

Memorandum

TO: Mark Stankiewicz, Town Manager, Town of Stoughton

FROM: Marc L. Terry, Esq., Investigating Officer

DATE: October 14, 2005

RE: Investigation Report – Allegations of Hostile Working Environment in Stoughton Police Department

I. INTRODUCTION

On January 13, 2005, you appointed me as the Investigating Officer to investigate the allegations of Lieutenants David Chamberlin, Francis Wohlgemuth and Michael Blount. Collectively, Lieutenants Chamberlin, Wohlgemuth and Blount asserted what they labeled a "hostile work environment" in their separate December 7, 2004 complaints. As will be elaborated upon further below, Lieutenants Chamberlin, Wohlgemuth and Blount asserted they are the victims of a hostile work environment as a result of their cooperation with an ongoing Grand Jury investigation and for supporting now former Chief Saccardo. Principally, Lieutenants Chamberlin, Wohlgemuth and Blount asserted Chief Cachopa is responsible for the hostile work environment.

After reviewing the written complaints and interviewing Lieutenants Chamberlin, Wohlgemuth and Blount, it is apparent the use of the term "hostile work environment" has been inappropriately borrowed from the parlance of employment discrimination law. More aptly, I understand the allegation to be one of retaliation, rather than a hostile work environment based on protected class status. I note, however, one substantial exception to this characterization. Although not specifically referenced in his December 7, 2004 written complaint, when interviewed, Lieutenant Blount also asserted that he was the victim of discrimination based on his race (African American).

II. INVESTIGATION

In connection with this investigation, I interviewed the following individuals:

- A. Lieutenant David Chamberlin
- B. Lieutenant Francis Wohlgemuth
- C. Lieutenant Michael Blount
- D. Sergeant Robert Welch
- E. Officer Alan Curtis
- F. Officer Tracey Sisco
- G. Officer Craig Lepro

- H. Officer Chuck Roberts
- I. Selectman/Officer Joseph Pascarelli
- J. Sergeant/Acting Chief Christopher Ciampa
- K. Chief Manuel Cachopa
- L. David Tonis, Building Commissioner
- M. Thomas Rorrie, Treasurer/Collector
- N. Theresa Cardoso, Treasurer/Collector's Office
- O. Mark Stankiewicz, Town Manager

At the beginning of each interview, I advised the witness that the Town retained my Firm solely for the purpose of investigating the above allegations. I further advised each witness that the investigation was confidential, which meant I would not reveal their statements, except to the Town Manager, and that they were not to discuss their statements or the investigation with anyone. I explained, however, that my investigation report may be subject to disclosure under the Commonwealth's Public Records law.

Blount, Welch and Cachopa each had counsel present during their interviews. All other witnesses were interviewed alone.

At Cachopa's request, his interview was audio taped. No other interviews were audio taped.

Each witness was given the opportunity to identify other individuals who s/he believed may have information relevant to my investigation and what information they believed any such witness had. If I deemed the information relevant to my investigation, I interviewed the individual. Summarized below are all witnesses' statements.

After completing my initial interviews of the above individuals, there were several follow up questions I had to ask. Through counsel, I contacted Chamberlain, Welch, Blount and Cachopa. I also communicated by email with Wohlgemuth. I made several attempts to contact Ciampa. He did not, however, respond to my inquiry. The information obtained through counsel is included in my summary of the witnesses' statements below.

III. FACTUAL BACKGROUND

The Stoughton Police Department is comprised of one chief, three lieutenants, eight or nine sergeants and 42-45 patrol officers. Prior to December 2004, sergeants were patrol supervisors. The lieutenants were assigned as the administrative lieutenant (Chamberlain), operations lieutenant (Wohlgemuth) and internal affairs lieutenant (Blount).

Prior to meeting with any witnesses, I was presented with the following chronology. In 2003, Cachopa received information regarding an allegation of criminal wrongdoing by a member of the Stoughton Police Department. Cachopa assigned Blount and Welch to investigate the allegation.

In the spring of 2004, the Board of Selectmen decided not to renew Cachopa's appointment with the Town, effectively demoting him to the rank of lieutenant in accordance with civil service law, which applies to all sworn positions within the Stoughton Police

Department, except for the position of Chief of Police. Thus, as of July 1, 2004, Cachopa was reduced in rank from chief to lieutenant. Chamberlin was then appointed as the acting chief, an assignment he held until October 2004 when the Board of Selectmen appointed Joseph Saccardo, as Cachopa's successor.

Less than one month following Saccardo's appointment, there was a hotly contested recall election for two members of the Board of Selectmen. The two incumbents lost, reportedly as a result of their votes not to reappoint Cachopa as chief of police in June. Conversely, the two individuals elected were reportedly elected for their support of Cachopa and their promise to return him to office if elected.

On November 19, 2004, after the decision to reinstate Cachopa and the other officers to active duty, Saccardo held a press conference, at which Chamberlin, Wohlgemuth and Blount stood behind Saccardo in a show of support. At the press conference, Saccardo stated a hostile work environment existed in the Police Department.

After the recall election, which resulted in the recall of two new members of the Board of Selectmen, and the election of two new members, the newly constituted Board voted to terminate the services of Saccardo, on or about November 23, 2004, and to reappoint Cachopa as chief.

Shortly after Cachopa's reappointment as Chief, Chamberlin, Wohlgemuth and Blount filed their complaints.

A. Interview with Lieutenant Chamberlin

On December 7, 2004, Lt. Chamberlin submitted a memorandum to Town Manager Mark Stankiewicz titled, "Hostile Work Environment in Stoughton Police Department." (See Exhibit 1.) In his memorandum, Chamberlin asserted former Chief Saccardo stated publicly that a hostile work environment existed in the Stoughton Police Department. At the time of Saccardo's public comment, Chamberlin, Blount and Wohlgemuth physically stood behind Saccardo, at least giving the appearance of support for Saccardo's statement. Shortly after Saccardo's statement, Saccardo was removed from office and Cachopa was reinstated.

Chamberlin asserted that within days of Cachopa's reinstatement, Cachopa changed Chamberlin's shift and duties, and ordered him to move his office from the lieutenants' office to the sergeants' office. (See Exhibit 2.) He asserted further that derogatory material was left in his Department mail slot. Chamberlin also expressed concern for his health and safety because it was known within the Department that he had been cooperating with the District Attorney's Office in the criminal investigation of seven members of the Department, including Cachopa, and two of the officers with whom he was being assigned to share office space.

During my interview of Chamberlin, he stated as follows:

He has been a member of the Stoughton Police Department since 1975, having been promoted to the rank of lieutenant in approximately 2001.

Chamberlin was appointed as the Interim Chief of Police when Cachopa's appointment was not renewed in July 2004. In August 2004, Cachopa, along with several other members of

the Department were placed on administrative leave because they were the subjects of a Grand Jury investigation. Chamberlin went to Cachopa's house with Blount to get Cachopa's Department keys and police cruiser. Cachopa's wife came out of their house and screamed, "You're going down" and "You have no right doing this." He explained that he was so flustered by this confrontation that he almost forgot to take the police cruiser.

Chamberlin maintained communication with the Special Prosecutor regarding the allegations against Cachopa and others. Chamberlin cooperated with the District Attorney's requests for information, but, he believes, was perceived as being complicit with the District Attorney, and adverse to Cachopa.

After Cachopa was reappointed as Chief in November 2004, Chamberlin resumed his rank as Lieutenant. Chamberlin almost immediately went on a medical leave and has retired since this investigation was initiated. Chamberlin also reported a dispute with the Town regarding his prior intention to retire.¹

Once Cachopa was reappointed, he (via memo dated November 29, 2004) changed Chamberlin's shift from 8am to 4pm to 4pm to midnight, placed him on a "4 and 2" schedule, instead of the "5 and 2" he had been on, ordered him to wear a blue shirt rather white, and made him, along with the other lieutenants, shift supervisors. (See Exhibits 2 & 3.) Chamberlain also states Cachopa had never expressed any intent to change the responsibilities of the lieutenants prior to the November 29, 2004 memorandum.

Chamberlin was confronted about having not qualified with his handgun for several years. In the past Cachopa has always told him not to worry about it. Upon Cachopa's reappointment, he was confronted about this issue by Ciampa and told he could not drive a cruiser until he requalified. (See Exhibit 4.)

Chamberlin was required to provide medical documentation to support a claim for injured-on-duty benefits under Massachusetts General Laws Chapter 41, Section 111F, when, he asserts, other officers had not been required to do so in the past.

Chamberlin was accused of having dispatch tapes. This incident illustrated a level of nitpicking he felt was a result of his perceived involvement in the District Attorney's investigation of Cachopa and other members of the Department.

Chamberlin was ordered to vacate his office and was assigned to share an office with the sergeants. Chamberlin was told this was to place him closer to the dispatch office. This was

¹ Article XXXI of the Collective Bargaining Agreement between the Town and the Stoughton Police Superior Officers Association, by which Lieutenant Chamberlin was covered, provides a retirement incentive that allows up to (2) bargaining unit members to receive a 5% increase in their base pay for the last three years before retiring. In order to be eligible for this benefit, the superior officer would presumably have to give notice of his retirement, as Lieutenant Chamberlin did. Based on his role as liaison to the District Attorney's Office in connection with the criminal investigation, Lieutenant Chamberlin was asked by the District Attorney's Office not to retire. I find there to be no connection between the Lieutenant Chamberlin's allegation of a hostile work environment and the Town's attempt to discern Lieutenant Chamberlin's intent with respect to his retirement. These events occurred contemporaneously, but bore no causal relation to each other.

done because Cachopa wanted to reorganize the Department and because he did not trust Chamberlin, Wohlgemuth and Blount. (See Exhibit 3.)

Chamberlin received a derogatory cartoon in his mailbox.

On April 13, 2005, Ciampa issued Chamberlin a written warning for hostility and discourteousness toward a sergeant in the Department and responded by memorandum dated April 29, 2005. (See Exhibit 5.)

Chamberlin felt he was treated with a lack of respect. He described the environment at the Police Department as extremely tense, as some officers who were perceived as supporting/assisting the Grand Jury investigation were working with those who were the subject of the Grand Jury investigation.

Chamberlin issued a memorandum on June 30, 2004 to all personnel continuing the specialists assignments for fiscal year 2005 due to uncertainty within the Department. (See Exhibit 6.)

Chamberlin retired, effective April 30, 2005.

B. Interview with Lieutenant Wohlgemuth

Wohlgemuth gave Stankiewicz a memorandum, dated December 7, 2004, alleging a hostile work environment. (See Exhibit 7.) Specifically, Wohlgemuth asserted he was moved from the 4 pm to midnight shift to the 8 am to 4 pm shift, which resulted in the loss of a shift differential. Wohlgemuth also reports having received a derogatory cartoon in his mailbox and having had his office assignment changed to be in the sergeants' office. Wohlgemuth asserts these actions resulted from his support for Saccardo and his cooperation with the ongoing Grand Jury investigation. Wohlgemuth stated he feared for his safety and asserted his life was in jeopardy.

During my interview with Wohlgemuth, he stated as follows:

Cachopa does not speak to him, Chamberlin or Blount and others not perceived to be in the "Cachopa camp." Cachopa has engaged in "stare downs" in the hall of the Police Department. Welch, among others, was referred to as "rats." Someone placed a plastic toy rat in his mailbox. Cachopa asked others whether they supported him as Chief.

In September 2004, Cachopa attempted to block Wohlgemuth's ability to park in a vacant space. Wohlgemuth tried to show Cachopa he was trying to back into a parking space by pointing at the space, Cachopa stared at him and gritted his teeth while holding onto the steering wheel with both hands.

Wohlgemuth was advised of his shift change by a facsimile being delivered to his home on November 29, 2004 by the Hingham Police Department, which had never occurred before. The new shift was scheduled to begin on December 6, 2004.

Wohlgemuth had his training schedule changed from Plymouth, where he attended training 1 time per month, to Foxboro where the schedule was different and was farther from his home. Ciampa told him Cachopa wanted him (Wohlgemuth) to attend training in Foxboro. Ciampa told him to go to Plymouth anyway.

During the November 19, 2004 press conference, the officers who had been reinstated from administrative leave on November 15, 2004, except Chief Cachopa and Officer Cohen, were standing off to the left videotaping the press conference.

Wohlgemuth was assigned to investigate an allegation of a hit and run and assault and battery against the then Chair of the Board of Selectmen in September 2004. The Chair was subject to a pending recall election and did not support Cachopa. His conclusion showed the allegation against the Chair was not sustained and, therefore, made him a target by those who did support Cachopa. This led to him being the subject of a vote of no confidence with Chamberlin, Blount and Saccardo, who had been appointed only 3 weeks earlier.

Prior to Saccardo's appointment, Chamberlin and Blount applied for the position of Chief, a vote of no confidence was being signed. Wohlgemuth stated Ciampa approached him about signing the vote, but he refused.

With respect to the change in shifts, the memorandum advised him that he was assuming new duties as shift supervisor by memorandum on December 3, 2004. (See Exhibit 8.) This did not amount to a change in his job duties, as he had always been the shift supervisor. The sergeant on duty is the patrol supervisor and he is the shift supervisor. Wohlgemuth was given no reason for the shift change and did not know of it until receiving the December 3, 2004 memorandum.

He was "temporarily" reassigned to the 4 pm to midnight shift on January 5, 2005.

Wohlgemuth summarized his complaint as being retaliation for non-support of Cachopa and cooperating with the Grand Jury investigation. He stated that part of his concern for his safety is driven by an incident in which Cachopa pulled a weapon on another officer approximately 8 years ago. He also stated he fears reprisals from the Board of Selectmen and the reaction of officers if there is an indictment.

Wohlgemuth provided me with a copy of a July 13, 2004 memorandum from him, Chamberlin and Blount to the Board of Selectmen recommending the Town hire an outside consultant to evaluate the Police Department "for the improvement of departmental operations including chain of command, accountability, supervision, discipline, promotion, leadership and the more effective use of personnel." (See Exhibit 9.) Chamberlin, Wohlgemuth and Blount stated: "This review will then provide the [B]oard with an unbiased evaluation to use as the base line to make its decisions."

On February 7, 2005, Wohlgemuth sent me a January 26, 2005 memorandum he received from Cachopa rescinding Wohlgemuth's authority to suspend. (See Exhibit 10.) He had last suspended an officer on May 5, 2003. On that occasion and on another involving the same officer in 2002, he approached Cachopa about the suspension, but Cachopa elected to give the

officer punishment duty rather than a suspension. Neither Chamberlin nor Blount were ever granted the authority to suspend despite Wohlgemuth's suggestion to do so.

On July 25, 2005, I received a facsimile from Wohlgemuth. (See Exhibit 11.) The facsimile included a written warning Ciampa issued to Wohlgemuth on May 3, 2005 for making comments that others construed as offensive and hostile. Wohlgemuth also attached his July 22, 2005 written response to Ciampa. In his written response, Wohlgemuth admitted making some, but not all of the comments attributed to him by Ciampa. Wohlgemuth also took issue with Ciampa's decision to impose discipline without first obtaining his statement regarding the alleged incident.

C. Interview with Lieutenant Blount

Lt. Blount gave Town Manager Stankiewicz a memorandum, dated December 7, 2004, entitled, "Hostile Work Environment - Request for Protection." (See Exhibit 12.) In his memorandum, Lt. Blount alleged the existence of a "tension filled and dangerous atmosphere" as a result of the reinstatement to active duty of the officers under indictment. Blount stated further, "Because I have cooperated with [the Grand Jury], publicly supported deposed Saccardo and other reasons, I have been the victim of criminal assault, witness intimidation and other acts of retaliation." Blount specifically cited his assignment to the 12 am to midnight shift and asserted he was effectively stripped of his duties. Blount also asserted he was retaliated against by placing him in the sergeants' office along with the two other lieutenants and noted that the office assignment forced him to share an office with two individuals who were under investigation by the Grand Jury and who were aware of his cooperation with the investigation.

During my interview with Blount, he stated as follows:

He was assigned as the Internal Affairs Officer in September 2002. In 2003, Cachopa assigned him to investigate an allegation against Sergeant Cohen and told him to "get rid of this." At first Blount did not think there was much to the complaint. After having investigated further, he found inconsistencies in Cohen's statements and advised Cachopa of same. Cachopa asked Blount why he was "digging so deep." He thought Cachopa wanted to "whitewash" the investigation. Blount advised Cachopa he wanted to consult with the District Attorney to protect the rights of the individuals involved. Blount requested a subpoena for Sgt. Cohen's phone records, but Cachopa denied that request. Cachopa asked Blount what was taking so long to complete the investigation. Blount told Cachopa he was at an impasse because the District Attorney's investigation was still pending. Cachopa directed him to complete his report. Blount advised Cachopa that charges against the complaining party should be dropped, but made no findings with respect to Cohen.

In 2002, Cachopa made a comment about a black computer. Blount confronted Cachopa about it and Cachopa went "berserk." Cachopa was so angry he was spitting as he was speaking, gritted his teeth, jabbed his finger at him and tried to convince Blount that he (Cachopa) was not a racist.

On November 15, 2004 at 9:50 a.m., Blount had been speaking to Tonis in the rear of the Town Hall parking lot. His conversation with Tonis ended and, as Tonis was walking away from

him, a large, dark colored SUV appeared to be accelerating and moving at a fast rate of speed (for a parking lot) from the direction to which Tonis was walking and coming from behind Blount. The SUV passed him by the length of the vehicle plus 10 or 12 feet, broke hard, but did not stop, and then, the driver put the transmission in reverse, causing the transmission to make a clunking sound and the tires locked up briefly as the vehicle then began to back up toward Blount's position. Blount feared the vehicle was going to strike him and moved reflexively out of the way of the vehicle. The vehicle stopped about 5 feet from him after he moved out of the way with the driver's window even with Blount's position. Blount identified Cachopa as the driver of the vehicle. Cachopa stared at him with a "menacing expression on his face." Blount and Cachopa stared at each other for approximately 30 seconds. Blount then regained his composure and began to walk toward the Town Hall – his original destination. Blount believed he would have been struck by the vehicle had he not moved out of the way. Blount immediately advised Saccardo, Stankiewicz and Chamberlin of the incident. Blount asserted the incident constituted criminal conduct.² Blount wrote a memorandum on November 15, 2004 to Saccardo regarding the above incident. (See Exhibit 13.) He also prepared a sketch of the incident during his interview. (See Exhibit 14.)

After Cachopa was reinstated to active duty from administrative leave, Cachopa would glare at him at least daily and say, "lawsuit." Cachopa refused to talk to him, Chamberlin and Wohlgemuth.

Within 24 hours of Cachopa's reappointment as Chief, Chamberlin, Wohlgemuth and Blount had their office assignments changed (although Wohlgemuth never actually changed offices). The purpose of the office change was to humiliate the lieutenants for the recommendation that the Town hire a consultant, and to retaliate against them for exposing corruption within the Department, supporting Saccardo and opposing Cachopa. Blount stated he had no knowledge of the proposed restructuring until he was advised of his change in duties by memorandum dated December 3, 2004. (See Exhibit 15.) Blount was stripped of his authority as Internal Affairs Investigator and has been assigned as the shift supervisor, which had previously been done by sergeants. Blount was also assigned the unpopular duties of scheduling and billing.

Blount asserted he was discriminated against based on race because he did not have internet access, because Cachopa highlighted Blount's role in stopping SuperBowl in January 2004 betting in the Department and because his request for a cell phone was denied in September 2003. (See Exhibits 16 & 17.)

Cachopa told Blount he would never be Chief of Police because no one likes him. Blount believed Cachopa made sure no one liked him.

Cachopa would not support Blount's requests for discipline against other officers because they supported him (Cachopa) and because he was sending a message that officers did not have to listen to the "black lieutenant." Chamberlin never dealt with discipline and Wohlgemuth only sought to impose discipline twice. There was no discipline imposed in the Department from

² It is my understanding this incident was referred to the State Police for investigation. I note that whether this incident constitutes a crime is beyond the scope of this investigation.

1994 until the spring of 2004, when Cachopa suspended two officers (after having been criticized for not imposing discipline by the Board of Selectmen).

In February 2004, Cachopa threw a "tantrum" because Blount filed a complaint with the Postal Inspector regarding a letter he believed had been sent to his wife alleging he (Blount) had an affair with another woman. Cachopa gritted his teeth and his eyes were bulging and came at Blount in a menacing manner. Cachopa asked him for a "to/from" regarding why he went outside of the Department with his complaint. Blount stated Cachopa apologized and said he would order an internal investigation. Blount decided not to pursue a complaint because he believed Cachopa had already compromised the investigation. Blount provided me with a copy of a February 14, 2004 memorandum to Cachopa regarding the letter to his wife and a February 15, 2004 typed summary of his conversation with Cachopa regarding same. (See Exhibits 18 & 19.)

Blount sent a memorandum, dated December 15, 2004, in which he complained that Ciampa gave him a letter regarding derogatory remarks he allegedly made to another officer about Ciampa without first getting Blount's version of incident. (See Exhibit 20.) Cachopa would always talk to the accused officer before deciding whether to impose discipline, but did not do so in this case.

On February 7, 2005, Blount forwarded a series of three memoranda from/to Ciampa regarding missing E-911 tapes. Blount felt Ciampa's memoranda were threatening. (See Exhibit 21.)

On April 13, 2005, Blount received a written warning for failing to arrive on time for training to which Blount responded on April 14, 2004. (See Exhibit 22.)

On July 14, 2005, Blount sent a letter to Ciampa alleging violation of the state whistleblower statute. In his letter, Blount requested Ciampa step down from the position of Acting Chief, that the senior Lieutenant (Wohlgemuth) be appointed as Acting Chief pending resolution of the criminal charges against Cachopa, that the "illegal" position of executive officer be abolished, that he (Blount) return to the day shift and to his old office, and that all reprimands, memoranda and letters issued to him since November 1, 2004 be expunged from his file. (See Exhibit 23.)

D. Interview with Sergeant Welch

During my interview of Sergeant Robert Welch, he reported having been intimidated, having had his assignments changed, having received retaliatory communications, having had toy rats placed in his Police Department mailbox and having to deal with a stressful atmosphere in the Police Department. Specifically, Welch stated as follows:

He and Blount were assigned to investigate the allegations against Cohen. After the officers under investigation were returned to active duty in November 2004, the officers who returned made it miserable for him. Welch received phone calls in which the caller would say, "f---ing rat" and hang up. People would bang on his door and make the same comment. He was afraid to go into the Police Department. Some of his friends and neighbors were told to separate themselves from him.

Welch and the rest of the Detective Bureau were directed to complete activity sheets that they never had to complete before. Previously, reports were made orally, but now they had to submit through Ciampa pursuant to Cachopa's order. The locks on his office door were changed at Cachopa's order so he no longer had a key to the detective's office or the evidence room.

The manner in which Cachopa communicated with Welch changed. He recounted an incident in which he was asked to conduct background checks on new candidates for appointment to the police department. Welch could not conduct the background checks without releases and Cachopa asked him three times in 3 or 4 days why the background checks were not done. Welch told Cachopa the communication problem was between Cachopa and Ciampa, at which time Cachopa said he would take care of it. Welch believed Cachopa was looking for any reason to criticize him.

Cachopa told Welch and others assigned to the Detective Bureau that when July came around, they would lose their assignments. Welch attributed Cachopa's statements to the fact Welch did not oppose the selectmen who opposed Cachopa in June 2004.

Cachopa has always been happy with Welch's work, then, in November 2004, Cachopa "explodes" on Officer Smith because Cachopa did not know about a case. Welch had discussed the case with Ciampa who said he would advise Cachopa.

Welch believed Cachopa had a "hit list" of people in specialty assignments to remove.

Cachopa asked Welch to attend a meeting with the District Attorney regarding the potential charges against Cohen. Welch believed Cachopa was trying to protect Cohen. Welch believed Cachopa asked him to attend the meeting with him because he, by virtue of being a detective, had a rapport with the District Attorney and other officers. As he and Cachopa were riding back from the District Attorney's office, he told Cachopa that he should do the right thing and discipline the officers. Cachopa said he didn't know what to do, but "we didn't have this conversation."

The difference between Cachopa since June 2004 is that Cachopa gets angry with people who don't side with him. Welch believed things have become politicized since Cachopa's job was on the line.

Welch was critical of Officer Lepro in conversations with Chief Cachopa, but had advised Chief Cachopa of Officer Lepro's improvement. Further, when asked for a recommendation about a reduction in the staffing of the Detective Bureau in March 2005, Sergeant Welch recommended reassigning Officer Feist, rather than Officer Lepro.

E. Interview with Officer Curtis

During my interview of Officer Curtis, he stated as follows:

He has had a dispute with Cachopa for a few years regarding his bypass for appointment, although he did not appeal the bypasses.

Officer Curtis was assigned as the juvenile officer in 1995, but was removed from that assignment in 2001 by Cachopa. In August 2004, Curtis offered to help Chamberlin and Blount by taking the assignment because of the resignations of Officers Hardy and Tracy, who Curtis believed supported Cachopa. Curtis believed Hardy and Tracy resigned in a show of support for Cachopa and that he was viewed as not being a Cachopa supporter because he replaced Hardy and Tracy.

When Cachopa was reinstated, he also shifted Curtis back to his prior shift and reinstated Hardy and Tracy. Curtis stated he grieved the action, but the Union Executive Board elected not to proceed with it.

On September 21, 2004, Cachopa stopped and glared at him. This occurred 4-5 other times as well. He reported this to Chamberlin and Blount.

Curtis believed Cachopa dislikes Blount as a person, not because he is black.

F. Interview with Officer Sisco

During my interview of Officer Sisco, Officer Sisco stated as follows:

She never felt she had been discriminated against based on her race (African-American), although she stated she felt she was discriminated against based on her gender when she was not promoted to sergeant in 1994 despite obtaining the same score on the civil service examination as the person appointed.

There was an African-American officer who received what she considered a greater degree of punishment in 2001, but that officer left.

Sisco was aware of flyers in her mailbox, and a Saccardo cartoon in November or December 2004. She was enraged about this and spoke to Sergeant Texeira about it. She told him she believed placing such material in mailboxes was wrong. Texeira told Ciampa about this and it was addressed immediately.

The Department has become more politicized since July 2004 when Cachopa was not reappointed as Chief.

G. Interview with Officer Lepro

During my interview of Office Lepro, he stated as follows:

Prior to July 2004, he had a "pretty good" relationship with Cachopa. That relationship changed in May or June 2003 when he appealed his bypass for promotion to sergeant.

Lepro attended a fundraiser for Selectmen Pascarelli in November 2003.

Cachopa ordered Lepro to do a "to from" why an investigation was not completed, which he characterized as unusual.

Cachopa told Lepro he was not allowed to amend his shift on November 24, 2004, which had been a common practice for the Detective Bureau. Lepro did not pursue this issue because he did not want to cause the whole bureau to lose the ability to amend shifts.

Lepro was removed from his detective assignment on November 29, 2004. He grieved his removal, but the Union decided not to pursue the grievance. Cachopa told Lepro he wanted to go back to the way things were prior to his non-reappointment on July 1, 2004. Lepro, however, believed there is a link between the Grand Jury investigation and his removal.

Lepro stated on January 22, 2004, he was again removed from the Detective Bureau and involuntarily reassigned to the 4-12 shift. He stated this resulted in a loss of a \$2400 stipend, OT and another \$500 in a clothing allowance. Lepro grieved his removal under the just cause provision of the CBA and was reinstated after 3-4 weeks.

Since Cachopa was reinstated, he would see Cachopa stare at him and clench his fists at him about six times. Lepro believed this goes back to his bypass appeal.

On December 10, 2004, Cachopa told Welch to keep a list of anything Lepro does wrong.

On January 15, 2004, at a Union meeting, Cachopa called officers into his office to ask why they were sitting with Lepro and Pascarelli.

Everything in the Department is an "us against them" mentality. Lepro characterized his support for Selectmen Pascarelli as the biggest issue.

Lepro received a picture of Saccardo in his mailbox. Ciampa removed the picture and issued a memorandum stating such conduct would not be tolerated.

On February 9, 2005, Cachopa brushed by him and slammed the door in his face.

On February 18, 2005, he and Pascarelli were denied a shift change. He states Curtis told him it was an act of futility.

H. Interview with Officer Roberts

During my interview of Officer Roberts, he stated as follows:

He had been the firearms instructor and armorer for about 10 years. He stated he was also on the regional SWAT team.

Officer Roberts tried to stay neutral. He was close to Cachopa, but Cachopa has not been the same since the investigation began, and he does not speak to Cachopa anymore.

Other officers were told to pick a side, but he does not believe picking a side is appropriate.

Cachopa has always treated Roberts well and he (Roberts) gets along with everyone.

He has no concern about other officers backing him up, but he backs others up because he believed other officers might not do so.

Roberts does not know whom to trust.

Roberts has not been subject to any racial discrimination although some officers, who are now retired, used the "N" word. Roberts believed Blount and Cachopa have a problem with each other, but Blount never told him why.

I. Interview with Officer Pascarelli

During my interview with Officer Pascarelli, he stated there were toy rats and pictures placed in officers' mailboxes. (See Exhibit 24.)

Pascarelli refused to make any other statements on the record.

J. Interview with Sergeant/Executive Officer Ciampa

During my interview with Ciampa, he stated as follows:

His role as Executive Officer is to act as a filter between the Chief of Police and the rest of the Department. He handles training issues, scheduling vacations, personnel matters, all of which were issues Cachopa had handled himself previously. He became a sounding board for Cachopa and recommended policy decisions.

Ciampa has not always gotten along with Cachopa, but has always been able to talk to him. He and Cachopa "buted heads" when Ciampa was the President of the Superior Officers bargaining unit; but he never hated Cachopa.

Cachopa had an open door policy prior to being placed on administrative leave in September 2004, but no longer does.

Prior to Cachopa's non-reappointment in June 2004, there were rumors Cachopa would lose his job if Selectmen Joseph Pascarelli was elected. Ciampa believed Pascarelli wanted to be Deputy Chief. He believed Cachopa felt threatened by Pascarelli. After Cachopa removed Pascarelli from the court prosecutor assignment, Pascarelli grieved the decision, which caused Cachopa to feel betrayed by Pascarelli.

Pascarelli had some supporters in the Department and elicited the support of the three lieutenants in his run for Selectman.

Ciampa believed Blount has no people skills and, based on an alleged incident involving an arrest of a citizen in which Blount gave inconsistent statements regarding whether the citizen was under arrest, Blount "has a problem with the truth." Blount has been allowed to do whatever he wanted because of fear of the "race card" and his size, but is now being held to the same standard as everyone else and he doesn't like it.

After Chamberlin was appointed as Acting Chief, the department came to a screeching halt. The sergeants ran their shifts without direction or guidance. Wohlgemuth only does what he is told to do. Blount was Chamberlin's right hand man when he was the Acting Chief.

Many people were upset with the Board of Selectmen and some felt Pascarelli "started the whole mess." Chamberlin, Wohlgemuth and Blount got stuck in the middle because some believed Chamberlin released the names of the officers under investigation to the press.

The hiring of Saccardo was "a bag job" because he applied one month after the application deadline. There were rumors Saccardo was connected to former Selectmen Goulston.

There was jubilation over Cachopa's reinstatement in November 2004. He sensed no concern in the Department about the return of Cachopa even though the Grand Jury investigation was continuing because most perceived the Grand Jury as a "witch hunt."

Cachopa avoided contact with others in the Department on advice of his attorney and Cachopa put Ciampa in place to be a buffer.

Cachopa felt animosity toward other officers because his career was at risk and he felt betrayed by their participation in the investigation. He believed Cachopa did not retaliate against anyone as a result.

Ciampa addressed inappropriate cartoons as soon as he heard about it.

Cachopa did not support having an independent investigation of the Department as recommended by Chamberlin, Wohlgemuth and Blount because he thought it would be a "bag job."

Ciampa was unaware of any letter to Blount's wife alleging Blount was having an affair.

During an internal affairs investigation, the accused has an opportunity to respond to the allegations.

Ciampa did not want to make an issue out of Blount's statement to an officer regarding Ciampa's title so he did not file a report about it. He was unsure whether discipline was imposed for Blount's conduct, which Ciampa felt was inappropriate because Blount's comment was made to a lower ranking officer.

Chamberlin, Wohlgemuth and Blount all received a memorandum regarding the missing E-911 tapes, but no discipline was imposed upon anyone even though the tapes were never located.

The Department implemented a new detail system because Chamberlin had kept track of it, but did not teach anyone else how to do it.

Ciampa drafted the first no confidence vote in Chamberlin and Blount because the sergeants had no confidence in them. The no confidence vote in Blount was based upon a lack

of leadership, lack of knowledge, lack of people skills and insults to people. The vote against Chamberlin was based on a belief he was starting rumors about people. Ciampa discussed this with Cachopa at the time, but Cachopa stated civil service tied his hands. Ciampa did not participate in the second or third votes of no confidence.

Wohlgemuth's shift was changed because he thought he needed him for the day shift. Wohlgemuth's shift was changed back because of overtime concerns. Then, when Chamberlin did not return from medical leave, Wohlgemuth was returned to the 4-12 shift.

Cachopa discussed changing the lieutenants' duties before his non-reappointment. Ciampa believed the lieutenants asked to wear blue uniforms, rather than whites, but was unsure whether this occurred before Cachopa's non-reappointment.

The office reassignment was necessitated by the need to create an office for him when he became the Executive Officer.

He has never seen Cachopa grit his teeth and stare at anyone.

Ciampa approached Wohlgemuth about the first no confidence vote. He said the lieutenants would not talk to anyone in the department.

Ciampa believed he tried to get in touch with Wohlgemuth regarding his shift change, but when he could not, Cachopa decided to fax the letter to Hingham P.D. to be delivered to Wohlgemuth.

Welch complained about Lepro so Cachopa removed him from his assignment as detective.

Cachopa returned specialty assignments to the way they were before his non-reappointment.

Cachopa did strip the lieutenants of their authority to impose discipline because he did not trust them. Cachopa did not think the lieutenants could treat officers fairly. This change was not done immediately after reappointment because it was not a priority item.

Ciampa sent Chamberlin a letter regarding his failure to qualify with his service weapon because when he took over responsibility for in-service training he realized Chamberlin had not recertified in 2 years.

Blount was given responsibility for details in December 2004. Blount was removed from Internal Affairs because Cachopa did not trust him, but he did not recall why. Ciampa sent a memorandum to Blount on December 6, 2004 regarding his assignment as detail officer, shift commander and his allegedly derogatory comments about Ciampa to a lower ranking officer. (See Exhibit 25.)

Blount was denied comptime because he had time to move his belongings during a regularly scheduled shift. In response to a memo from Ciampa regarding this issue, Blount

asked for reconsideration, which Ciampa denied. Blount also replied by memorandum dated December 20, 2004. (See Exhibit 26.)

Ciampa conducted an investigation in January 2005 and concluded Blount lied about his allegation that Cachopa tried to hit him with his SUV because no one corroborated Blount's allegation. Ciampa did not present the investigation report to the Town Manager until March 2005 because he did not know what else to do with it. (See Exhibit 27.)

Lepro's shift assignment request was denied because Officer Faria, even though less senior, could ride a motorcycle, which is only used during the days.

Curtis was removed from his DARE/juvenile officer assignment because there were a lot of complaints from parents/teachers that he did not follow up. He stated Cachopa reinstated Officers Tracy and Hardy after reappointment as Chief of Police to put things back the way they were prior to July 1, 2004.

Wohlgemuth's training location was changed because the training was different (command series rather than regular shift commander), but it was changed back due to overtime issues.

The new activity sheet for the Detective Bureau followed an incident involving Lepro. He stated he did not discuss it with the Detective Bureau first because he did not think it was a big deal.

Ciampa believed Chamberlin, Wohlgemuth and Blount are out to get Cachopa because of a failed powerplay.

K. Interview with Chief Cachopa

Cachopa wrote a December 9, 2004 letter to Town Manager Stankiewicz in response to Chamberlin, Wohlgemuth and Blount's December 7, 2004 allegations of a hostile work environment. (See Exhibit 28.) Cachopa moved their shifts to limit contact with him as much as possible and to minimize lingering hostility on their part. Chamberlin and Blount accomplished very little while working the day shift and he, therefore, "transferred" them off of the day shift and transferred Wohlgemuth to the day shift.

The office changes resulted from the new assignment of Ciampa as Executive Officer. Ciampa had already discussed these changes with Blount, and Blount made no reference to being uncomfortable being in the sergeants' office. Ciampa told Blount they would give him another office if they could find a way to do so.

Cachopa acknowledged the placement of cartoons in officers mailboxes, but the matter was addressed immediately.

Ciampa was assigned to the position of Executive Officer to limit contact between himself and the lieutenants to limit any discomfort they might feel.

Cachopa requested that his interview be taped recorded. At the close of the interview, I retained possession of the audiotape and a transcript of that audiotape was made. Attached hereto is the transcript of the Cachopa's interview. (See Exhibit 29.)

In response to a follow-up question, Cachopa stated he removed the lieutenants' authority to suspend as a result of the creation of the executive officer assignment. (See Exhibit 10.) He determined that the Chief of Police and his designee had always had the authority to suspend. He wanted to know if Saccardo had granted anyone the authority to suspend and learned that Wohlgemuth had been given that authority by former Chief Dineen. (See Exhibit 31.) Chamberlain also had the authority, but never returned to active duty after December 7, 2004. Cachopa stated Blount never had the authority to suspend. Cachopa wanted to transfer this authority to the Executive Officer and, therefore, removed that authority from the lieutenants.

L. David Tonis

During my interview of Tonis, he stated as follows:

He was walking from the Town Hall to the Police Department through a side parking lot. At the same time, Blount was walking from the Police Department to the Town Hall. Tonis and Blount stopped to chat in the parking lot. Mr. Tonis drew a diagram of the parking lot on which he indicated that he and Blount stopped to speak about 3/4 or 2/3 down the parking lot from the Town Hall toward Rose Street. He also indicated that he and Blount spoke near the left side parking spaces (looking from Rose Street toward the side of the Town Hall). Tonis drew a sketch of the incident during his interview. (See Exhibit 32.)

After he spoke with Blount, he proceeded toward Rose Street and turned to the right toward the Police Station. He saw a big black SUV pull into the parking lot and heard the SUV's wheels screech. He looked toward the SUV and noted only that Blount was further along the left row of cars than the SUV was (i.e., closer to the Town Hall). He also stated he did not see Blount or Cachopa stop and glare at each other.

Blount was headed toward a side door in the Town Hall that was right of center with the middle of the parking lot.

M. Thomas Rorrie

During my interview of Mr. Rorrie, he stated as follows:

He saw Blount "swaggering" what he estimated was about midway (from left to right) through the parking lot from Rose Street toward the Town Hall. He never saw Blount break stride and made no observation of Blount looking shocked. The speed of the SUV did not stand out to him. Blount was always closer to the Town Hall than the SUV ever was. Rorrie prepared a sketch of the incident during his interview. (See Exhibit 33.)

Rorrie heard about the allegation through the building and approached the Town Manager about the situation.

N. Theresa Cardoso

During my interview of Cardoso, she stated as follows:

She was working at her desk on the first floor of the Town Hall, which faces the side parking lot from an angle such that the parking lot is to the right of Cardoso's window when facing out from her desk, when she noticed Blount walking through the parking lot (from Rose Street toward the Town Hall) particularly because he was wearing a short-sleeved shirt on a cool day in November. Cardoso noted Blount because she believed he should have moved out of the way of the oncoming vehicle. Blount never broke stride when the SUV came into the parking lot. The speed of the SUV did not appear unusual for the parking lot. Blount was a little closer to the center of the parking lot (from left to right) than indicated by Tonis. Cardoso drew a diagram of the incident during her interview. (See Exhibit 34.)

Cardoso heard about the allegation and contacted Cachopa's wife to let her know what she had seen and offered to help.

O. Mark Stankiewicz

Stankiewicz stated that on November 15, 2004, Blount came into his office after the alleged incident in which Cachopa attempted to hit Blount with his SUV. He judged that Blount was shaken by the incident, which he reported at that time.

P. Additional Facts

I received a December 10, 2004 article from the Stoughton Journal. I give no weight to this article for the comments offered by its author, but rather consider the quotes attributed to witnesses to this investigation for their consistency with the statements given. (See Exhibit 35.)

I also received notes from Stankiewicz of a November 15, 2004 meeting with all of the officers who had been placed on administrative leave pending the Grand Jury investigation. At that meeting, the Town agreed to reinstate the officers, but stated all reinstated officers would be returned to paid administrative leave if there was any intimidation of any officers or Grand Jury witnesses, harassment of any officers or Grand Jury witnesses, if any files or evidence became "missing" or if any reinstated officer impedes the District Attorney's investigation. (See Exhibit 36.)

IV. FACTUAL FINDINGS

As stated above, I have been asked to determine whether Chamberlin, Wohlgemuth or Blount have been retaliated against for their role or perceived role in the investigation of other members of the Police Department, including Cachopa. In addition, I have been asked to determine whether Blount was the victim of race-based discrimination. Based on this charge, I will focus on the identifiable changes and assertions in the terms and conditions of employment. To the extent I make findings with respect to other alleged facts I view as illustrative of the environment at the Police Department at the time the alleged events occurred.

I turn now to the specific allegations.

I. I address first Chamberlin, Wohlgemuth and Blount's allegation that their shifts, duties and offices were changed in early December 2004.

I find Cachopa's decision to change duties and shifts was motivated by Chamberlin, Wohlgemuth and Blount's involvement or perceived involvement in the Grand Jury investigation, and support of Saccardo or perceived lack of support for Cachopa. I base my finding on the inconsistent statements of Cachopa and Ciampa. Cachopa stated that he wanted to create an executive officer position to handle the responsibilities previously handled by the lieutenants. Ciampa, on the other hand, stated his responsibilities are all duties previously handled by the Chief. I find Ciampa's explanation more credible because it is consistent with his actual duties, because Cachopa admits to having created the assignment to form a buffer between himself and other members of the Department (not just the lieutenants) and because Cachopa articulated no reason for wanting to establish such a buffer until after he was reappointed in November 2004.

In addition, considering the sequence of events between June and December 2004, it would have been a far more prudent course to maintain the status quo to reestablish relations within the Department before changing the lieutenants' duties. The immediate change in lieutenants' duties was also inconsistent with Cachopa's justification for changing specialty assignments in November 2004, which he described as intended to reestablish the assignments he had in place in June 2004. Last, none of the lieutenants had any knowledge of the proposed change in their duties prior to receiving a memorandum to that effect on November 29, 2004. It borders on implausible that a chief of police would consider a major change in the structure of his department without some level of input from his command staff.

These facts strongly suggest Cachopa had no intent to implement the executive officer assignment, at least not in the manner in which he implemented it, until after his re-appointment in November 2004. Moreover, even if Cachopa had intended to implement the executive officer assignment before his non-reappointment in June 2004, there would have been no reason to implement that assignment as a buffer, and, therefore, no cause to change the lieutenants' shifts to minimize contact with them. I find Cachopa's explanation that he did so to avoid lingering hostility from the lieutenants strains credibility. It is the Chief's responsibility to reach out to, and not to distance or alienate himself from, his subordinates in circumstances like these. I, therefore, find the removal of the internal affairs duties from Blount and the operations responsibilities from Wohlgemuth to be the result of retaliation by Cachopa for Wohlgemuth and Blount's involvement or perceived involvement in the Grand Jury investigation, and support for Saccardo or perceived lack of support for Cachopa.³ Similarly, I find the change in shifts, which appears to have resulted from the change in duties, to be retaliatory.

I find the change in offices resulting from the creation of the executive officer assignment was not retaliatory because regardless of the duties assigned to the executive officer, it is reasonable to assume he would have required an office convenient to the Chief's office, thus necessitating a reassignment of offices. The decision to place a lieutenant who was perceived to

³ I make no finding as to Chamberlin's duties as he was on leave from early December 2004 through his retirement in April 2005, except that I find his assignment to desk duty until he re-certified with his firearm to be reasonable and non-retaliatory.

be involved in the Grand Jury investigation in an office with anyone who was the subject of the Grand Jury investigation, however, demonstrated extremely poor judgment.

2. I find Cachopa's decision to remove Wohlgemuth's authority to suspend was retaliatory. Cachopa explained that his decision was based on the change in duties, and that he wanted the executive officer to have the authority to suspend as his designee, rather than the lieutenants. Ciampa, however, explained that Cachopa told him he did not trust the lieutenants to be fair in imposing discipline, and, therefore, wanted to remove their authority to discipline. Because the removal of Wohlgemuth's authority to suspend was a part of the change in duties, which I find to be retaliatory, I must also find that the removal of the authority to suspend is retaliatory. In addition, because Cachopa took no action to remove Wohlgemuth's authority to suspend prior to his non-reappointment, I must conclude that the lack of trust Ciampa attributes to Cachopa resulted from the events that occurred after July 1, 2004. While perhaps human to question the loyalty of officers who were perceived to have investigated you or to have supported someone who replace you, it is a far different thing to act upon that mistrust as I find Cachopa did. Accordingly, I find Cachopa's removal of Wohlgemuth's authority to suspend was in retaliation for his perceived participation in the Grand Jury investigation and his perceived lack of support for Cachopa.

3. I find Cachopa did not try to hit Blount with his SUV on or about November 15, 2004. Considering the statements of Tonis, Cardoso, Rorrie, Blount and Cachopa, I find that Blount stopped to talk with Tonis in the parking lot. He then continued on a line from in front of the cars parked on the left (from Rose Street facing the Town Hall) toward the side entrance to the building. This would have caused him to make a diagonal line from the point at which he spoke to Tonis to the side door, which is located right of center of the parking lot (same orientation). As Blount walked toward the door in a line that would have put him even with the left front of Cachopa car, Cachopa entered the parking lot, passed a vacant parking space, reversed his direction and backed into the parking space. Both Rorrie and Tonis indicated Blount was closer to the Town Hall than the SUV at all times. In addition, Tonis, Cardoso and Rorrie all stated Blount never broke his stride while walking from the point at which he was speaking to Tonis until they lost sight of him, which was after the alleged assault. This is inconsistent with Blount's statement that he had to jump out of the way of the SUV as it backed up. I, therefore, find that while Cachopa may have startled Blount, perhaps even intentionally, by causing the tires on his vehicle to screech, Cachopa did not try to strike Blount.

4. I find no evidence to support Blount's allegation that he was the victim of race discrimination. In some respect, Blount's allegation defeats itself. He asserted that his duties, shift and office were changed. These are the same allegations made by Chamberlin and Wohlgemuth, both of whom are Caucasian. There is no evidence to demonstrate Blount was treated differently in any respect.

Blount also references a comment Cachopa made in 2002 about Blount getting a black computer. Blount addressed Cachopa's comment about the computer at that time. Blount also stated the fact that Cachopa identified his role in stopping SuperBowl gambling in February 2004 and Cachopa's denial of Blount's request for a cell phone in September 2003 were discriminatory. There is no evidence to suggest either the gambling issue or the cell phone issue were motivated by race. The two African-American officers I interviewed both stated they had

not been the victim of race discrimination. In fact, Curtis and Roberts both stated they thought Cachopa did not like Blount personally, but this had no relation to Blount's race. Thus, there is evidence of one inappropriate comment by Cachopa, which Cachopa made more than two years before the present allegation was made. I also note a single remark is insufficient to demonstrate race discrimination.

I also make the following observations. Cachopa is an old-school Chief. He prefers to be a backslapper and a political person. He appears to be better at keeping his job by maintaining political connections, than he is as a true leader of a Police Department. He has rarely imposed discipline. And when he did impose discipline, he only did so following criticism of his failure to do so by a previous Board of Selectmen. Blount, on the other hand, is a former Marine. He brings a militaristic approach and attitude, which is probably excessive in most Police Departments, and is certainly viewed as such in the Stoughton Police Department. This is a mix that does not work well. It is my finding that the difficulties between Cachopa and Blount are the result of this personality clash. I find there is no evidence that it is racially motivated and no evidence of race discrimination.

5. It is uncontested that plastic toy rats and derogatory cartoons of Saccardo were placed in numerous officers' mailboxes. It is also uncontested that Ciampa addressed this issue in an appropriate manner.

6. I find that requiring Chamberlin to provide medical documentation to support his request for injured-on-duty benefits to be reasonable and non-retaliatory in the absence of any evidence to demonstrate other officers who requested injured-on-duty status were not required to provide supporting medical documentation.

7. I find that Cachopa did engage in "stare downs" with numerous officers. Based on the evidence offered by several officers that they observed this conduct both before and after Cachopa's reappointment, I find that Cachopa does demonstrate this behavior when he is angry or displeased with individuals. This conduct, however, does not amount to a change in a term or condition of employment.

8. There is insufficient evidence to determine whether the proposed change in Wohlgemuth's training from Plymouth to Foxboro was retaliatory, as this issue was resolved with Wohlgemuth continuing his training in Plymouth.

9. I find there was no retaliatory element to Ciampa's February 7, 2005 memorandum requesting information about missing E-911 tapes.

10. I note the receipt of documentation evidencing discipline imposed upon Chamberlin, Wohlgemuth and Blount after my interviews. I decline to make any findings with respect to these incidents because I believe it to be beyond my charge. Because each additional incident would warrant detailed investigation and because I have been asked to complete this investigation as quickly as possible, consideration of such incidents would require me to continue my investigation indefinitely without completion. I also note that there will always be discipline imposed against officers and to determine whether each incident relates to a particular factor becomes more difficult with time. Each lieutenant is within his right to contest written

warnings by writing a response and having it placed in his personnel file. Any future suspension may be appealed through the civil service process (and or grievance process of the applicable collective bargaining agreement) where the officer may obtain a full hearing as to the equity of the discipline imposed.

11. I find that Cachopa's decision in November 2004 to reinstate the specialty assignments to be as they were prior to his non-reappointment in June 2004 to be motivated by his intent to return to the status quo, rather than an intent to penalize the officers who accepted those specialty assignments. I make no finding, however, as to whether this violates the terms of the applicable collective bargaining agreement.

12. I make no finding regarding Lepro's removal from the Detective Bureau as he alleges he was removed primarily because he supported Selectmen Pascarelli, who did not support Cachopa. I view this allegation as being distinct from those of Chamberlin, Wohlgemuth and Blount, who allege retaliation for participation or perceived participation in matters within the Police Department and not for their political support or opposition of one or more members of the Board of Selectmen (or other office).

V. CONCLUSIONS

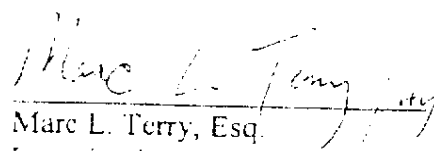
There is no question that the Police Department was a politically and emotionally charged environment during the last half of 2004. Cachopa had been removed from office by one Board of Selectmen, and then reappointed by another, which followed a recall election that pitted pro-Cachopa candidates against anti-Cachopa incumbents. At the same time, several members of the Police Department, including Cachopa, were under investigation by the Grand Jury for criminal misconduct. There is no conceivable way to have these facts conveniently set aside when assessing specific actions.

It is uncontested that Chamberlin replaced Cachopa on an interim basis, or that, as a team, Chamberlin, Wohlgemuth and Blount were charged with running the Police Department until Saccardo was appointed as Chief in October 2004. I also do not question that this placed all three in a position of appearing to be opposed to Cachopa. It was, therefore, Cachopa's responsibility as the leader of the Police Department to reach out to the factions within the Police Department and lead. He, therefore, could not just recede behind the buffer of Ciampa. He had to stand up, address the difficulties head on and move forward. He clearly failed to do that.

Instead, he acted upon his mistrust and apparent feelings of betrayal. He created the executive officer to act as a buffer. He reduced the authority of Chamberlin, Wohlgemuth and Blount by assigning them to act as shift supervisors, rather than to maintain their assignments as administrative, operations and internal affairs lieutenants. Whether these acts were truly intentional or the result of feelings of mistrust and betrayal, they were indeed the consequence of Chamberlin, Wohlgemuth and Blount either participating in or being perceived as participating in the Grand Jury investigation, and supporting Saccardo or, stated differently, not supporting Cachopa.

Based on my findings of fact, I conclude Cachopa retaliated against Chamberlin, Wohlgenuth and Blount by changing their duties and shifts. He retaliated against Wohlgenuth by removing his authority to suspend.

I also conclude that Cachopa did not assault Blount with his SUV on November 15, 2004 and that he did not discriminate against Blount on the basis of Blount's race. I also find that Cachopa's decision to reinstate the specialty assignments to be as they were prior to his non-reappointment was not retaliatory.


Marc L. Terry, Esq.
Investigating Officer