claimed to have completed an arrest package when in fact he had not. According to Colonel Palombo, Sergeant Josefson's assertions were inaccurate and ultimately resulted in Sergeant Josefson being charged with submitting an inaccurate report.

(As described above, Sergeant Josefson's memorandum did not indicate that he had completed an arrest package, only that he had created a package to assist other officers who were involved in the arrest.)

Colonel Palombo advised that Sergeant Josefson's memorandum was false, because Sergeant Josefson inaccurately advised that he created an arrest package and then left the package after completing his shift. Despite the fact that the internal investigation revealed evidence that Sergeant Josefson had printed out the arrest report and obtained a BCI, Colonel Palombo continued to assert that an arrest package was not created and a new package needed to be reprinted from within the Cranston Police records management system. Colonel Palombo said that Sergeant Josefson's contention that he had "*created*" an arrest package was equivalent to him stating that he had "*completed*" an arrest package.

We failed to recognize the logic in the charging of Sergeant Josefson. Colonel Palombo advised that based on the investigation and statement from Sergeant Josefson, he had not submitted a completed arrest package and therefore was untruthful with his submitted memorandum. It should be noted that Colonel Palombo throughout the entire interview was evasive and never clearly answered any of the questions with a definitive response.

Colonel Palombo was then directed to the language used in the last-chance agreement regarding "subversive behavior." He was asked what was meant by the language within the last-chance agreement. Colonel Palombo then provided the following explanation.

This question and answer is included to highlight Colonel Palombo's evasiveness in answering our questions.

Q. At the beginning of the second paragraph, whereas, it lists subversive behavior. It doesn't list, it simply states, "subversive behavior to the Department." Do you know who came up with that verbiage?

A. I don't recall.

Q. Could it have been you?

A. It may have been. But I don't recall specifically.

Q. So if you don't recall specifically, then you wouldn't recall what was meant by it. Or would you?

A. Oh, I - I - I would tell you what it is meant by.

Q. Please.

A. We have -- we have an officer who is surreptitiously recording supervisors while they're correcting him and trying to counsel him. And it - you know, it undermines the very efficiency and effectiveness of how a police Department can operate.

(It should be noted that Colonel Palombo and Major Schaffran had surreptitiously recorded Captain Patalano and other members of the Cranston Police Department prior to the Sergeant Josefson matter.)

Colonel Palombo was then asked to explain each of the seven (7) charges listed within the last-chance agreement and how he reached the decision to institute the charges. Colonel Palombo continued to be evasive with his answers. Colonel Palombo stated he was surprised to read the first two (2) charges on the last chance agreement, which dealt with the possession of a digital voice recorder. Colonel Palombo explained that he was adamant that Sergeant Josefson should not be charged with violating the recording policy. Colonel Palombo was questioned extensively on his involvement in developing the charges and his final review of the last chance agreement. Colonel Palombo was unable to explain why he signed the last chance agreement with the final charges, if he was so adamant that they did not apply to Sergeant Josefson's conduct.

Colonel Palombo stated that Sergeant Josefson should have been charged with conduct unbecoming, for surreptitiously recording other members of the Department and with insubordination, for failing to secure all electronic recording devices prior to entering the Office of Professional Standards Unit. When asked to explain himself further, Colonel Palombo stated

that he discovered that the recording prohibition in the rules and regulations was never properly disseminated to members of the Department and therefore, Sergeant Josefson should not have been charged with violating that section. Colonel Palombo was unable to provide any reason on why the revised policy was not disseminated properly and at times placed the blame on a civilian member of the information technology (IT) unit within the Department.

During Captain Antonucci's interview, he advised that the revised rules and regulations were not disseminated after being finalized in August of 2013, because Colonel Palombo ordered Captain Antonucci not to send them out. Colonel Palombo did not mention any contact with Captain Antonucci regarding the development of the revised rules and regulations or the lack of dissemination. Colonel Palombo's only mention of Captain Antonucci during Colonel Palombo's approximate one (1) hour and thirty (30) minute interview, was to acknowledge Captain Antonucci's signature on the executed last-chance agreement. Colonel Palombo was unable to accurately provide any reason why the last chance agreement was executed and Sergeant Josefson was disciplined, when the first two (2) charges were incorrect.

Colonel Palombo further acknowledged reviewing the last chance agreement prior to signing as well as having limited contact with Attorney Kasle and Attorney ██████ in formulating the agreement. Colonel Palombo advised Major Ryan was mainly responsible for the development of the document with Attorney Kasle and Attorney ██████. Colonel Palombo admitted having discussions with Attorney ██████ regarding the investigation and charges, but again was very evasive and indicated that the discussions were limited.

Colonel Palombo advised that the revised rules and regulations, prohibiting surreptitious recordings within the Department as well as the directive of no electronic devices within the Office of Professional Standards Unit was a result of a conversation Colonel Palombo had with Mayor Fung. Mayor Fung instructed Colonel Palombo to institute a policy prohibiting this practice and this was in response to the Captain Patalano investigation.

Colonel Palombo advised that he wanted to terminate Sergeant Josefson, but Attorney ██████ would never agree with termination. Colonel Palombo described Sergeant Josefson as "*an impressionable kid*" who took poor advice from other members of the Department. Colonel Palombo further stated that Sergeant Josefson lacked discretion as a police officer, but never had disciplinary issues. Colonel Palombo advised that Sergeant Josefson's actions were so egregious, that termination would be a suitable disciplinary action. Colonel Palombo further

explained that Sergeant Josefson's actions "*cut to the very heart of police work*" and noted that the last chance agreement was "*the deal of the century*" for Sergeant Josefson. Colonel Palombo stated Sergeant Josefson was never placed on unpaid suspension and was never financially affected as a result of the investigation. Colonel Palombo minimized the discipline contained within the last chance agreement and failed to note the emotional and financial hardship the demotion may have caused Sergeant Josefson.

Colonel Palombo advised that he knew other members of the Cranston Police Department were negatively influencing Sergeant Josefson, which impacted this investigation. Colonel Palombo stated that he believed that Captains Patalano, Guilbeault and Carnevale all called Sergeant Josefson after he was placed on administrative leave, but had no evidence of what was discussed. As indicated within Lieutenant Henry's interview, Colonel Palombo was concerned that there was a conspiracy between Sergeant Josefson and other members of the Department, specifically Captains Patalano, Guilbeault and Carnevale.

Colonel Palombo was asked a series of questions regarding a private investigator being hired to conduct surveillance on Sergeant Josefson. Colonel Palombo reasoned that he was concerned that Sergeant Josefson would either contact or be contacted by other members within the Department and divulge information regarding the investigation. Colonel Palombo advised that the private investigator was used to determine if Sergeant Josefson had any contact with other members of the Department after being ordered not to do so. As mentioned by Sergeant Josefson, every Friday, while on leave, Sergeant Josefson received a telephone call from the Office of Professional Standards to determine if he had contact with anyone from the Department. Colonel Palombo advised the private investigator was used to determine if Sergeant Josefson would be honest and admit to any contact Sergeant Josefson had with members. Colonel Palombo was then asked a series of questions regarding potential criminal charges against Sergeant Josefson as a result of the discovery of his surreptitious recordings. He noted that Sergeant Josefson was taping "*second and third party [sic] without their knowledge; that's in violation of the wire-taping act.*"

As with other members involved in the investigation, Colonel Palombo was asked to provide insight regarding the seven (7) charges within the last chance agreement. Colonel Palombo already advised that the first two (2) charges dealing with possession and use of the digital recording device should not have been included within the last chance agreement.

Colonel Palombo advised that the more appropriate charge would have been conduct unbecoming an officer to replace the first charge and insubordination would have been a more appropriate to replace the second.

Colonel Palombo was then asked to explain the third charge of “*Conducted an unauthorized investigation into another member of the Department.*” Colonel Palombo stated that Sergeant Josefson collected information over a period of time, while on duty and without authorization and thus had conducted an unauthorized investigation. The information Colonel Palombo was referring to, were the twenty (20) audio recordings, which were obtained due to Sergeant Josefson’s belief that he was being targeted or treated unfairly.

Colonel Palombo explained the fourth charge of “*Improperly and without authorization did disseminate information regarding official business of Department*” was the result of Sergeant Josefson’s admission that he had allowed Lieutenant Guilbeault, of the Cranston Police Department – at times Sergeant Josefson’s immediate supervisor – to listen to the audio recordings he had obtained.

Colonel Palombo advised the fifth charge of “*Failed to treat the official business of the Department as confidential*” went along with the fourth charge.

Colonel Palombo advised the sixth charge of “*Made and submitted inaccurate reports and caused to be entered into Departmental records or reports inaccurate or improper information*” was previously noted above regarding Sergeant Josefson’s submitted memorandum on Monday, July 8, 2013.

Lastly, Colonel Palombo advised the seventh charge of “*Was not familiar with the contents of the Department’s Rules and Regulations as required*” should not have been included in the last-chance agreement, as the revised policy was never disseminated to the rank and file officers of the Cranston Police Department. When asked, Colonel Palombo again failed to provide any reasoning on why he signed off on a last chance agreement, which resulted in Sergeant Josefson being demoted, when he admits that three (3) out of the seven (7) charges contained within the last chance agreement were not appropriate. Colonel Palombo also failed to provide any insight on why he did not take corrective measure regarding this flawed last chance agreement, when he was aware of the inappropriate charges. In addition, Colonel Palombo advised he that never sought to remedy that the revised rules and regulations had not been properly disseminated. Colonel Palombo advised that there had been past discussions regarding

sending it out, but no action was ever taken to disseminate the recording prohibition provision to ensure awareness and future compliance.

Colonel Palombo was asked questions relating to his prior involvement in any last chance agreements. Colonel Palombo acknowledged that the Sergeant Josefson last chance agreement was the only last chance agreement he had signed as the Chief of Police. We are surprised that Colonel Palombo and Captain Antonucci, the President of the IBPO, Local 301 at the time did not take more of an interest in reviewing the contents of the last chance agreement, given their lack of experience with last chance agreements. In this particular internal investigation, Colonel Palombo was found to have supplied questions to the Office of Professional Standards, which were asked during Sergeant Josefson's interview. This is an uncommon practice for a Chief of Police to be this deeply involved in the investigatory process. The Office of Professional Standards Unit is typically set up to independently investigate allegations of wrong doing in a police Department and bring their findings of the investigation to the Chief of Police. The Chief of Police has the authority to determine discipline based on the investigation. In this particular matter, Colonel Palombo was an integral participant in the internal investigation and he was also the final authority in determining Sergeant Josefson's discipline. As indicated above in bold, Colonel Palombo advised in his interview that three (3) out of the seven (7) charges contained within the last-chance agreement were not appropriate.

The one (1) hour and thirty (30) minute interview with Colonel Palombo, in the presence of Attorney John Tarantino, revealed troublesome issues regarding the Sergeant Josefson investigation and last chance agreement. Colonel Palombo admittedly maintained a significant working knowledge of the nuances of Sergeant Josefson's actions and expressed serious concerns with those actions, but failed to adequately explain elementary decisions made by his administration, which culminated in a last chance agreement. Attempts were made during the interview to obtain specific information and pivotal elements of the investigation, but Colonel Palombo failed to satisfactorily answer several direct and specific questions.

As noted, there are many aspects of this investigation and last-chance agreement, which are problematic. After reviewing this incident, we do not believe any of the charges contained within the last-chance agreement are supported with factual evidence and should have never been charged.

The twenty (20) recordings seized from Sergeant Josefson were produced over a two- (2) year period. The last recording was created on Wednesday, August 7, 2013. From Captain Antonucci's interview and forensic examination it doesn't appear the language prohibiting surreptitiously recording within the Department was finalized and approved as a rule and regulation until Thursday, August 29, 2013. Even if the policy had been properly disseminated, Sergeant Josefson would not have been in violation, because his conduct occurred prior to the policy's inception.

On Wednesday, August 27, 2014, we met with Mayor Fung and after a detailed discussion with him regarding the unjustified demotion of Sergeant Josefson, we recommended he be restored to the rank of Sergeant immediately.

Mayor Fung was fully apprised that the discipline issued to Sergeant Josefson was a clear example of mismanagement and intimidation within the Department. Sergeant Josefson began recording conversations for fear that he needed to protect himself. After his recordings were revealed and the subsequent internal investigation ensued, it was clearly apparent why Sergeant Josefson had this belief. Colonel Palombo clearly disregarded established policies and intimidated Sergeant Josefson into signing the last chance agreement for violating a policy Colonel Palombo knew wasn't properly disseminated. On September 25, 2014, a completed report regarding this inquiry was provided to City Solicitor Evan Kirshenbaum.

We had discussed with Mayor Fung on several different occasions the recommended resolution to this issue of restoring Sergeant Josefson to the rank of Sergeant within the Department immediately. As of the submission of this report, Mayor Fung has still not taken the necessary corrective measures to rectify this issue.

We reviewed the charges contained in the Last Chance Agreement against Sergeant Josefson and made the following conclusions:

Possession of a DVR for the purposes of surreptitiously recording other members of the Cranston Police Department.

Findings: This policy may have been drafted and included in the rules and regulations but it was never disseminated to Sergeant Josefson. Colonel Palombo confirmed that this policy was not properly disseminated to any member of the Department. As a result, this charge should have been withdrawn per Colonel Palombo's "adamant" instructions.

Possession of a DVR in the Office of Professional Standards after being ordered by Captain Carl Ricci to secure all electronic devices in the storage area in the executive wing.

Findings: If the Department was desirous to charge Sergeant Josefson with this offense, the last chance agreement should have identified the action as insubordinate behavior and not simply identified Sergeant Josefson's actions. Noteworthy, Captain Ricci stated Sergeant Josefson may have forgotten the recorder was in his pocket when he had failed to place it in the storage closet. Sergeant Josefson also claimed he forgot the device in his pocket.

Conducted an unauthorized investigation into another member of the Department.

Findings: This charge was derived from General Order 130.01. Colonel Palombo stated that Sergeant Josefson collected information over a period of time, while on duty and without authorization and thus had conducted an unauthorized investigation. Lieutenant Henry noted that he believed Sergeant Josefson's actions were not commensurate with an "official" investigation. The Department's assertion that Sergeant Josefson was conducting an investigation appears baseless.

Improperly and without authorization did disseminate information regarding official business of the Department.

Findings: This charge alleges that Sergeant Josefson allowed Lieutenant Guilbeault to listen to the recording(s) captured by Sergeant Josefson. Noteworthy, the use of a recorder is not germane to substantiate this violation. The actual charge reads as follows:

Official Information, Dissemination of – An officer and employee shall treat the official business of the Department as confidential and shall conform to the following guidelines:

Findings: Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Departmental procedures.

An officer shall not remove or copy official records from a police installation except in accordance with established procedures.

An officer shall not divulge the identity of a person giving confidential information except as authorized by proper authority in the performance of police duties.

The Department's claim that Sergeant Josefson disseminated official business of the Cranston Police Department appears to lack any foundation.

Failed to treat the official business of the Department as confidential.

Findings: This charge alleges that Sergeant Josefson allowed Lieutenant Guilbeault to listen to the recording(s) captured by Sergeant Josefson. The charge is derived from charge #4. There is no documentation to show that the recordings captured by Sergeant Josefson were in fact confidential.

Made and submitted inaccurate reports and caused to be entered into Departmental records or reports inaccurate or improper information.

Findings: The information contained in the Sergeant Josefson memorandum to Lieutenant Guilbeault does not contain any inaccurate or improper information. The Department's assumption that Sergeant Josefson claimed that he completed the entire arrest package is flawed and is not an accurate account of the Sergeant Josefson memorandum. There appears to be no quantifiable evidence to sustain this charge.

Was not familiar with the contents of the Department's Rules and Regulations as required.

Findings: This charge alleges that Sergeant Josefson should have knowledge of the recording policy that was not disseminated. Colonel Palombo agreed that this charge lacks any factual or reasonable basis.

9.0 CAPTAIN KAREN GUILBEAULT

Captain Karen Guilbeault is a seventeen (17) year veteran of the Cranston Police Department. From January 2010 through January of 2014, Captain Guilbeault filed more than ten (10) grievances as a result of her belief that she was being treated unfairly and that the actions taken against her were in violation of the collective bargaining agreement. The majority of the grievances were either denied by the Executive Board of the IBPO, Local 301, or went forward and remained pending in January of 2014 when we assumed command of the Department.

On or about Thursday, March 21, 2013, Attorney Stephen E. Breggia sent the City of Cranston a “Notice of Claim and Demand”, which alleges discrimination based on Captain Guilbeault’s gender. Captain Guilbeault alleges that Mayor Fung, Colonel Palombo as well as other ranking members within the Cranston Police Department engaged in gender-based discrimination during her period of employment with the Cranston Police Department. She claims gender discrimination on at least twelve (12) different occasions while employed with the Department. She is currently the highest-ranking female officer within the Department and was the first female to be promoted to the rank of Lieutenant and then Captain in the history of the Department. She referenced several incidents she believes support her claims of gender-based discrimination within the Department. Many of these occurred when she was assigned as a Sergeant to the Division’s Traffic Unit. She alleges the police administration at the time discriminated against her by not staffing the Traffic Unit with sufficient personnel, as had been done under male Sergeants. In addition, she alleges that she was denied proper training and essential equipment for the Traffic Unit. She advised that this prevented her from effectively completing her assigned duties and was inconsistent with how other male supervisors in the Department were treated. One of the incidents she cited to support her gender discrimination claim involved her denial or loss of promotion to the rank of Lieutenant in 2010.

She alleges that she was denied or lost a promotion to the rank of Lieutenant in October 2010, after Lieutenant Russell Henry was promoted to a previously nonexistent ninth (9th) Lieutenant position within the Department, just several weeks prior to the expiration of a promotional list, on which he held the number one position.

On Monday, May 24, 2010, then-Captain Ryan was promoted to the rank of Major. This promotion will be discussed later in this report within the *Vacant Major Positions (Executive and*

Adjunct Officers) section. At the time of this promotion, there was not an active Captain's promotional list in place from which to promote a Lieutenant into the vacant Captain's position. As a result, an acting Captain position was awarded. This resulted in a vacant Lieutenant position for a temporary period, while the awarded Lieutenant assumed the acting Captain's position. Instead of appointing another acting Lieutenant to this vacancy, Lieutenant Henry was promoted on a permanent basis and just prior to the Lieutenant's promotional exam expiring. This created nine (9) Lieutenants within the Department, with one (1) of those Lieutenants assuming the temporary acting Captain position until a new Captain's promotional list could be certified. The Cranston City Code prescribes that the police Department have eight (8) eight Lieutenants.

In June 2010, Captain Guilbeault finished first on the new certified Lieutenant promotional list for future vacancies within the Department. On Thursday, October 7, 2010, a permanent Captain was sworn into the vacant Captain position, which would have normally resulted in a vacancy within the rank of Lieutenant. Since Lieutenant Henry had already been promoted as a ninth (9th) Lieutenant and prior to the promotional list expiring, he filled the vacancy. This prohibited Captain Guilbeault from being promoted at that time. Captain Guilbeault alleges that Lieutenant Henry's promotion to a ninth (9th) Lieutenant within the Department was intentional and in violation of the Cranston City Code. Captain Guilbeault alleges that this was done to ensure Lieutenant Henry was promoted and would not have to re-test for the new promotional list in June of 2010. Captain Guilbeault alleges that she should have been promoted when the vacancy occurred on October 7, 2010. Captain Guilbeault advised that after the acting Captain position was made, an acting Lieutenant and acting Sergeant should have also been made. Then when the permanent Captain position was established, all acting positions would end and those officers would return to their original rank within the Department. Captain Guilbeault alleged that the unconventional promotion of Lieutenant Henry was based on favoritism and is an example of the gender discrimination she encountered within the Cranston Police Department.

During our tenure at the Cranston Police Department, when the two (2) vacant Major positions existed within the Department, Captain Guilbeault, who had held the first position on the active Captain's promotional list, made a formal request to Mayor Fung to be promoted to Captain. This request was made because it was anticipated that the promotional list would expire

prior to any new promotions being made within the Department and Captain Guilbeault would have to re-test for future promotions. Although this promotion would have resulted in the Cranston Police Department having one (1) additional Captain position, as prescribed by the Cranston City Code, the situation was the same as when Lieutenant Henry was promoted to the ninth (9) Lieutenant within the Department. One could assume that with the two (2) vacant Major positions, eventually two (2) Lieutenants would be promoted to Captain. This is similar to the assumption that after the 2010 Captain's promotional list was certified and a permanent Captain was sworn in, a Lieutenant's vacancy would occur. Captain Guilbeault's request was denied by Mayor Fung due to the fact that there were no vacancies at the rank of Captain at the time of her request.

On November 18, 2014, the Cranston Police Department made promotions, even though the two vacant Major positions had not been confirmed by the Cranston City Council and were being staffed by two (2) Captains, who were appointed as acting Majors. The top two (2) candidates from the promotional lists for each rank were promoted, one day prior to the lists expiring. Captain Karen Guilbeault, who remained in the top position for the majority of the two- (2) year period that the list was in effect, was promoted to the rank of Captain. Colonel Winquist advised that it was necessary for the Department to make these promotions prior to the list expiring, because those members who were promoted followed the process and successfully earned their positions on the lists. If it weren't for the leadership problems within the Department, which ultimately led to the State Police assuming command of the Department, those promotions would have been finalized many months earlier. Colonel Winquist advised that at the beginning of October and shortly after being sworn in as the Chief of Police, Chief of Staff Carlos Lopez advised Colonel Winquist, *"The Mayor wants those promotional lists to expire."*

Colonel Winquist disagreed with Mayor Fung's desire to have the lists expire and felt it was appropriate and fair to actively pursue filling the vacant Major positions within the Department in order that the other promotions could be made. We were advised by numerous members that although the promotional process was established to be fair and equitable for all members, there has been a history of outside and political influences affecting the outcomes.

Former Director Susan Bello held the position of Director of Personnel from December 2003 until she resigned from the position in May 2013. Prior to her employment with the City of

Cranston, she was employed by the Rhode Island Attorney General's Office from 1988 to 2003 as a Special Assistant Attorney General and Assistant Attorney General. She has remained a member of the Rhode Island Bar Association, but is currently living out of the State of Rhode Island. She was interviewed as part of this assessment and advised that the police promotional exams were the most problematic due to the influences from Mayor Fung, Colonel Palombo, certain members of the IBPO, Local 301 and former Director of Administration [REDACTED]

The promotional process was composed of a written exam, an oral board and seniority points. Many described that the oral board phase was the only part of the process that could be influenced. Former Director Bello provided details on some of the problems and improper behavior that she had encountered with the police promotional process. The following is her description regarding the improper behavior.

"Well, I mean, it - it would start ... In - in two thousand and - I want to say in - in the process in 2012, things kind of came to a head because as officers were coming in to review scores and that kind of thing, you know, between the written and the oral, they -- they started coming forth about things: that there - there was improper targeting; that people were getting improper discipline. And I was most familiar with some irreg- reg-- irregularities with Karen - I think she was then a lieutenant - Guilbeault. Because she had come to me and said that there were some things that were improper. I - You know, they - these people didn't make formal complaints with me, but what was complained to me repeatedly was that once Palombo came into office, that they could not go to the union because the union was picking and choosing whose grievance they wanted to go forward based on whether they were liked by the union or by Palombo.

So when people were starting to come to me and say we can't do anything, because, you know, my response would be go to the union and file a grievance, and I was told repeatedly that the gr- the, the union, because they were in bed with Palombo, wouldn't do anything about it. So these things started to filter through to me. But what - what I was privy to directly was during the exam process in 2012, there - there was an attempt to get the scores. And I am missing one email, but I do believe that I was contacted sometime in the beginning of October, and I believe it was by Major Ryan, in that they wanted the scores. The - the pressure was clearly regarding the captains' scores

primarily, then the lieutenants'. There wasn't that much interest in the sergeants' scores. But I was contacted by them demanding to see the scores of the written exam for captain, and at that point, I said no, because you - you'd never get the scores: the Mayor doesn't get the scores; the scores are - are protected by law.

Subsequent to that I got a phone call from Karen Guilbeault, and she could give you the date, but she indicated to me that of the five people that took the captain's exam, four of the five had disclosed their scores, and she had been pressured to disclose her score, and she refused. And she said that she believed that they would try to get her score through me. And I knew that she was the highest ranking written score. So if the other ones had the scores of everybody else, you know, if I were to release the score - her - not only her score directly, but indirectly, they would be able to figure out what was her score. So at the time I kind of thought she was being a little bit over the top on that. But within a week, and I do have that email, I received an email from Gerry Cordy, Robert - Major Ryan had contacted Carlos Lopez, who had no participation or responsibility in the promotional exams in any way. He had no responsibility over personnel matters in any way. And I have the email.

On October 15th, Ryan, which I thought was odd, because he should have sent the -- it to me, he sent a - an email to Carlos Lopez wanting the score - the range of scores, and he claimed it was under CALEA Standards. Now, this went from Carlos Lopez to Gerry Cordy, the Director of Administration, who sent it to me, and he said, in order to maintain accreditation, the police Department needs information to address the evaluation of promotional candidates; please review the request below and advise. And the request claimed that they needed to do an audit of the promotional process and that they - they were looking to evaluate the range of promotional scores. They were claiming: oh, we don't want anybody's name and we don't want anybody's direct score, we just want the range. But in the case of Karen Guilbeault, since she was the highest scorer, if I for some reason illegally gave them those scores, they would automatically know because they had the other four scores that oh, that was her score."

Former Director Bello further advised that she believed the attempt to obtain the range in scores was to identify Captain Guilbeault's score, which was the only unknown score after the

written examination. As stated by many within the Department, the oral board phase was the only phase in the promotional process, which could potentially influence the final combined score and an officer's placement on the certified list. The other four (4) Lieutenants involved in the promotional process were Lieutenants Stephen Antonucci, Vincent McAteer, Russell Henry and Paul Saccoccia. The following are additional questions and answers from former Director Bello:

- Q. If you did release those scores and they saw that the highest score was not one of the four and they con- they deduced that it was indeed Karen Guilbeault's score and she was the highest scorer, how would that have influenced the promotions?*
- A. Oh, what concerned me, and what concerned Karen Guilbeault and what was becoming apparent with other officers with the disciplines and the evaluations was that if she was the highest scorer, they would have -- they would have been, and if she believed, and -- and I kind of supported her viewpoint, that there was an attempt to discipline these people and jam them up and give them bad evaluations so that when they went before the oral panel, it would hurt them and put them in a bad light and affect their chances to come out as the top overall scoring candidate. Because it was a combination -- The total score was a combination of the written exam and the oral exam, plus seniority points. So if somebody was a top scorer in the written, but then they went into the oral and because of disciplines or bad evaluations or other things didn't do well in the oral, then they wouldn't come out as the top scorer.*
- Q. And if they -- if they thought that she indeed was the top scorer, they could have come up with some sort of disciplinary issue and imposed that discipline on her all the same, correct?*
- A. Absolutely. And - and - and - and during that time and prior to that time, they were disciplining her for some things that were just plain nonsense, as well as other officers. So um, you - you know, it was -- My obligation as Director of Personnel was to keep the whole process squeaky clean, and the process was not feeling very squeaky clean from the police end. And if I hadn't released the range of scores, they would have immediately known that c- the last -- the, the highest-*

ranking score was hers because they had the other four scores, which were not the highest-ranking score.

Former Director Bello further provided details regarding bullying and pressure she was receiving from Colonel Palombo.

Q. Okay. Sue, there was a question I had in during this process, and again, you state that [REDACTED] and you received repeated attacks as a result of your refusal to allow the process....the things that you discussed with us just over the course of the last hour or so, that would encompass this statement that you made in the letter?

A. Yeah. And I have a lot of emails...I have - I have pretty much all the emails to back that up.

Q. Okay.

A. You know, it was a constant -- Going back to 2010, when Fung came in, you know, the attitude by the union, and -- and once McGrath went and Palombo got promoted, is it ca-- you know, they were catered to. And the staff in personnel was reduced, but everything was, you know, jump how high they tell you to, and - and how often they tell you to. And I pushed back on a lot of it, and there - there was-- And I have the do- I have the e-mails going back to 2010 to ... you where -- You know, we go out to bid for the -- the written exams, and they tried to change things on the written exam, and when the scores were - were graded, and it was constant battle between me and the administration on how the process was done. In - in the past we had always given written notice to -- of the scores after the written and after the oral when the officer could either come over pick it up immediately or have it mailed, they pressured us to ge- to do e-mails, things weren't done fast enough, things were done too fast. And -- and - and I have a ... slew of documents to give you on that, and -- and it - it - it culminated in me, which I have to give you as well, sending a pretty n- a pretty professionally-scolding email to Colonel Palombo just saying, you know, I've had enough. And --

Q. Would that be also outlined in the ma- the - your resignation letter that --

A. That --

Q. -- is --

A. It ... it is, it's not in detail, but I - I pretty much state in my resignation letter that a secondary reason for me departing was that I had just had enough, I had absolutely had enough. It was constant bullying. And - and quite frankly, I had said there was -- there was -- there was bullying going on during the - the - the oral exams, there was issues over Palombo viewing the oral exams, the tapes of the oral exams. That was a huge issue. Now -- now by contract, Palombo had no authority to do anything other than look at the oral tapes: he couldn't punish anybody; he - he couldn't do anything. If he had known somebody had lied during the oral exam, his obligation was to come to me as director of personnel and notify me. And by civil service rule, I through the entire time of the civil service list, had the -- I had the responsibility; I could remove somebody from the list. If I learned during that two-year period that somebody lied or -- or something was improper, I could remove -- I can remove the person from the list. But what occurred with Palombo was that he started bullying the people that were candidates for the -- on the oral exam and calling them in and questioning them, and you can't leave. And so on - on November 20th, I -- I had had enough of the process. He tried to claim that I quote / unquote "certified the list" before he had done what he thought he could do on -- with the oral tapes. And my response to him was: Hey, you only get to look at them. And you were given an opportunity to look at them, and you weren't ... And you were given the tapes, I had an obligation to do the list and give out scores. So I sent him a -- a -- a pretty ugly e-mail on November 20th, which I - I can send to you, which I pretty much say to him, I outlined pretty much everything. And quite frankly, the next day on the -- that was on a Tuesday. The next day on the Wednesday, I -- I came to believe that in time that he had an officer tail me from my house to work.

As indicated with other people detailed within this report, Former Director Bello advised Colonel Palombo used bullying tactics to intimidate people and obtain the information he wanted. Former Director Bello did not provide any additional information supporting her statement that, *“he had an officer tail me from my house to work.”*

Former Director Bello advised that at one point after the oral board phase, Colonel Palombo sent Major Schaffran to her office to get a copy of the recorded video of some of the oral interviews. Former Director Bello advised that the process had not even finished and it would be premature for her to release the tapes at that time. Mayor Fung got involved after Director Bello refused to relinquish the tapes. Former Director Bello advised during her statement,

“So Fung came up, because I wasn't in my office to talk on the phone or anything else, but we kind of got into a back and forth, and Fung kept demanding, you know, why -- I wouldn't discuss it with Fung. I said, I can't discuss it with - with you - with Schaffran standing there, you need to send Schaffran away and I'll discuss it with you. And at that point I said to -- to Fung, I said, look, they're trying -- they're trying to fix the scores, they tried to get the scores, they're playing with the system. And - and Fung said -- Fung played stupid and he said, "Well I didn't know about that." And I said, "How could you not know?" I said, "I have emails to Jerry Cordy on this.”

In former Director Bello's resignation letter to Mayor Allan W. Fung on May 6, 2013, she wrote:

“A contributing factor in the reason for my resignation is the repeated attacks that both [REDACTED] and I have endured from Marco Palombo and Stephen Antonucci. They have engaged in bullying, thuggish behavior that has blossomed since you took office. It is clear to me that they feel enabled and empowered by you. They have told repeated lies about [REDACTED] and me as well as the business that has occurred in the Department of Personnel. I am tired of having the rank and file come in and say “Gee, you both are nothing like what they tell us about you.”

I am tired of having to defend myself and my professional character from their repeated lies. They are never held accountable for these actions.

During the last promotional process illegal attempts were made to obtain the Captain's scores, purposeful punitive evaluations were given in the mistaken thought that they would be graded during the oral exam and a host of other problematic behavior occurred. Much of that conduct has ripened into grievances and pending arbitrations which I am sure will cost the City thousands of dollars in legal fees.

While you have chosen to reject Lt. Guilbeault's claims about mistreatment, I have seen what treatment she, Officer Josefson and Sgt. Needham and others have been subjected to during the last round of promotional testing. There seems to be no accountability at all. While it is your prerogative to support Marco Palombo and Steve Antonucci, I refuse to continue to be subjected to their behavior.

How unfortunate for me that after 9.5 years with the City I have to leave under these conditions. However, this ugly employment experience leaves me with no choice but to leave. I have no desire to continue my employment with the City. I wish you well with my successor."

Although the above details do not include all of the content of her resignation letter, they provide another example of Mayor Fung's mismanagement and awareness of attempted manipulation of the process by Colonel Palombo, Captain Antonucci and others within the Police Department. The sanctity of a promotional process is a direct reflection of the credibility of that organization, internally and externally. At the conclusion of the 2012 Captain's promotional process, Captain Antonucci finished first and was ultimately promoted to the rank of Captain on Wednesday, July 24, 2013, after Captain Dodd was involuntarily awarded a disability pension from the City of Cranston. Captain Guilbeault finished second during the process, but has alleged that her final score was negatively impacted during the oral board phase, due to frivolous discipline, which was instituted prior to the promotional process. Although Captain Guilbeault attempted to file in excess of ten (10) grievances during a three (3) years period as a result of her belief that Colonel Palombo was targeting her, she felt this was the only recourse to defend

herself and prevent the discipline from affecting her prospects of being promoted within the Department.

As mentioned in early sections within this report, the allegations of secretly recording other members within the Department were of serious concern for Colonel Palombo. Although Colonel Palombo had concerns, examples have been detailed within this report of Colonel Palombo surreptitiously recording other members. In addition, on December 7, 2012, Major Schaffran recorded a conversation with Captain Guilbeault without her knowledge. In this conversation, Major Schaffran provided Captain Guilbeault with a written reprimand for failing to make the proper notification regarding a cruiser involved in an accident during a high-speed pursuit. Captain Guilbeault disagreed with Major Schaffran and denied any wrongdoing regarding the incident. Captain Guilbeault advised Major Schaffran that she felt she was being singled out and harassed. Major Schaffran's transcript of this recorded encounter was located within his Department computer files.

Captain Guilbeault's lawsuit is still pending. She is currently a Captain serving in the Cranston Police Department.

10.0 VACANT MAJOR POSITIONS (EXECUTIVE AND ADJUNCT OFFICERS)

As described above in this report, Captain Patalano alleged that the process in 2009 for selecting the Colonel and Major within the Department was flawed and in violation of the Collective Bargaining Agreement (CBA) with the IBPO, Local 301, and the Cranston City Charter.

We reviewed and interviewed several members regarding the process. Mayor Fung advised that shortly after Colonel McGrath retired from the Department, he assembled a committee for the selection process for the position of Chief of Police only. The committee was composed of Commissioner Steven M. Paré, former Cumberland Police Chief Anthony J. Silva and Mayor Fung. The committee interviewed those eligible and interested candidates from within the Department in order to select the best candidate for the position of Chief of Police.

When questioned regarding how then-Acting Chief John Schaffran assumed the position of Major after Colonel Palombo was selected as the Chief of Police, Mayor Fung initially stated on several occasions that the process was for the Chief of Police only. Mayor Fung then changed his account of the process and advised the selection process was combined for the positions of Colonel and Major within the Department. Mayor Fung advised that then Director of Personnel, Bello, would have sent out letters to those eligible for the process.

Commissioner Paré was contacted and advised that the process he participated in was for the selection of the Chief of Police. Commissioner Paré advised he has no recollection that the process was to establish a list to fill vacancies to the rank of Major within the Cranston Police Department.

We contacted former Director of Personnel Bello, who provided the following information regarding the selection process in 2009. She advised that the selection process initially was only for the Chief of Police. She was asked how Major Schaffran came to be appointed to that position. She advised that Mayor Fung took it upon himself to decide what criteria to use. She advised all the information regarding the process would be contained within a file created for the posted position.

We contacted Director of Personnel, Robert Coupe and requested records regarding the 2009 selection process for the Chief of Police. Director Coupe supplied records, which indicated that on June 12, 2009, Mayor Fung sent out letters to then-Captains Palombo, Schaffran and Ryan regarding conducting interviews for the positions of Colonel and Major within the Police

Department. The letters indicated that the three (3) members possessed sufficient time and grade pursuant to the CBA to apply for the vacancies.

Captain Patalano alleged that if the intent of the 2009 selection process was to establish a list of candidates for those positions, he and others within the Department were eligible and should have been offered the opportunity to participate in the selection process. He alleges anyone in the Department who would have met the time-in-grade requirement while the list was active would have been eligible to participate in the selection process.

He advised that in June of 2009 he did not have the necessary time and grade requirement of three (3) years as a Captain. However, at the time the second Major position was filled in April of 2010, he did possess the necessary requirements to be considered for the position. Captain Patalano advised that during all promotional processes within the police Department, when an eligibility lists is established, all members who meet the time and grade requirement during the time period of the active list are also eligible and included to participate in the process. Captain Patalano advised that during the June 2009 process, all Captains who would have met the three (3) year time and grade requirement, during the time period that the list was in effect, should have been included in the process.

We reviewed other promotional processes within the police Department. Numerous examples were observed of candidates who were included in processes that, at the time the process were initiated, did not meet the time and grade requirement, but had met the requirement during the time period that the promotional list was in effect. In instances where an officer was on a promotional list, but had not yet satisfied the time and grade requirement, that officer would be passed over until that requirement was met. As recently as November 2014, certain officers are currently listed on active promotional lists, but their eligibility to fill immediate vacancies are restricted until they reach the necessary time and grade. These officers were given the opportunity to participate in the promotional process and may be promoted from those established lists.

Mayor Fung advised that he relied on the Personnel Department at the time to accurately provide him with eligible candidates and said he wouldn't have known if it were to involve all candidates, which may have become eligible during the time period of the list.

As stated earlier within this report, in January of 2014, the Cranston Police Department had one vacant Major position. This vacancy was the result of Major Schaffran retiring from the

police Department on September 23, 2013. Following Major Schaffran's retirement, Major Ryan assumed the dual roles of his current position as the Adjunct Officer and that of the vacant Executive Officer position.

Many in the Department believed that the vacant Major position wasn't filled after Major Schaffran's retirement because Captain Patalano was the senior Captain eligible for the promotion and Colonel Palombo was fearful that if Captain Patalano finished first in a new selection process, he would have had to promote him to the vacant position. As stated earlier, Captain Patalano at the time was on paid administrative leave from his stalled LEOBOR proceedings. In addition, many members explained that Lieutenant Guilbeault was the first Lieutenant on the certified Captain's promotional list. If Captain Patalano was promoted to the vacant Major position, this would automatically mean Lieutenant Guilbeault would be promoted to Captain Patalano's vacancy.

On December 9, 2013, Director Gerald Cordy sent letters to Captains within the Cranston Police Department who possessed the necessary time-in-grade to be considered for promotion to the vacant Major position. Those candidates interested in the promotion were required to respond to Director Cordy no later than December 19, 2013. This was the last correspondence regarding the vacant position. Many advised this lack of progress in promoting a member validated the belief that the promotional process was not continued for fear of who may be promoted.

Interestingly, after the involuntary disability retirement of Captain Dodd in July of 2013, as described earlier in this report, the Cranston Police Department promoted Lieutenant Antonucci to the rank of Captain, two (2) days after Captain Dodd was retired from the Department. Although at the time of Major Schaffran's retirement, there was not an active promotional list for the position of Major, the Cranston Police Department waited three (3) months to begin a process to attempt to fill this vacancy. Mayor Fung advised he did not know why this position remained vacant during that time period.

In January of 2014, as part of the initial meeting involving Mayor Fung, Colonel O'Donnell and Captain Barry, we agreed in the best interest of the Police Department that no promotions would take place while Captain Barry was the Acting Chief of Police. This was to eliminate any perception of favoring one officer over the other. With the retirement of Major

Ryan on Monday, May 19, 2014, the Department had two (2) vacant Major positions and all promotions were on hold within the Department.

11.0 COLONEL MARCO PALOMBO JR.

On February 28, 2014, we responded to the law office of Adler Pollock & Sheehan and met with Colonel Marco Palombo Jr. and Attorney John Tarantino. We requested to meet with Colonel Palombo regarding the [REDACTED] incident mentioned within this report as well as to speak to Colonel Palombo regarding the Cranston Police Department. As offered to all sworn and civilian members of the Department, we wanted to interview Colonel Palombo as part of conducting our assessment of the Department.

Colonel Palombo advised shortly after becoming the Chief of Police, he met with Chief Dean Esserman, of the Providence Police Department, regarding Chief Esserman's approach to community policing. Colonel Palombo advised that a stronger community policing model was an important initiative he wished to implement within the City. Colonel Palombo advised he instructed all Command Staff members to develop and submit a plan on how to best implement an improved community policing model. Colonel Palombo advised he only received proposals from two (2) members of his eight (8) member Command Staff. Colonel Palombo advised when he became the Chief, the Department was divided and there were some officers that would do anything to make his job more difficult. Colonel Palombo advised that promotions within the Department were a big contributor to the problems within the Department. Prior promotions made by former Colonels resulted in the Executive Board of the IBPO, Local 301, pursuing changes to the promotional system in 2008. By eliminating the "rule of three," that has been discussed earlier within this document, the Chief of Police had no discretion in the promotional process. The top candidate in each position would receive the promotion when positions were vacant.

Colonel Palombo advised that at the beginning there was a "honeymoon" period during which he shared a positive relationship with the Executive Board of the IBPO, Local 301. Colonel Palombo advised he instituted leadership training for all Sergeants within the Department as well as many additional training programs, which had not been offered in the past. Colonel Palombo advised he also initiated an investigation into the reporting practices of the Office of Professional Standards Unit, after he felt the reporting numbers were unusually low for the Department. Colonel Palombo did not elaborate on the details of the investigation because of the pending Captain Patalano LEOBOR case at the time of the interview.

Colonel Palombo also advised he continued the pursuit to become a nationally accredited police Department and was establishing strong ties to the community with newly instituted community policing models. Colonel Palombo advised he established weekly meetings with his Command Staff and stressed the importance of communication to eliminate the divide that existed within the Department. Colonel Palombo advised that the collective bargaining agreement with the IBPO, Local 301, restricted him from making positive changes within the Department. One change Colonel Palombo recommended was eliminating Lieutenants and Captains from the membership of the IBPO, Local 301. Colonel Palombo advised the union membership did not support this change. Any merit-based changes within the Department were prohibited by the collective bargaining agreement (CBA). Colonel Palombo advised many of the benefits within the CBA were the results of past administrations not treating all employees as equal. Colonel Palombo advised he tried hard to eliminate the “A” and “B” teams within the Department and was committed to holding all officers accountable for their wrongful acts. When discipline was instituted, Colonel Palombo advised some officers would believe that they were being singled out and picked on. They would align themselves with other malcontents, which contributed to the problems within the Department. Colonel Palombo advised that he would always address rumors immediately and found that many of the Lieutenants and above were helping foster negativity within the Department, but would never address it with Colonel Palombo when called upon. Colonel Palombo advised that our perception “was not the reality of the Department.” Colonel Palombo stated that members are now coming out and talking about the Department only because the State Police are doing an assessment. Colonel Palombo advised he was never aware of all of the problems or dissension among the rank and file, which are now being alleged.

Colonel Palombo advised that there was a huge lack of trust and discourse by some members of the Department and as such, *“I had to institute a specific rule on taping, because of an incident.”* Colonel Palombo ended the discussion by advising that he had an open door relationship with the IBPO, Local 301. When asked at the time of the interview if he could effectively return to the Cranston Police Department as the Chief of Police, he advised, *“Absolutely....but I may choose not to come back.”*

In addition to this meeting with Colonel Palombo, members of the State Police interviewed Colonel Palombo three other times during different phases of the eleven- (11) month

assignment within the Cranston Police Department. Numerous times throughout our tenure at the Cranston Police Department we were informed that Colonel Palombo was telling people that he was never given the opportunity to speak to us. Upon hearing this information, the State Police Superintendent, Colonel O'Donnell, or other members of the State Police would contact Colonel Palombo and extend additional offers to discuss his experiences with the Cranston Police Department. On each occasion, Colonel Palombo repeatedly advised that he would like to speak with members of the State Police, but his attorney advised him not to. Colonel Palombo frequently advised that if the State Police had any questions in formulating the information contained in the assessment, they could provide Colonel Palombo with questions and he would discuss answering the questions with his attorney. Colonel Palombo was advised that this would not be feasible or appropriate, but there is always an opportunity for him to speak to the State Police. Colonel Palombo also frequently sighted ongoing civil litigation as grounds for not wanting to speak with members of the State Police.

12.0 SIMILAR PROBLEMS CONTINUE AFTER COLONEL MICHAEL J. WINQUIST IS SWORN IN

On Wednesday, October 1, 2014, Colonel Michael J. Winkvist was sworn in as the twenty-second (22nd) Chief of Police for the City of Cranston. Captain Barry returned to the State Police and Colonel O'Donnell and Mayor Fung agreed to have Lieutenant Moynihan remain assigned to the Cranston Police Department as part of a limited transition period. Immediately, Colonel Winkvist encountered unexpected issues between himself and Mayor Fung. Many of the issues were similar in nature to previous problems plaguing the Department. As part of completing the assessment of the Department, Colonel Winkvist was asked to provide a written summary of those unexpected issues. The following information was provided to us from Colonel Winkvist.

The following is a statement from Colonel Michael J. Winkvist:

After Mayor Fung selected me to be Cranston's next Chief of Police, Mayor Fung stated that I would run the police Department and that he had the faith and trust in me to do what was necessary to lead the organization in a fair and objective manner. At no time did Mayor Fung or any member of his staff indicate that there were contingencies attached to my appointment. Under no uncertain terms did the Mayor or any member of his staff mention any promises, deals or assertions had been made by the Mayor to reinstate Captain Stephen J. Antonucci in any capacity. Captain Antonucci had been suspended by then-Acting Colonel, Captain Kevin M. Barry of the Rhode Island State Police, with pay in April 2014. This was the result of several Departmental charges brought against Captain Antonucci for allegedly ordering subordinate officers to ticket vehicles parked overnight in the neighborhoods represented by Council members who voted down the proposed Union contract earlier the previous night. The incident allegedly orchestrated by Captain Antonucci portrayed the Cranston Police Department in a negative light in the media and public over the next several months. Despite the many months that have passed, the negative impact of Captain Antonucci's action on the night in question has not ended. A high level of public scrutiny of the Cranston Police Department remains, which has contributed to morale issues among the rank of file.

On April 3, 2014, Mayor Fung held a press conference announcing his recommendation that Captain Antonucci's employment with the Cranston Police Department be terminated as the result of his alleged actions relating to the issuance of the parking tickets on the night in question. At the time of this announcement, Mayor Fung was a candidate for Governor. During the early stages of the State Police investigation and prior to the investigation being reviewed by Captain Barry, Captain Antonucci was afforded several opportunities to accept responsibility for his actions. I was advised that Captain Barry and Lieutenant Moynihan had numerous conversations with Captain Antonucci prior to the conclusion of the internal investigation in an attempt to have Captain Antonucci accept responsibility for his acts of wrongdoing and have the Department move forward in a positive direction. During these conversations, it was proposed that Captain Antonucci accept a demotion to the rank of Lieutenant. In addition, Captain Antonucci would be required to serve an undetermined unpaid suspension period and Captain Antonucci would be required to make a public apology acknowledging his leadership role in the incident. Captain Antonucci repeatedly declined to accept any responsibility for the incident and vowed to challenge the case when the charges were determined and presented to him.

Captain Barry and Lieutenant Moynihan repeatedly advised that after the final investigation was reviewed by them and the charges were determined, any future settlement discussions may not be an option due to the severity of potential charges. These discussions were prior to the internal investigation being completed and reviewed by Captain Barry and Lieutenant Moynihan. As a result of a thorough State Police investigation, formal administrative charges were filed against Captain Antonucci including two counts of "untruthfulness." Captain Antonucci challenged his termination and requested a Law Enforcement Officer's Bill of Rights (LEOBOR) committee review the decision of Captain Barry.

After being sworn in as the Cranston Police Chief at City Hall on October 1, 2014, at approximately 8:30 a.m., I returned to the police station to begin the process of meeting members of the Department. Shortly after arriving, I received a voicemail message on my personal cell phone from Captain Antonucci requesting a return call. Due to the pending LEOBOR charges and my focus on meeting with members of the police Department, I opted not to return Captain Antonucci's call. A few hours later, I received a second message from Captain Antonucci requesting to speak with me. I declined to return his call. I was surprised to see that Captain Antonucci had called my personal cell phone, as I had rarely used it in the past and had only

recently provided the number to Mayor Fung and a few members of his staff after relinquishing my State Police issued Department cell phone upon retirement.

At approximately 10:21 a.m., I received an e-mail from Mayor Fung's Chief of Staff, Carlos Lopez. The e-mail stated the following:

Dear Colonel,

Here is a draft of the agreed upon conditions for this matter to be resolved. Please let me know your thoughts.

Thank you, Carlos.

Attached to Mr. Lopez's e-mail was a "Last-Chance Agreement" for Captain Stephen Antonucci. The proposed agreement would have allowed for Captain Antonucci to return to the Cranston Police Department without any reduction in rank. In addition, Captain Antonucci would accept an unpaid suspension period, with an exception, for the time of April 3, 2014, to the date of accepting the agreement. During this time period, Captain Antonucci would be permitted to use his accrued sick days, compensatory time and vacation days so that he would not come off the payroll and would not feel the true hardships of an unpaid suspension period. Furthermore, Captain Antonucci would make a public statement acknowledging his role in the parking ticket scandal and serve a probationary period of six months. The agreement was not typical of a last chance agreement as it indicated Captain Antonucci could only be terminated if he violated a State law.

Shortly after receiving the e-mail and attached document from Carlos Lopez, I received a telephone call from Carlos Lopez asking me if I had a chance to review the last chance agreement for Captain Antonucci. Carlos Lopez advised "*Stephen was a good guy, who did a lot of good things for the Cranston Police Department.*" Carlos Lopez further added that the Mayor felt Captain Antonucci deserved another chance. I advised Carlos Lopez that I had not had a chance to fully review the document. During this same telephone conversation, I asked Carlos Lopez about initiating the promotional process for the positions of Major, Captain, Sergeant and Lieutenant, which were set to expire shortly. Mr. Lopez then stated, "*The Mayor wants those*

promotional lists to expire.” This conversation and e-mail from Carlos Lopez caused me great concern, so much so that I contacted the Mayor and requested to meet with him immediately.

On October 3, 2014, I responded to Mayor Fung’s office to meet with him about my concerns. When I entered the conference room, I learned that Carlos Lopez and Director of Administration Gerald Cordy would also be joining the meeting. During this meeting, I asked the Mayor about the promotional process for the position of Major and if Mayor Fung was attempting to have the current promotional lists expire prior to making any promotions within the Department. Mayor Fung indicated that was not the case and that he hoped to get the promotional process for the position of Major started so that the other promotions could be made using the current lists. I then advised the Mayor that Carlos Lopez had conveyed to me that it was Mayor Fung’s desire to have the current promotional lists expire. Mayor Fung reiterated that was not his desire and quickly changed the subject. Mayor Fung then quickly turned the conversation to Captain Antonucci. Mayor Fung advised that he wanted him back and Mayor Fung requested my support. I advised Mayor Fung that I could not support such a decision, as it would be detrimental to the morale and great progress that had made within the Cranston Police Department. I recommended that he let the LEOBOR process determine the outcome of the pending administrative charges.

Mayor Fung responded that Captain Antonucci was contrite and just wanted to come back to work. Mayor Fung further attempted to convince me that Captain Antonucci would be appropriately sanctioned based on the conditions outlined in the proposed last-chance agreement that Carlos Lopez had presented. I continued to voice my opposition to any deals for Captain Antonucci, as I believed it was ethically wrong and would damage my credibility as the newly appointed Chief of Police. I reminded Mayor Fung that my charge as the Police Chief was to protect the reputation and integrity of the men and women of the Cranston Police Department, who had been placed under a cloud of scrutiny for several months as a result of Captain Antonucci’s alleged actions. The conversation ended with Mayor Fung requesting that I contact Captain Antonucci for the purpose of setting up a meeting between Mayor Fung, Captain Antonucci and myself. Mayor Fung requested I schedule this meeting for the following Monday in order to discuss Captain Antonucci’s possible return as a Captain.

Over the weekend, I gave Mayor Fung’s directive great consideration and concluded that meeting with Captain Antonucci would be futile. I was confident that having the LEOBOR

process determine the outcome of the case was the only appropriate venue to resolve the matter. This was based on my awareness of the issues within the Cranston Police Department prior to my appointment as Chief and my daily contact with the members of the police Department. Many members of the Department had already voiced their concerns to me regarding the negative impact Captain Antonucci would have on the Department if he were to return. A negotiated agreement would be scrutinized by the rank and file and would further be criticized if his return did not result in at least a demotion in rank. Any negotiation would be viewed by the majority of the Department as preferential treatment, because of Captain Antonucci's friendship with Mayor Fung. It was well known throughout the Department of past political support of Mayor Fung over the years by Captain Antonucci and his family.

In early November, I received an email from Mayor Fung inquiring if I had contacted Captain Antonucci and made arrangements to meet with him on Monday, November 10, 2014. On the evening of Saturday, November 8, 2014, I sent Mayor Fung a reply email reiterating in great detail exactly why I was in opposition of negotiating the return of Captain Antonucci. Mayor Fung acknowledged receipt of my message and stated that he understood my position. Mayor Fung then requested I meet with him on Monday so that he could provide his perspective.

On Monday, November 10, 2014, I met with Mayor Fung at City Hall, at which time he asked Carlos Lopez to leave the room. Mayor Fung was more direct and indicated that he was bringing Captain Antonucci back to the Department despite my objections. Mayor Fung advised that the process had "dragged on long enough and it was time for Stephen to join the team to help move the Department forward." Despite my continued objections, Mayor Fung refused to acknowledge my concerns and finally advised me that he was going to dismiss the LEOBOR complaint under his authority as the Public Safety Director. Mayor Fung stated that he needed me to stand next to him as a symbol of support when Captain Antonucci would give his public apology. I again told Mayor Fung I would not support his decision, as it was the wrong decision for the police Department. Furthermore, if he dismissed the LEOBOR complaint, it would be viewed by the rank and file that decisions within the Department were controlled by politics and that my authority as the Chief of Police would be undermined. I informed him that matters of discipline within the police Department should be left to the Chief of Police and his intervention would undermine my ability to run the Department. I also voiced my concern that his personal and political relationship with Captain Antonucci may be preventing him from objectively

making a decision regarding the issue. Furthermore, I advised that most ethical course of action would be for Mayor Fung to recuse himself. Mayor Fung continued to lobby for my support regarding his decision, but failed to provide any valid reason for negotiating Captain Antonucci's return. I advised Mayor Fung that I planned on attending the scheduled hearing on November 13, 2014, in Providence Superior Court regarding Captain Antonucci's LEOBOR case.

On the morning of November 13, 2014, at approximately 7:59 a.m., I was included in an email sent from Mayor Fung to Attorney Vincent A. Ragosta, Jr. Mayor Fung advised Attorney Ragosta that he wanted the Captain Antonucci hearing continued and said Captain Antonucci's lawyer, Attorney William Conley, would be contacting Presiding Superior Court Justice Alice Gibney to request the continuance. It was clear from this message that Mayor Fung was in contact with Captain Antonucci and/or his lawyer, Attorney Conley. At approximately 12:06 p.m., I was included on an email sent from Attorney Ragosta to Mayor Fung. Attorney Ragosta advised that the hearing was rescheduled to December 11, 2014.

Within a few days of meeting with Mayor Fung, I responded to Director Cordy's office to drop off some unrelated paperwork. While speaking with Director Cordy, the topic of my opposition to dropping the Captain Antonucci complaint was initiated by Director Cordy. I informed Director Cordy I was considering resigning as the Chief of Police if Mayor Fung dismissed the LEOBOR complaint.

On November 17, 2014, after meeting with members of the IBPO, Local 301 at City Hall regarding the promotional process for the position of Major within the Department, Mayor Fung requested I meet with him and Director Cordy in the conference room. Mayor Fung inquired if I intended to resign if he dismissed the LEOBOR complaint against Captain Antonucci. I advised Mayor Fung that I felt strongly that the LEOBOR process should not be undermined, and felt that entering into an agreement with Captain Antonucci would not be supported by the majority of the rank and file membership of the Cranston Police Department. Favoritism and a lack of accountability were repeatedly expressed to me during my short tenure within the Department. I further explained that I believed what he was attempting to do was unethical and detrimental to the Department. I advised Mayor Fung that I was strongly considering resigning if he dismissed the complaint against Captain Antonucci. Mayor Fung then stated, he would hate to see me go, but if I had to, he would understand. Mayor Fung advised me that he we would have to figure out the best way to go about announcing my resignation.

Mayor Fung advised me that he had made an agreement with Captain Antonucci to return to the Department prior to me being hired as the Chief of Police and while the State Police was running the Department. Mayor Fung stated that he gave Captain Antonucci his word and that he always kept his word. I asked Mayor Fung if Captain Barry and/or Colonel O'Donnell were aware of this so-called agreement, which was made while the State Police were still managing the Cranston Police Department. Mayor Fung advised Captain Barry was not aware of the agreement. Mayor Fung further advised that Colonel O'Donnell had not been informed of the agreement, but Mayor Fung would be calling him shortly to let him know. I advised Mayor Fung that I was sure that Colonel O'Donnell would be less than pleased and wished him luck. Members of the State Police were fulfilling the prior requests of Mayor Fung to investigate and get to the bottom of the ticket incident and running the day-to-day operations of the Department, while simultaneously Mayor Fung was orchestrating an agreement with Captain Antonucci to return to the Department with little discipline. The meeting concluded shortly thereafter.

On Friday, November 28, 2014, Mayor Fung requested I respond to City Hall and attend a meeting to allegedly discuss Captain Sean Carmody's withdrawal from the selection process for the position of Major. Captain Carmody had sent a letter earlier to Mayor Fung and Director Cordy advising that he wished to withdraw from the selection process. Friday, November 28, 2014 was a scheduled day off, as it was the day after Thanksgiving. It was suspicious to me to be called back to work on a scheduled day off for what appeared to be not a pressing matter. I had heard earlier in the week that Mayor Fung had contemplated having me terminate Captain Antonucci's suspension and allow him to return to the police Department at the rank of Captain. Due to Thanksgiving, Mayor Fung decided to wait. In addition I heard that Mayor Fung had assured Captain Antonucci that I would be ordered to bring him back into the Department prior to Friday, November 28, 2014.

I arrived at City Hall at 2:00 p.m. and met with Mayor Fung and Director Cordy in the Mayor's conference room. Shortly after I entered the room, Mayor Fung stated, "What the hell was going on?" Mayor Fung then advised that I had been seen with Captain Carmody at the Thanksgiving Cranston East vs. Cranston West football game and I should have alerted Mayor Fung that Captain Carmody would be withdrawing from the selection process for the position of Major. Captain Carmody had advised me that he was contemplating the decision, but had not made a final determination. I advised Captain Carmody that it was his decision and that I would

support him either way. I was surprised Mayor Fung was asking me this, as there had been a series of emails during the prior week sent by Captain Carmody's attorney advising that Captain Carmody may withdraw from the process. Mayor Fung was an included recipient of these emails. When I asked Mayor Fung how notifying him of Captain Carmody's potential withdrawal from the process on Thanksgiving versus Mayor Fung receiving the letter from Captain Carmody as official notification the following day would have been advantageous. Mayor Fung was unable to provide a reason other than he prefers to be informed about personnel issues rather than being blindsided.

Mayor Fung immediately changed the conversation indicating he was troubled by hearing that the "A team" and "B team" division was resurfacing within the Department and that he had also learned of a potential class action law suit being discussed by certain members of the IBPO, Local 301 regarding the problems with the recent promotions. Mayor Fung failed to acknowledge that he had caused the delay in the promotional process by not taking any action over the two-week period after the interviews for the position of Major concluded. This inactivity was coupled with his failure to negotiate financial and security terms with the candidates until the last possible date that a candidate could be recommended to the Finance Committee for advice and consent prior to the current promotional list expiring. The Mayor's failure to act in a timely manner, despite my daily calls and emails was the cause for the contemplated class action suit. This situation was entirely avoidable and attributed to the Mayor's indecisiveness and lack of attention to the matter.

Mayor Fung quickly turned the conversation to Captain Antonucci and how he was going to dismiss the LEOBOR complaint. Mayor Fung questioned why I agreed to meet with Captain Antonucci and his attorney, but then changed my mind. I told Mayor Fung that after giving the situation careful thought and discovering that Captain Antonucci was not willing to accept a demotion, Director Cordy and I discussed that a meeting would be futile. The same disagreement over Captain Antonucci returning to the Department ensued, with Mayor Fung and I unable to come to a mutual agreement. Mayor Fung again advised that he would understand if I had to resign over the issue. I then informed Mayor Fung that I would not resign from the Department. I would explore my legal options if I was ordered to either withdraw the LEOBOR complaint or if Mayor Fung was successful in dismissing the charges and I was ordered to reinstate Captain Antonucci. Mayor Fung then stated, *"I see where this is going. You and the*

Colonel are going to blow me up.” I informed him that I would simply tell the truth of what was occurring to protect the best interest of the Cranston Police Department, which was my ultimate responsibility as the Chief of Police. I further advised that I had a twenty-four (24) year reputation in law enforcement to uphold and my reputation would be called into question if I were to leave after serving only two months as the Chief of Police. I had a responsibility to the men and women of the Cranston Police Department to do the right thing and not succumb to political pressures. I questioned the Mayor on how the residents of the City of Cranston would view his decision. He then stated that the public doesn’t see things the same way you guys do, referring to the State Police. Mayor Fung advised me that, *“This is political.”* I then questioned Mayor Fung if he thought I was political with my decision. Mayor Fung responded, *“you’re not, but Colonel O’Donnell is.”* I assured Mayor Fung that I was making my decision independently and in the best interest of the police Department. Mayor Fung advised that Captain Antonucci would be an asset to help heal the divisions within the police Department. He claimed that Colonel O’Donnell was involved in the drafting of the last chance agreement and that Attorney Ragosta told him that the case against Captain Antonucci was never a termination case, but Mayor Fung was advised to seek the maximum penalty. Both statements I know are not true, based on conversations I had with Attorney Ragosta and Colonel O’Donnell.

After leaving the meeting with Mayor Fung, I spoke with City Council President John E. Lanni Jr., as well as Council members Paul H. Archetto and Steven A. Stycos and advised them of Mayor Fung’s intentions of dismissing the LEOBOR complaint against Captain Antonucci and my serious concerns about his possible motivation to do so. I also advised the City Council members of my intent to refuse any order from Mayor Fung to dismiss the LEOBOR complaint or reinstate Captain Antonucci without the completion of the LEOBOR process. I advised them that I wanted to be sure they were aware of this information.

On Saturday, November 29, 2014, I was included on an email from Attorney Ragosta to Mayor Fung. At the request of Mayor Fung, Attorney Ragosta advised that he would be setting up a meeting with Captain Antonucci’s lawyer, Attorney William Conley Jr., for the upcoming week to discuss a possible mutual agreement for Captain Antonucci’s discipline and reinstatement to the Department. Attorney Ragosta stated that, based on his thirty-six (36) years of experience prosecuting and litigating LEOBOR cases, he was confident that the City of Cranston had a strong defense to Captain Antonucci’s Superior Court litigation seeking summary

dismissal of the LEOBOR charges as well as an even stronger case to present to the LEOBOR hearing committee for his termination.

On Wednesday, Dec 3, 2014, a meeting was held at Cranston City Hall. Attorney Ragosta advised Attorney Conley that I was not in favor of reaching any settlement agreement regarding Captain Antonucci's pending LEOBOR case. I continue to believe the best course is for the case to be adjudicated through the LEOBOR hearing committee and allow the LEOBOR committee to either sustain the recommendation of termination, instill a punishment they determined fair and appropriate or dismiss the case if it is determined to have no merit. Attorney Ragosta advised me as well as Mayor Fung that the investigation was strong and the evidence supported the pending charges.

13.0 INVESTIGATIVE REPORTER PARKER GAVIGAN

This section has been added to this report only because Mayor Fung has made public statements to Parker Gavigan, which is in conflict with Colonel Winkvist's accounts of the events listed below.

On February 5, 2015, NBC 10 investigative reporter Parker Gavigan reported that four (4) independent sources had reported that Colonel Winkvist and Mayor Fung had discussed Colonel Winkvist resigning from the Department and that Mayor Fung was willing to accept his resignation. The sources further advised that the discussions regarding Colonel Winkvist resigning were the results of a difference in opinion regarding a proposed settlement agreement with Captain Antonucci. Mayor Fung cancelled a scheduled on-camera interview and then later refused to answer questions posed by Parker Gavigan regarding the allegations. Mayor Fung released the following statement in response to Parker Gavigan's story.

"Please be aware that the Channel 10 report you have referenced which is based solely on unnamed sources, carries the weight of unsubstantiated rumor and innuendo. Mayor Fung and Col. Winkvist are jointly charged with protecting the safety of the Cranston residents and with enforcing all applicable laws within the City. They are working together cooperatively and professionally to achieve those goals. To answer your question directly, Mayor Fung has not made any effort to terminate the Colonel, nor has the Colonel offered his resignation. Any report to the contrary is simply false. If Colonel Winkvist has retained any legal counsel that is a confidential matter between him and his attorney. As you know, parties are prohibited from speaking publically about the Law Enforcement Officers' Bill of Rights hearing under RI law. Furthermore, any personnel matters, negotiations or litigation settlement/mediation discussions are confidential as well."

After announcing his selection of Colonel Winkvist as the next Chief of Police for the Cranston Police Department, Mayor Fung stated, *"Today marks the beginning of a brighter future for the men and women of the Cranston Police Department with a leader who will uphold the guiding principles of law enforcement – duty, service, honor, respect."*²³ When Mayor Fung was asked a question regarding Colonel Winkvist filling the vacant Major positions within the

²³ Kittredge, D (2014, August 28) State Police second-in- command gets nod for Cranston chief, Rhody Beat.

Department, Mayor Fung responded, *“It is his Department. And he’s going to have that opportunity.”*²⁴

After being selected the 22nd Chief of Police for the City of Cranston, Colonel Winkvist made the following statement regarding some of his intended goals for the Cranston Police Department.

“My goal is to continue to unify the rank and file of this police Department. Division only weakens this agency as a whole. You have my promise that every member of the Cranston Police Department will be treated fairly and with respect, regardless of rank, position or prior relationships. Nothing less will be tolerated, especially those who have been entrusted with positions of authority or command.

*“This will only be accomplished through my commitment to being an approachable and visible police chief, accessible to all people who live and work in this city,” he later added. “I assure you that community engagement and professionalism will be the cornerstone of this Department.”*²⁵

²⁴ Kittredge, D (2014, August 28) State Police second-in- command gets nod for Cranston chief, Rhody Beat.

²⁵ Kittredge, D (2014, August 28) State Police second-in- command gets nod for Cranston chief, Rhody Beat.

14.0 COLONEL STEVEN G. O'DONNELL

As part of this assessment, we interviewed Colonel O'Donnell in regard to the proposed private agreement promulgated between Mayor Fung and Captain Antonucci prior to October 1, 2014. Colonel O'Donnell advised us of the following:

On Wednesday, November 12, 2014, Colonel Winquist contacted me and advised that Mayor Fung had instructed him to reinstate Captain Antonucci to the Cranston Police Department with no reduction in rank, which included a loss of compensatory time and a public apology. According to Colonel Winquist, the Mayor advised him that he had given his word to Captain Antonucci sometime prior to Colonel Winquist being sworn in as the Chief of Police and despite the outcome of the election; Mayor Fung would reinstate him after the election. I realized that this would mean that the agreement between Mayor Fung and Captain Antonucci was agreed upon while the State Police were still in command of the Cranston Police Department. The agreement with Captain Antonucci was made without Captain Barry or my knowledge. I recognize that Mayor Fung has the legal authority to make decision he deems appropriate but we had agreed that he would not interfere with any operational or administrative functions within the police Department as a precursor to committing State Police resources to the Cranston Police Department. Colonel Winquist advised me that he asked Mayor Fung if I was aware of this agreement, which I was not.

The following day, Thursday, November 13, 2014, I received a telephone call from Mayor Fung who wanted to let me know that he was tired of the Captain Antonucci matter and the cost to the citizens of the City of Cranston. Mayor Fung advised that he had given Captain Antonucci his word prior to Colonel Winquist being sworn in as the Chief of Police on October 1, 2014. Mayor Fung advised that Captain Antonucci would return to the Cranston Police Department with no reduction in rank and with the above-mentioned sanctions. Mayor Fung further advised that he is a man of his word and he is going to stick to his agreement with Captain Antonucci. I challenged Mayor Fung on the agreement (his word that he would not interfere) he had with the State Police and its timing. Mayor Fung advised that Captain Antonucci was not a bad guy and regardless of the agreement and my opinion, he was reinstating him as a Captain with a loss of compensatory time and a public apology. I asked Mayor Fung why he was telling me this information on November 13, 2014, instead of when the private agreement was crafted prior to October 1, 2014. He advised that he wanted to make sure that I

was advised of the private agreement. I made it clear to Mayor Fung that it was very transparent to me why he waited until the election was over to reveal this. I felt this was an attempt by Mayor Fung to avoid any public scrutiny associated with this private agreement during the election cycle. I advised him that if he had felt that strongly about reinstating Captain Antonucci to the police Department prior to October 1, 2014, why didn't he do it then instead of waiting until November 12, 2014. Irrespective of how and when the private agreement was solidified, despite Mayor Fung's public position to terminate Captain Antonucci and the objection of Colonel Winkvist and me, Mayor Fung said he was going to move forward with reinstating Captain Antonucci. Mayor Fung became extremely agitated and advised that he was going to do what was right for the City of Cranston.

15.0 COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES

On March 24, 2012, the Cranston Police Department was awarded a certificate of Advanced Accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). This was a goal of Colonel Marco Palombo Jr. shortly after becoming Chief of Police and a proud historic accomplishment for the Department. After Colonel Palombo retired on March 17, 2014, he released a statement regarding his retirement and tenure with the Cranston Police Department.

“I am most proud of the fact that for the first time in the history of the Cranston Police Department we received national accreditation in 2012 from the Commission on Accreditation for Law Enforcement Agencies (CALEA). At the same time as part of that process, our Department also received a 94% approval rating in a community survey from the citizens of Cranston. In late 2013 our Department also received accreditation from the Rhode Island Police Chief’s Association. As a result, Cranston is one of only four police Departments in Rhode Island to receive accreditation from both organizations. These achievements are a direct result of the dedicated work of the men and women of the Cranston Police Department. I have had the great honor to serve with these courageous and compassionate professionals for nearly three decades and that distinction is a reward unto itself.”

In January 2014, when we assumed command of the Cranston Police Department, the agency was already involved in the reaccreditation process by CALEA. The purpose of CALEA’s Accreditation Program is to improve the delivery of public safety services. This is achieved by maintaining a body of standards, which has been developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives and administering an accreditation process to recognize professional excellence. CALEA accreditation means an agency has agreed to assessments every three (3) years, with a self-reporting period between assessments. In this system, the onus is on the agency to take the necessary steps to maintain compliance and self-report issues affecting its accreditation status. The CALEA process is a progressive and time proven way of helping organizations evaluate and improve their overall performance. In an effort to achieve these goals, the Cranston Police Department recognized the need to have an outside agency assist with identifying the best practices in law enforcement and provide a means to review the Department’s policies and procedures. This process ensures that

the Department is keeping abreast of changes in the field of policing and performing at a high level of professionalism. CALEA was chosen as a nationally accepted organization in the area of law enforcement and has a reputation for being the best in its class.

The Inspectional Services Division within the Cranston Police Department is the primary unit responsible for maintaining and ensuring compliance with the standards established by CALEA. In January 2014, Captain Stephen J. Antonucci was the Officer-in-Charge of the Inspectional Services Division. On April 3, 2014, Captain Antonucci was placed on paid administrative leave from the Department after being administratively charged with violating Departmental rules and regulations for his involvement in the excessive ticketing incident described earlier in this report. Captain Kevin M. Barry, Acting Chief of Police, requested Captain Todd Patalano assume the vacant officer in charge position in the Inspectional Services Division and assess the preparedness of the unit for reaccreditation status. It was vitally important that, even given the turmoil within the leadership of the Cranston Police Department, the re-accreditation process continue and the Department obtain this notable distinction. Shortly after assessing the progress of the unit, Captain Patalano highlighted several problematic areas within the unit's preparedness for the scheduled on-site assessment. Captain Patalano advised additional personnel would be required to correct the shortfalls. Captain Barry authorized the addition of Sergeant and officer to be temporarily assigned to the unit and correct any issues, which could hamper the Department's attempt at reaccreditation. Captain Barry coordinated the assistance of members of the Rhode Island State Police Accreditation Unit to assist and provide any needed guidance. The Rhode Island State Police was last awarded Accreditation with Excellence under the Gold Standard in November 2014 and has maintained accreditation since 1994.

On November 10, 2014, a team of assessors from CALEA arrived at the Cranston Police Department to examine all aspects of the agency's policies and procedures, management, operations and support services. The team's "Law Enforcement Advanced Accreditation" assessment was the final step in the reaccreditation process. After three (3) days at the Cranston Police Department, the CALEA assessment team concluded its on-site assessment. The team leader was Chief Michael J. Dickey, of the Fairfield, Ohio Police Department. Chief Dickey was assisted by retired Captain Margaret Schmidt-Fuller, of the Woodbridge Township Police, in

New Jersey. On January 26, 2015, the Cranston Police Department received Chief Dickey's written assessment report. As an introduction to this report, Chief Dickey wrote the following:

The past two years has been rather tumultuous for the Cranston Police Department however the future looks exceptionally promising. The agency has a new, highly qualified police chief who was appointed in September, 2014, shortly before this assessment. This change in leadership was the result of a lack of leadership by senior agency members. Several high profile personnel and operational issues that garnered headlines in local print and electronic media resulted in the mayor turning to the Rhode Island State Police (RISP) to review the agency's day-to-day operations and provide a complete agency review.

During the state police's initial review period, the then-chief of police and a major resigned. Thereafter, the mayor requested and the Rhode Island State Police provided an interim chief of police in the person of Captain Kevin Barry, who was in office from January 2014 through September 2014. A second major also left the agency during this period. With the top three former leaders gone, Captain Barry proceeded to address problems that heretofore had not been addressed. In doing so, Captain Barry won the support of the members of the agency and laid a foundation for a permanent chief to build on.

In September 2014, the mayor appointed Colonel Michael J. Winkvist as the new chief on a permanent basis. Colonel Winkvist retired from the RISP having served as the second-in-command of that agency. A notably important benefit to appointing Colonel Winkvist as the new chief was that he was part of the resource team used to review the issues surround the Cranston Police Department. Coming from a CALEA accredited agency, the learning curve for accreditation purposes was negligible, and it is worth noting, the agency's compliance with standards remained in place for the past three years, in spite of the failures found at the very top of the organization.

There is a new leadership team moving the Department forward and morale is moving in a positive direction.

That said, the rank and file have been working without a labor contract for two years. The city and union will be working toward resolving the issues that divide the two parties. There have been obstacles which need to be resolved but the framework may be in place to make a contract a "win-win" for the parties.

Very noteworthy, the union executive board which represents all members up to the rank of captain has had a major leadership change. Previously the union president was a police captain who represented management as to the duties of his rank and then represented the union members due to his union position. These two roles created a conflict. The union leadership change has

resulted in a non-ranking police officer now leading the union with a complete change in the local union executive board.

The complete CALEA assessment has been attached to this report. Chief Dickey's summary follows:

In spite of the difficulties that the Cranston Police Department faced during this accreditation cycle, the men and women of this agency pressed on and delivered excellent police services to its community which was demonstrated through the documentation and interviews conducted. The assessment team was continually impressed with an enthusiasm that was palpable. The members of the agency completed their mission irrespective of the problems described in this report.

There was one non-compliance issue and one applied discretion identified during this on-site. In the agency's initial accreditation review, seven applied discretion issues were identified. Those seven issues continue to remain in compliance during this cycle. Every CALEA required analytical report was completed and provided an excellent view of agency operations.

In 2014 the police Department conducted a Community & Crime Victim Survey. The police Department issued its report in September, 2014 which provides a contemporary view. This was an on-line survey which promoted through various media outlets including print and electronic media. 356 results were received including 126 crime victims, 320 city residents, and 69 business owners. Statistically, the agency assumed a 5.5 percent margin of error and a confidence level of 95 percent. 269 respondents rated the crime level in the city as very low, low or neutral. Only 84 responded very high or high. 286 respondents viewed the city as very safe or safe.

To the question, "There is a good relationship between the Cranston Police Department and the community," 154 (43.2%) strongly agreed or agreed, 133 (37.3%) were neutral, and 69 (19.3%) disagreed. 72 percent of respondents who had contact the with police Department were very satisfied or satisfied, 22 percent were dissatisfied, and six percent voiced no opinion. It is worth noting, 87.5 percent of respondents who have had contact with a member of the detective division described their contact as very satisfied or satisfied.

There was one non-compliance issued identified with this assessment. Employees of the Cranston Police Department were very cooperative and demonstrated pride and confidence in fulfilling the mission of this agency. In an exit briefing, it was explained to the chief and staff that the determination for reaccreditation lies with the Commission.

On March 21, 2015, Colonel Winqvist, Captain Todd Patalano and other members of the Inspectional Services traveled to Reno, Nevada, and were awarded reaccreditation by the Commission on Accreditation for Law Enforcement Agencies.

16.0 CONCLUSION & RECOMMENDATIONS

The assessment of the Cranston Police Department conducted by the Rhode Island State Police revealed numerous serious problems, that have been explored in detail in this report. Members of the Rhode Island State Police, who conducted the assessment, found a Department that was torn by power struggles, unwarranted and arbitrary disciplinary actions and highly inappropriate actions by ranking officers and City officials. These problems not only hurt the morale of the many fine police officers within the Department, but also tarnished the Department's reputation in the City of Cranston and the State of Rhode Island. The confidence of citizens in their Police Department should be high and there are expectations that they are function properly from the Chief Executive down to the probationary patrol officer. In order to have a properly functioning police department, you need effective leadership and management. The many incidents detailed within this report not only impacted the reputation of the police department, but also caused the taxpayers of Cranston hundreds of thousands of dollars, with several million dollars in pending litigation.

It is incumbent upon us to detail the amount of time, money and resources that went into this assessment as well as operating the Cranston Police Department for ten (10) months. The cost is estimated to be at a minimum of \$500,000 dollars for personnel and operating expenses from the State Police. At this point there has been no cost to the City of Cranston for these resources.

Most of the Department's troubles can be attributed to the poor leadership by the Department's top officers, political interference and influence by Mayor Fung and members of his administration. It also details Mayor Fung's unwillingness to take decisive actions to correct serious problems, when brought to his attention. Colonel Palombo was the Chief of Police and under his leadership the Department was essentially divided into two camps: Those who supported him and won his favor and those who for various reasons were targeted as potential rivals and subjected to unfair and unethical treatment. As detailed within the body of this report, Colonel Palombo's inappropriate actions extended outside the Department to include a civilian computer contractor who was threatened and intimidated. Those who were targeted felt they had nowhere to turn for help, since it was perceived that the Police Chief, Mayor and President of the Department's police union often seemed to be working as a team to quash dissent and reject legitimate grievances and complaints.

Mayor Fung was aware of many of the problems within the Department, including the unwarranted disciplinary actions taken against specific officers, the intimidation of civilians and attempts by Colonel Palombo and his top ranking officers to interfere with the promotional testing process. Yet he took no action and failed to rectify many of the significant issues brought to his attention regarding Colonel Palombo's erratic behavior. One example would be Mayor Fung's complete disregard to take corrective action to re-instate Officer Josefson to the rank of Sergeant and rescind the last-chance agreement that was wrongfully administered.

Conversely, Mayor Fung and members of his administration interfered and unduly influenced the Department's operations when it suited their purposes. For example, Mayor Fung publically supported strong disciplinary action against Captain Antonucci for his involvement of the inappropriate parking ticket incident that precipitated the State Police's involvement in the Cranston Police Department, but as documented in this report, Mayor Fung privately sought to substantially reduce the discipline against Captain Antonucci, who supported Mayor Fung in his campaigns for mayor and governor.

From January 2014 through present, many of the day-to-day operational and administrative problems were identified and changes were made to improve the efficiency of the Department. Since October 2014, Colonel Winquist has worked with his new administrators, new union leadership and all the members of the Cranston Police Department to continue moving the Cranston Police Department forward. Some of our recommendations that we would have made, were instituted while we were at the Cranston Police Department as well as others, which have been instituted by Colonel Winquist. This would include addressing issues with equipment, providing training and addressing problematic issues with policies and procedures, to name a few. In addition to the measures already taken, we make the following recommendations:

Political interference: Although we recognize that Mayor Fung is ultimately responsible for the performance of the police Department, he must work directly with the chief to resolve problems within the Department and respect the chain-of-command. This is a common protocol in law enforcement. Allowing members of the Police Department to deal directly with the Mayor and or his staff undermines the authority of the Chief of Police. Failure to follow this protocol can result in a divided workforce.

Promotions: The promotion process must be followed consistently and fairly. Vacancies should be filled promptly with the best candidate, according to the processes outlined in city and town charters and collective bargaining agreements. Civilian and police leadership must not manipulate the process to reward supporters or discourage those who raise questions or concerns about departmental operations.

Seniority: The police administration and the bargaining unit, the International Brotherhood of Police Officers, Local 301, should work on new contract language regarding the bidding process, which would allow the most qualified candidate to obtain non-promotional positions. Seniority should be maintained as an important component, rather than the sole determining factor.

Commissioned Officers: It is our recommendation that commissioned officers should not serve in any leadership position of the IBPO, Local 301. (Commissioned officers are the ranks of lieutenant and higher.)

Disciplinary proceedings: Investigations of disciplinary complaints should be conducted in a timely fashion. Pending disciplinary actions should not be allowed to languish without resolution. Failure to make efforts to adjudicate these matters causes unnecessary hardship and stress for all involved and can lead to a financial burden to the taxpayers. The Office of Professional Standards should conduct independent internal matters without interference during the investigatory process from the mayor, the chief of police as well as their respective staffs.

Received

JAN 14 2014

Office of Attorney General
Executive Office

Colonel Steven O'Donnell
RI Attorney General Peter Kilmartin
ACLU Steven Brown
WJAR Investigative Reporter Jim Taricani

Colonel O'Donnell,

You can be assured that the information contained in this letter is both factual and accurate. There is concern amongst many in the Cranston Police Department that [REDACTED] and [REDACTED] have and/or have had influence or contacts within the RI State Police. Along with [REDACTED] and [REDACTED] these two have created and allowed to exist an incestuous and corrupt relationship amongst them. This corrupt administration has in effect placed a stranglehold on the many decent members of the police department. Part of this corruption is intimidation and bullying tactics that go unchecked and create fear of retribution for those who wish to come forward. We hope that the upcoming RI State Police investigation is free from the political influence of both [REDACTED] and [REDACTED]. You can rest assured that [REDACTED] did in fact give the order to ticket the councilmen's neighborhoods in retaliation for their no vote on the contract. We are also concerned about [REDACTED] relationship within the RI Attorney General's office as he either is or has been in a personal relationship with Assistant Attorney General [REDACTED]. [REDACTED] is a proven thug and there is no doubt that he and his [REDACTED] will make any and all attempts to influence this investigation. Their influence runs deep in the Rhode Island law enforcement community. This ticket scandal will hopefully open Pandora's Box and the culture of corruption will be exposed.

The following is an important and factual account of the corrupt climate in this administration; during the early months of 2013, [REDACTED] was attempting to take control over the police department IT network from city hall. [REDACTED] of [REDACTED], who was a private contractor for the City of Cranston had certain "codes" which [REDACTED] needed to effect control of the police IT network. [REDACTED] apparently did not get the "codes" to [REDACTED] fast enough and subsequently felt the wrath of [REDACTED]. [REDACTED] was on the phone with [REDACTED] in the office of civilian [REDACTED] and during this conversation [REDACTED] bullied and threatened [REDACTED]. [REDACTED] was in the office and was witness to the phone call. [REDACTED] also has text messages saved on his cell phone from [REDACTED] directly relating to the threatening and intimidating behavior of [REDACTED]. The exact date of the phone call is unknown to this author.

On Friday February 14, 2013 [REDACTED] received an order from [REDACTED] to send a detective on overtime to [REDACTED] residence at [REDACTED] RI. The detective was to park outside [REDACTED] residence and make his presence known to [REDACTED]. Further order was that if [REDACTED]

██████████ was to leave his residence that the detective was to follow him and let him know he was being followed. The calls went out to fill this ordered overtime. ██████████ accepted the overtime assignment. He was given the above instructions and then proceeded to ██████████'s residence on ██████████, RI per ██████████ order. ██████████ utilized an unmarked Cranston Police Dept. detective vehicle. ██████████ vehicle description was given to ██████████ as a ██████████ SUV. ██████████ arrived at the residence during the evening of February 14. Approximately one hour later he received a call from night ██████████ ██████████ told ██████████ that he had received a call from ██████████ and was told the situation with ██████████ had been resolved and to have ██████████ return to the police station. ██████████ never arrived home while ██████████ had the residence under surveillance. After ██████████ returned, ██████████ spoke to ██████████ about what justification ██████████ was to use on his overtime slip. ██████████ instructed ██████████ to have ██████████ use a recent unrelated robbery offense number on his overtime slip. The justification for the overtime was that he was out searching for the suspect from the unrelated robbery. ██████████ did in fact use the unrelated robbery offense report number on his overtime slip and received compensation for the overtime.

This is a clear cut incident of abuse of police authority on a civilian as well as falsifying a government document to conceal an illegal act on a civilian. ██████████ was fully aware of the incident involving the ██████████ after the fact. ██████████ recently stated on the media record that he does not condone nor will he tolerate intimidating or harassing behavior on a citizen by any employee of the City of Cranston. ██████████ went to the ██████████ office to complain about the threatening behavior by ██████████. This author does not know if ██████████ was aware of the fact a ██████████ had been ordered by ██████████ thru ██████████ to respond to his residence in ██████████ was aware that his ██████████ had threatened and harassed ██████████. It is this author's understanding that ██████████ was suffering from stress related problems due to ██████████ threatening and intimidating actions against him. It is unknown what the outcome was at city hall regarding ██████████ complaint to the ██████████ office.

The following two details of this incident are unconfirmed; first there was a meeting which took place regarding the harassment toward ██████████ after he made his complaint to the ██████████ office. During this meeting when ██████████ was addressing ██████████, the ██████████ allegedly responded to the ██████████ something to the effect of "Last time I checked the City Charter I don't work for you". The second detail is there were strong rumors that during the day of February 14, 2013 ██████████ threatened to suspend ██████████ if he did not get the information from ██████████ by the end of that day. I remind you that these last two details cannot be substantiated by this author.

Channel 10 I-Team investigator ██████████ interviewed ██████████ about the situation involving ██████████. It is unknown at the time of that interview whether

██████████ knew that an illegal order had been given to place ██████████ under surveillance for the purpose of intimidation to obtain the "codes" and the fact that overtime documents had been falsified to conceal what had transpired.

There are many other serious incidents which have occurred which when put together could violate Federal RICO laws and show a pattern of abuse of power through intimidation and fear. As stated above this has been achieved through the incestuous relationship involving ██████████ ██████████ ██████████ and other members who are closely affiliated with this group. This corrupt alliance began when they conspired to oust the previous ██████████ and his administration. ██████████ through his association and financial support with this group, has allowed this behavior to continue. There are numerous other incidents that could be included in this document but the good officers and civilians of the Cranston Police Department who are suffering under this regime do not have time to wait. Many, active and retired officers would be willing to cross that Blue Line when subpoenas are issued and tell the real truth.

Former City of Cranston ██████████ cited in her letter of resignation the corruption in the police department administration as a major part of the reason she was resigning. ██████████ also strongly believed she had been followed home one time by a marked Cranston Police vehicle because she would not comply with something ██████████ wanted. If a copy of her letter is unavailable from city hall there are members of the police department who could provide you with one. ██████████ gave the order to ticket the vehicles because he truly had no fear of accountability for his action. That alone should speak volumes about how this police department has been run under this current police administration headed by ██████████ This author has to remain anonymous for fear of retribution by this Police administration.

Former ██████████ went to prison on one federal charge of RICO violation. This author truly believes that ██████████ and the current police administration are in violation of the RICO laws. They have abused police authority to obtain what they want and to exact retribution for not doing what they want. The administration has used their positions to manipulate the system to gain promotions for themselves, family members and close friends. In some cases, they have messed with good people's lives and livelihoods to obtain the promotions. They have all supported ██████████ financially. There is no confidence by a large portion of the union body that ██████████ is looking out for the body's best interest. How can he when he, his cousin and friends and loyalists have all benefitted financially through promotions. The body knows what has been going on. They are terrified to speak out for the very real fear of retribution. In other words, there is no place to go for help but outside. ██████████ is on record as saying that he does not see a conflict of interest with him being a ██████████ and ██████████. NO CONFLICT, Really??? It would be awful to lose that union power and influence if he stepped down. Check into the number of

grievances filed and supported by [REDACTED] in the previous police administration and those filed and supported by [REDACTED] in the current administration. [REDACTED] orchestrated a ridiculous survey to make the previous administration look bad as well as a vote of no confidence against [REDACTED]

I did not compose this letter for political purpose or gain. I trust that the RISP will do a thorough investigation into this administration and not just the "ticket blitz". I also trust that the RISP will conduct the investigation free from influence by the [REDACTED] and their friends. I also hope that the Justice Dept. will be brought in if the investigation turns toward that direction, which it should.

Good Luck Col. O'Donnell

Examples of the Victimized

Received
JAN 15 2014
Office of Attorney General
Executive Office

Det. [REDACTED]

Approx. 3 years ago, [REDACTED] made a comment during a conversation in the roll call room which eventually got him suspended without pay for 2 days AND, he was placed on probationary status for 6 months. This probationary status meant that [REDACTED] basically could put [REDACTED] back into the patrol div. for sneezing the wrong way. At that time, [REDACTED] was a [REDACTED] year veteran with a spotless record. [REDACTED] made the fatal mistake of saying that the [REDACTED] and union were "in bed with each other". [REDACTED] was investigated by then [REDACTED] on the basis of an anonymous letter sent to the internal affairs div. [REDACTED] asked but was never allowed to see the anonymous letter. [REDACTED] accepted the suspension because he knew that he would not get help from the union. He also knew that it would cost him far more money to hire a lawyer on his behalf than to just accept the 2 days without pay. [REDACTED] had to walk on egg shells during the entire probation period for fear of reprisal from [REDACTED] in the form of the demotion to patrol. The sad thing is that [REDACTED] was suspended for telling the truth. [REDACTED] made a highly visible example of [REDACTED] and what would happen if you spoke out or voiced your opinion. The union never supported [REDACTED] in this matter, even in light of the excessive punishment.

Former [REDACTED]

This author admittedly does not know all the particulars with this example. Then [REDACTED] was contemplating a grievance against [REDACTED] for unknown reasons. One day within the past year, Then [REDACTED] was engaged in conversation with now retired [REDACTED] about the possible grievance. [REDACTED] was the [REDACTED], a current advisor to the union executive board and a national union representative. During the conversation, [REDACTED] walked in the room. When [REDACTED] learned that then [REDACTED] was conferring with [REDACTED] about a possible grievance against him, [REDACTED] went into a verbal tirade on [REDACTED]. This author's understanding is that [REDACTED] was in fear that [REDACTED] would escalate to physical action against him. [REDACTED] allegedly had to intervene to keep [REDACTED] from becoming physical with [REDACTED]. [REDACTED] was shaken to the point that he did not file the grievance against [REDACTED]. [REDACTED] was eventually stripped of his rank and demoted to patrolman status. He was also placed on 1 year probationary patrolman status meaning that he could be fired from the police dept. for again, "sneezing the wrong way". There may be a good reason that [REDACTED] lost his rank. Whatever it is I don't know. You would have to go deep into the CPD history books to find the last supervisor who lost his or her rank. Whatever the reason, I guarantee that it pales in comparison to what [REDACTED] and [REDACTED] have done in the last 5-6 years. He is terrified of future action against him by the administration.

[REDACTED]

[REDACTED] Longtime union executive board member. Close ally with [REDACTED]. Known union thug who will publicly ostracize any member who opposes what union [REDACTED] is trying to sell. There have been at least 2 incidents in the past in which union members relayed accounts of being verbally accosted by [REDACTED] after union meetings in which they presented opposition to [REDACTED]. In each incident, both members felt that [REDACTED] was close to initiating physical confrontation.

The detective division members, which comprise the CIU, SVU, BCI, SIU and Prosecution Unit, are assigned department issued cell phones. Sometime ago, the department purchased new phones for the above named units. These phones sat idle for months, waiting for [REDACTED] to disperse them. Numerous attempts were made to get [REDACTED] to disperse the new phones to the divisions. [REDACTED] for unknown reasons, dragged his feet in getting the phones dispersed. It is not believed that [REDACTED] intentionally withheld the phones. It was probably not a priority for him. Other than the fact that they were new, there was no open call from the detectives to replace the old ones.

Either immediately before or immediately after the ticket scandal news broke, [REDACTED] is reported to have facilitated the disbursement of the new cell phones. For reasons unknown, he inquired about the cell phones and requested that they be handed out. He is reported to have told an unknown person or persons that they should give the SIU members the new phones and they would handle getting them activated. The question [REDACTED] should be asked is why the sudden interest in the new phones. [REDACTED] supervisor in that unit is [REDACTED] of [REDACTED]. There are strong rumors that [REDACTED] had some part in the "ticket blitz". His part allegedly included calling in the locations of the illegally parked cars in the councilman's wards. Did [REDACTED] take part in this? This author cannot confirm this report. Why was [REDACTED] so adamant about getting the new phones??? To get rid of evidence on the old phones? This author does not know that either. This author does know that all the above named units received the new cell phones right after the "ticket blitz" came to light.

Check with Terminal Agency [REDACTED] to confirm that his attempts to get the new phones dispersed by [REDACTED] were unsuccessful. Also check with [REDACTED]

[REDACTED] is a member of the union board. During the meeting in which Union [REDACTED] was trying to sell his outrageous contract proposal to the body, [REDACTED] stood and advised the body of some of the reservations he had with the proposal. At some point after the meeting, union executive board member, [REDACTED] went into a verbal tirade on [REDACTED] and questioned why [REDACTED] spoke out against [REDACTED] contract proposal. [REDACTED] was reported to have been completely taken aback by [REDACTED] tirade against him. [REDACTED] is the cousin of [REDACTED]. There were witnesses to this incident.

Traffic and SVU Officers:

[REDACTED] ordered the supervisors of the Traffic and SVU divisions to change their evaluations for officers in those units for the past evaluation period. The order came through now retired [REDACTED] [REDACTED] told [REDACTED] (Traffic Div.) and [REDACTED] (SVU Div) that [REDACTED] would not accept the evaluations as they were and that they were to lower them. [REDACTED] refused to lower his evaluations. [REDACTED] took the original evaluations back and completed new ones with lower ratings for the SVU detectives. At the time this occurred, [REDACTED] was close to being promoted to [REDACTED]

It was a well known fact that [REDACTED] did not like certain people in the Traffic Div. There were strong rumors circulating in the detective div. that [REDACTED] was trying to discredit the SVU detectives. Either way, the SVU evaluations were lowered and [REDACTED] is now [REDACTED]. [REDACTED] never got along with [REDACTED] and he probably feared that [REDACTED] would negatively interfere with his promotion to [REDACTED] if he did not follow the order. [REDACTED] was always known to be a stand-up guy.

[REDACTED] currently has harassment lawsuit against [REDACTED] and the police administration.

Traffic [REDACTED] "crapped on" by the administration. He will tell his story.

[REDACTED]: He will gladly tell his own story. He was out on administrative leave, denied access to the building, and they took his duty weapon away. He mysteriously returned to duty after the "ticket blitz" broke.

[REDACTED] This case should lead to criminal charges against members of the police administration. Out 2 years, [REDACTED] also returned mysteriously immediately after the "ticket" blitz" story broke.

Now retired [REDACTED]: More criminal charges against the police administration and [REDACTED] [REDACTED] and his administration unequivocally hated [REDACTED]. They messed with him for years to make his working life miserable. Upon turning 55 years of age, [REDACTED] was required to take a [REDACTED] for continued employment. [REDACTED] a portion of the [REDACTED]. He was out on leave attempting to fully come back to duty after a second [REDACTED]. [REDACTED] was not looking to retire nor did he apply for a disability pension. While [REDACTED] was preparing for a second [REDACTED], [REDACTED] [REDACTED] and [REDACTED] utilized an obscure city rule and conned the council into granting [REDACTED] a full disability pension. The disability pension was granted and they retired [REDACTED]. They never told [REDACTED] what they were doing until the disability pension was granted. This author repeats that [REDACTED] was not looking to retire and had no knowledge of what was going on. They in effect gave a man they absolutely hated a full disability pension to get him out of the way and open the door for [REDACTED] to be promoted.

The very next day, [REDACTED] was promoted to [REDACTED].

Ret. [REDACTED]: Harassment lawsuit will be forthcoming from [REDACTED]

These are just some of the glaring examples of the culture of corruption in the police administration and [REDACTED] office that went on for years. The investigation hopefully uncovers other victims.

Approximately one and a half to two years ago, [REDACTED] and Det. [REDACTED] were conducting an interrogation of a breaking and entering suspect. The suspect was a juvenile. His father was present during the interrogation. At one point during the interview, [REDACTED] entered the interrogation room unannounced. [REDACTED] then attempted to bully the juvenile suspect into confessing to the crime. According to both detective accounts, [REDACTED] embarrassed himself and the detectives during his tirade against the juvenile suspect. [REDACTED] barged in on this interview despite never having spent any time in the detective division either as a detective or a detective supervisor. Historically, Cranston Police [REDACTED] do not participate in suspect interrogations, especially in routine interrogations as described above.

The video/recording system in place at the time of this incident kept interviews stored for approximately 30 days. After that time, interviews were naturally purged from the system. On an unknown day shortly after the above detailed interrogation, [REDACTED] asked [REDACTED] to "burn" a video to DVD an interview which [REDACTED] took part in. [REDACTED] was widely known in the Detective Division to be the "go to" guy for that video /recording system. When [REDACTED] went into the system, he found that [REDACTED] requested interview was missing from the system. [REDACTED] then checked for the interrogation of the juvenile B+E suspect and found that it too was missing from the system. This fell well under the 30 day limit for stored interview/interrogations in the system. There had been no previous incidents of missing interviews or interrogations since the building opened, other than those which were naturally purged from the system after the 30 day limit.

It was strongly believed at the time that the system had been tampered with on the orders of [REDACTED]. He either realized himself or was advised by one of his cronies how bad it would look for him to be on the evidence DVD. The best part is that the City of Cranston paid for a brand new video/recording system to be installed shortly after the above described circumstances. [REDACTED] will tell you that the system needed to be replaced because the 30 day limit on stored interviews hampered the detective division. You can be assured that no detective would wait more than 30 days to retrieve and download an interview as evidence. [REDACTED] must have initially believed that erasing the interview from the system would be sufficient. It appears that something changed and a whole new system was installed on his authorization. Again, he will try to convince you that the system needed to be replaced. Was replacing the system after the missing interrogation purely coincidence? Read on.

A few months ago, [REDACTED] asked [REDACTED] for a copy of the memo which [REDACTED] previously submitted regarding the missing interrogations. [REDACTED] was present in the detective office when [REDACTED] requested the copy from [REDACTED]. Sadly, [REDACTED] is well known in the detective division to be a direct "pipe-line" to [REDACTED]. A short time later, [REDACTED] summoned [REDACTED] to his office. [REDACTED] then grilled [REDACTED] about why he was looking for a copy of the memo pertaining to the missing interrogations. During this grilling, [REDACTED] asked [REDACTED] if he wanted a copy of the memo so that he could "go to the media". [REDACTED] was also questioned about the memo by [REDACTED] always felt that [REDACTED] was responsible for tampering with the original system but figured that there was no proof. After the requested memo witch hunt by [REDACTED]

[REDACTED] was said to be 100% certain that [REDACTED] was responsible for the missing interrogation video.

[REDACTED] is not smart enough to have done it by himself. Somebody he trusted tampered with the system. This author has no doubt at all that [REDACTED] is directly responsible for what happened.

[REDACTED] has no problem utilizing public funds to cover his and/or his administrations corrupt activity. Tampering with evidence, misuse of public funds??? Even if you can't prove it, I assure you that it really happened.

[REDACTED] is someone you will want to speak with. This author believes [REDACTED] to be a good and honorable man. [REDACTED] relies on [REDACTED] for any and all things to do with the department IT and other operating systems. [REDACTED] is overworked and vastly underpaid for what he does. In short, [REDACTED] depends upon [REDACTED] like all [REDACTED] victims, works in fear of his job and work environment. For him to open up, he will need to believe that the [REDACTED] and [REDACTED] corruption train will not exact retribution for telling the truth. He will not volunteer things unless he has confidence that [REDACTED] is not coming back.