

CITY OF BRIDGEPORT

CHIEF OF POLICE

IN THE DISCIPLINARY MATTER OF

CITY OF BRIDGEPORT POLICE DEPARTMENT : OIA CASE #: 151-015

VS. :

CAPTAIN ROBERT SAPIRO : NOVEMBER 22, 2016

DECISION

I. INTRODUCTION / BACKGROUND

On February 9, 2015, Bridgeport Police Officer Clive Higgins filed Incident Report No. 150209-173 wherein he reported having found an anonymous letter (which he characterized as hate mail) in his departmental mailbox. Officer Higgins promptly notified Bridgeport Police Lieutenant Lonnie Blackwell. Lt. Blackwell was not Officer Higgins' superior officer in the departmental chain of command; but allegedly Officer Higgins approached the Lieutenant due to his being the current President of the Bridgeport Guardians (an organization representing interests of minority police officers).

According to Incident Report No. 150209-173, Lt. Blackwell advised/ordered Officer Higgins to leave his post and bring the racist hate mail evidence over to him at the department's Training Academy. Upon learning of the incident, Lt. Blackwell's immediate superior officer (Captain Robert Sapiro) reported the incident by email to Deputy Chief ("D/C") Baraja. On D/C Baraja's orders, Captain Sapiro accompanied Officer Higgins and his evidence to the Bridgeport Police Department ("BPD" or "Department") Office of Internal Affairs ("OIA") where Officer Higgins met with OIA Commander Lt. Garcia (since promoted to rank of Captain, but referred

herein as Lieutenant since that was her rank during OIA's investigation of Case #151-015).

Thereafter, Officer Higgins filed an Incident Report and submitted a letter (aka report) directly to Police Chief Joseph L. Gaudett, Jr. due to the serious nature of the matter and allegedly upon the advice of Lt. Blackwell.

Officer Higgins' February 9, 2015 letter to Chief Gaudett included statements that:

(1) at 0800 hours on that same date he found an anonymous letter "that had contents pertaining to Black Officers in the Bridgeport Police Department 'belonging in the toilet", (2) this "is a clear proof that there are white Officers in this Department that are affiliated with the white supremacy group", (3) he was "scared to death" for his life working under a hostile work environment, (4) this incident "is a sure sign that discrimination exist[s]" in the BPD, and (5) he had "no idea who wrote this letter, it could be the Chief of Police himself. Officer Higgins copied his letter to OIA, Mayor Bill Finch, the Bridgeport Guardians, Guardians legal counsel Attorney Thomas Bucci, the Bridgeport Board of Police Commissioners ("Board"), the Interdenominational Interfaith Alliance of Greater Bridgeport ("IMA") President Rev. Stallworth, and the NAACP.

On February 9, 2015, Chief Gaudett directed OIA to open an Investigation regarding the anonymous letter submitted by Officer Higgins. In response OIA opened OIA Case #151-015 Internal Investigation - Anonymous Hate Letter (P.O. Clive Higgins, et al.). On or about October 13, 2015, OIA Commander Garcia presented her office's Findings of OIA Case #151--015 to Chief Gaudett, and transmitted lead investigator, Sgt. Edward Rivera's detailed investigatory report. In her transmittal letter Lt. Garcia stated that she concurred with the recommended findings of Sgt. Rivera, and the Bridgeport Police Department Policy & Procedure

/ Rules & Regulations Violations that OIA sustained. Officer Higgins subsequently resigned from the BPD effective July 6, 2015.

II. DISCIPLINARY CHARGES

On or about December 2, 2015, Captain Robert Sapiro was provided with a complete copy of the OIA Case #151-015 Internal Investigation along with all accompanying exhibits; and he was charged with violating the following sections of the Bridgeport Police Department's Policies and Procedures / Rules and Regulations:

1.3.4 KNOWLEDGE OF DEPARTMENTAL RULES AND REGULATIONS

- 1) Members of the Department shall familiarize themselves with these rules and regulations and each member shall conform to and abide by the same.
- 2) These rules are a basis for action and are not meant to be all-inclusive. No member of the Department will be excused from action in accordance with sound judgment merely because a situation is not covered by a rule.

1.3.5 VIOLATION OF RULES

Officers shall not commit any acts that constitute a violation of the rules, regulations, directives, or other orders of the Department whether or not stated in this manual. Rules regulations, directives, or other orders shall be posted at Area Commands, in bureaus and divisions, as well as other departmental areas that are deemed appropriate.

Any superior officer of the Department, who observes any subordinate violating any rule or regulation and fails to take proper corrective action, shall be in violation of these rules.

1.2.21 SUPERVISOR ACCOUNTABILITY

All supervisory personnel shall be held accountable for the performance of employees under their immediate control.

III. LOUDERMILL HEARING

On or about May 26, 2016, Chief Perez conducted a Loudermill Hearing concerning the charges pending against Captain Sapiro, during which hearing the Captain was afforded an opportunity to be heard in response to such charges. Captain Sapiro and his Union representatives presented both verbal and written information in an attempt to rebut the charges against him.

IV. DECISION ON CHARGES

Captain Sapiro was at all times relevant to this investigation, the direct supervisor of Lt. Blackwell. The Captain was aware of Lt. Blackwell's position as President of the Bridgeport Guardians and his practice of reporting instances of racial discrimination; unequal treatment; threats, harassment and intimidation; racial, ethnic or sexist slurs and/or graffiti; and other racial issues both on his own behalf and on behalf of other minority members of the department.

Despite knowledge of Lt. Blackwell's leadership role with the Guardians and Blackwell's history of reporting instances of what he perceived to be racist behavior within the BPD directed at himself and other officers; Captain Sapiro voluntarily consulted with Lt. Blackwell, in the drafting of reports to their superior officers, including those concerning certain incidents of alleged discriminatory treatment and racism within the Department. Captain Sapiro permitted Lt. Blackwell to assist him with the drafting and/or editing of report(s) officially submitted under Captain Sapiro's name and/or signature that supported Lt. Blackwell's allegations of racism at the highest ranks of the Department.

A. Failure to Properly Supervise Subordinate including re: Handling Higgins Matter

Captain Sapiro was unacceptably lax in his supervision of Lt. Blackwell's job performance and devotion to duty. The OIA Case #151-015 investigation disclosed what appears to have been a pattern on the part of Captain Sapiro to permit Lt. Blackwell to devote a portion of his workday to Guardian (rather than official police) business. Captain Sapiro in his statement to OIA testified that Lt. Blackwell had Guardians' laptops on the work site, that he engaged in phone calls regarding Guardians business, and that he worked with other department members to file their complaints of racist treatment. None of this was within Lt. Blackwell's official job description or assignments; and the Captain was derelict in his supervision by permitting such unauthorized activities to occur on Department premises and/or work time.

The handling of the February 9, 2015 Higgins Report of an anonymous hate letter is illustrative of this pattern of improper and inadequate supervision by Captain Sapiro of Lt. Blackwell at the Training Academy. Officer Higgins was not assigned to the Training Academy; and he was not a subordinate of Lt. Blackwell. Therefore, there was no basis or authorization for Lt. Blackwell to order Officer Higgins to report to him at the Training Academy upon discovery of the anonymous hate letter at the Congress Street Police HQ. Lt. Blackwell was not Officer Higgins' direct supervisor; and any action the Bridgeport Guardians Society chose to take in response to this incident, should have taken place only on off-duty time.

The proper action for Lt. Blackwell to have taken when contacted by Officer Higgins regarding this incidence of alleged racism was to direct Officer Higgins to immediately report the incident in accordance with the mandates of the *Department's Threats, Intimidation and Harassment Policy* (BPD Policy 2.7.7) and *Racial, Ethnic or Sexist Slurs and/or Graffiti Policy* (BPD Policy 2.7.8) to the Chief of Police, the OIA Commander, the Director of Labor Relations

and/or his own Immediate Supervisor (BPD Policy 2.7.8.3.1). Instead, Lt. Blackwell took ownership of the event and advised and consulted with Officer Higgins at the Training Academy prior to the filing of any official incident report. Clearly, the actions of Lt. Blackwell did not constitute work properly within the scope of his duties, responsibilities or jurisdiction as a Lieutenant assigned to the Training Academy.

Lt. Blackwell was neither trained, nor empowered, to consult with Officer Higgins regarding the February 9th incident. Officer Higgins was not in Lt. Blackwell's chain of command and Lt. Blackwell was operating outside the scope of his employment when on February 9th he directed Officer Higgins to leave his post at Police Headquarters and report to him at the Training Academy. Reportedly, later on February 9th, Lt. Blackwell transported Officer Higgins back to the Training Academy to write (upon the advice of Lt. Blackwell) a letter to Chief Gaudett regarding the anonymous hate mail letter incident and Officer Higgins' firearms concerns. See Incident Report #150209-173 dated February 9, 2015 and filed by Officer Higgins and February 9th Letter from Officer Higgins to Chief Gaudett. Lt. Blackwell was acting unilaterally and without authorization. In short, Lt. Blackwell had no business (either as a Lieutenant assigned to the Training Academy, nor as President of the Bridgeport Guardians) directing the actions of Officer Higgins, nor advising or consulting with Officer Higgins on February 9th regarding the hate mail incident, while on duty.

As Lt. Blackwell's supervisor, Captain Sapiro did not take proper action to remedy this situation, nor to investigate and/or discipline the Lieutenant for his ultra vires conduct. This is a clear example of Captain Sapiro's failure to supervise Lt. Blackwell. Lt. Blackwell's unilateral, independent and unauthorized initial handling of the Higgins complaint was improperly disregarded/condoned by Captain Sapiro.

Captain Sapiro in accordance with departmental procedures (BPD Policy 2.7.7.4.2; 2.7.7.4.3; 2.7.8.4.2 and 2.7.8.4.3) did promptly contact his own supervisor, D/C Baraja, who upon hearing from Sapiro immediately exercised appropriate command authority. D/C Baraja bluntly informed Captain Sapiro that Officer Higgins was not in the Training Academy's chain of command and directed that that Officer Higgins be sent immediately to OIA. Captain Sapiro's own initial reaction also had been that Officer Higgins was not acting properly in presenting the matter to Lt. Blackwell at the Training Academy. Officer Higgins was not in the Training Academy chain of command; nor had he discovered the anonymous letter at the Training Academy. Rather, Officer Higgins' assigned worksite was at the Congress Street Police Headquarters, the site where he actually alleged to have discovered the anonymous hate mail. Regardless, until ordered by D/C Baraja as to how to proceed, Captain Sapiro permitted Lt. Blackwell to direct and control the Higgins incident. Captain Sapiro failed to step in as Lt. Blackwell's commander and terminate the unauthorized supervision of this complaint.

The autonomy and lack of accountability under which Lt. Blackwell was permitted to operate was direct evidence of a failure on the part of Captain Sapiro to effectively supervise. With regard to the February 9, 2015 Higgins incident, there is no evidence that Lt. Blackwell sought or received permission or authorization from Captain Sapiro to order Officer Higgins to the Training Academy on the morning of February 9th, nor is there evidence that Captain Sapiro knew what discussions Officer Higgins was having with Lt. Blackwell at the Training Academy regarding reporting the anonymous hate mail letter prior to the time that D/C Baraja properly intervened and ordered Officer Higgins to report directly to OIA. In fact, during this crucial time period, Lt. Blackwell even left his work site at the Training Academy (on personal or Guardians'

business) without permission from, or any notice to, Captain Sapiro (who personally transported Officer Higgins to OIA).

Lt. Blackwell's unauthorized actions in consulting with Officer Higgins regarding the anonymous hate mail (and Captain Sapiro's lax supervision of his subordinate Lieutenant) interfered with the orderly filing of Officer Higgins' Complaint and may have compromised the preservation of evidence and the timely and professional investigation of the incident by OIA.

B. Training Academy Discrimination Email Chain of March 12, 2014

On March 12, 2014 at 8:43 AM Lt. Blackwell sent an email on the subject of "Training Academy Discrimination" to Police Union Local 1159 President Charles Paris. Lt. Blackwell copied the following parties on his email: Chief Joseph Gaudett; Assistant Chief ("A/C") James Nardozzi; Mayor Bill Finch; Mayor's Deputy Chief of Staff Ruben Felipe; Labor Relations Director Lawrence Osborne; Labor Relations Officer Thomas Austin; Deputy City Attorney Arthur Laske; and Captain Robert Sapiro. In this email, Lt. Blackwell alleged that:

". . . It appears that there is a new initiative presently in place to target me, which is totally unfair, and quite frankly, **discrimination and harassment** is against the law. I will not accept being treated differently as a result of my race and/or guardian affiliations. This situation must be addressed immediately and I plan on requesting assistance from the community as well. Every officer, regardless of rank, should be able to come to work in a pleasant environment. I will be contacting my attorney as well."

On March 12, 2014 at 10:05 AM Captain Sapiro responded to Lt. Blackwell and Union President Paris and copied all the other parties to Lt. Blackwell's original email. In his March 12, 2014 responsive email, Captain Sapiro states:

"I have never seen the scrutiny placed on one officer or supervisor as I have seen placed on Lt. Blackwell. The lieutenant feels discrimination is part of this situation. Based on his assertion that he is being discriminated against, this is a serious matter that needs to be addressed immediately. . . I understand Lt. Blackwell's contention that he feels he has been targeted. I do not agree

with the actions aimed at Lt. Blackwell and I am not in a position to help him. However, for the record, I do not want anything to do with what has become a concerted effort to harass and intimidate him. Please consider this my response in accordance with reporting prohibited conduct BPD policy 2.7.7.3.1."

Captain Sapiro's March 12, 2014 email was improper, unprofessional and a violation of department rules, regulations, policies and procedures in multiple respects.

Captain Sapiro inappropriately permitted Lt. Blackwell to have self-serving input into the content and presentation of the Captain's responsive email, which was labeled as being authored by the Captain himself. Thus, the Captain's official email report on matters of substantial import to the BPD was improperly influenced and/or altered by a subordinate officer which resulted in subjective, conclusory, judgmental and premature portrayal of the Department's most senior management as racist, without the benefit of proper independent investigation.

Captain Sapiro as Lt. Blackwell's commanding officer did report (via his March 12, 2014 email) Lt. Blackwell's allegations of incidences of racial harassment, intimidation, slurs, graffiti and/or other forms of discrimination. However, the Captain did much more than merely report the underlying facts and circumstances of the incidents to the proper parties. Rather, he characterized, editorialized without independent investigation, and published his own substantive conclusions that Lt. Blackwell's complaints were in fact meritorious. This collusion and failure to supervise by a senior commanding officer had the effect of substantiating Lt. Blackwell's allegations, lending premature and unwarranted credence and validity to the complaints, and fostering the perception that these were more than mere allegations. The Captain's subjective report (prepared with Lt. Blackwell's input, without attribution) was presented as persuasive evidence submitted by a senior departmental officer that Lt. Blackwell in fact had valid and

credible complaints of having been subjected to racial harassment and a hostile work environment, by the departmental leadership.

Eventually, Captain Sapiro felt so uncomfortable with his subordinate's unwarranted and inappropriate input into, and editing of, his own work product that the Captain ultimately put a stop to it. However, this action by the Captain was "too little, too late". Captain Sapiro had allowed himself to be manipulated. The Captain conceded that Lt. Blackwell was attempting to defend his position and build up his case by bolstering the Captain's letters up a little more than what they really were. Only during his interviews with OIA did the Captain belatedly and reluctantly disclose and admit to a compromising of the independence, objectivity and integrity of his official reports, as a consequence of Lt. Blackwell's biased input as complainant.

Captain Sapiro, in his official capacity and with the assistance (without attribution) of Lt. Blackwell, had substantively endorsed the merits of Lt. Blackwell's email complaint pre-investigation. The impact of Captain Sapiro "weighing in" with subjective commentary and conclusions (influenced or edited by the Complainant, Lt. Blackwell) disparaged the most senior leadership of the department (Chief Gaudett and A/C Nardozzi) in the eyes of their own superiors (Mayor Finch and his Administration) and undermined the BPD's reputation for good order and racial harmony. The content of Captain Sapiro's email supporting Lt. Blackwell's Complaint invited disrepute to the Department because it contained information conveyed by Captain Sapiro and attributed to him that in fact was at least in part "ghostwritten" by Lt. Blackwell. The end result of this collusion between the Captain and the Lieutenant was the creation of the impression that another independent individual (his Captain) took issue with how the Lieutenant was treated and discriminated against by the Department. The impropriety of this collusion was compounded by the fact that litigation filed by Lt. Blackwell against the City

alleging racial discrimination was pending in federal district court. In effect, Lt. Blackwell (with the cooperation of Captain Sapiro) was creating self-serving documents to support his claims and advance his personal interests in the pending federal litigation.

Moreover, Captain Sapiro addressed his responsive email to the Complainant (Lt. Blackwell) and his Union President (Charles Paris), rather than as dictated by the Department's Policy and Procedure Manual. Captain Sapiro thereby failed to report Lt. Blackwell's complaint in the manner required. In particular, both the department's *Threats, Intimidation and Harassment Policy* and its *Racial, Ethnic or Sexist Slurs and/or Graffiti Policy* mandate that complaints and incidents be reported in a specific manner to designated parties. See BPD policy 2.7.7.4.2 (up through the chain of command); BPD policy 2.7.7.4.3 (directly to D/C Baraja; BPD policy 2.7.8.4.2 (up through the chain of command); BPD policy 2.7.7.4.3 (directly to D/C Baraja. Note also BPD policy 2.7.5 *Allegations of Corruption and Serious Misconduct Against Members of BPD*, at 2.7.5.3 *Additional Reporting Responsibilities*.

In sum, Captain Sapiro colluded with, and exercised improper supervision of, a subordinate officer; and the actions taken by the Captain were not in accordance with those required from a senior commanding officer in the performance of his duties, to the detriment of the Department's operations and reputation.

V. CONCLUSIONS AND ORDERS

A. Findings of Violations of the BPD's Policies and Procedures / Rules and Regulations

In general, Captain Sapiro failed to fulfill his official duties and responsibilities as a senior commander in the BPD. In particular, Captain Sapiro (as Lt. Blackwell's immediate supervisor) failed to properly and consistently supervise the actions of his subordinate officer.

The Captain exhibited flawed judgment and/or extreme naivety in enabling Lt. Blackwell to substantively influence official reports submitted by the Captain and by failing to require Lt. Blackwell to limit his work day to official City business, as opposed to private Guardian matters. Captain Sapiro was unduly lax in the exercise of his supervisory functions with regards to overseeing the job performance of Lt. Blackwell, as clearly evidenced by Lt. Blackwell's unauthorized interference in Officer Higgins' reporting of the February 9, 2015 hate mail.

Captain Sapiro's failure to properly supervise Lt. Blackwell, as well as the Captain's permitting Lt. Blackwell input into his emails and reports regarding racist behavior contributed to the perception of the BPD as constituting a Department with racist leadership and hosting a hostile racist work site, thereby undermining and bringing into disrepute the reputation, integrity and authority of the Department's senior commanders, up to and including those of Chief Gaudett and A/C Nardozzi. The Captain issued subjective and conclusory reports which presented (prior to any official investigation) as persuasive evidence submitted by a senior departmental officer that Lt. Blackwell in fact had valid and credible complaints of having been subjected to racial harassment and a hostile work environment, by the departmental leadership.

The findings sustaining the disciplinary charges against Captain Sapiro are based upon the entire investigative file in OIA Case #151-015 and any and all testimony and other evidence contained therein. Taken as a whole, Captain Sapiro's behavior relative to the Higgins matter and his various actions and failures in supervising Lt. Blackwell uncovered by the OIA Case #151-015 Internal Investigation, was not up to departmental standards for a high-ranking supervisor. The Captain's actions and failures to act materially contributed to Lt. Blackwell's capacity to undermine the good order and operations of the Department.

Captain Sapiro hereby is found to have violated each of the following sections of the Bridgeport Police Department's Policies and Procedures / Rules and Regulations:

1.3.4 Knowledge of Department Rules and Regulations

1.3.5 Violation of Rules

1.2.21 Supervisor Accountability

B. Discipline Imposed and Ordered

In determining discipline appropriate for the sustained charges, substantial consideration has been given to Captain Sapiro's apparent inability or unwillingness to properly supervise Lt. Blackwell, thereby contributing to the Lieutenant's disparagement of the senior leadership of the Department, and his undermining of the integrity and good name of the Department.

Nevertheless, it is anticipated based upon his very substantial (approximately 25) years of experience with the Department, and his prior military training and experience (including nearly 20 years as a non-commissioned officer in the U.S. Army Reserve) that Captain Sapiro should be able to serve capably in the rank of Lieutenant following his retraining and reassignment.

In addition, due deference has been given to Captain Sapiro for the fact that he apparently had requested on multiple occasions that he and Lt. Blackwell be separated in their assignments, via one or both of them being transferred from the Training Academy. Captain Sapiro in effect was acknowledging and citing his own inability to effectively supervise Lt. Blackwell as the basis for requesting such transfer(s). The Captain cited the Lt. Blackwell's position as President of the Bridgeport Guardians as a practical impediment to his own ability to properly supervise the Lieutenant; and offered that the Lieutenant was long overdue for an assignment rotation as justification for his transfer from the Training Academy.

Furthermore, cognizance was taken of, and due consideration given to, Captain Sapiro's personnel record during his approximately 25 years of service with the BPD (which is notably absent any instances of serious discipline having been imposed). Finally, it should be noted that in imposing this discipline upon Captain Sapiro, the record of discipline imposed in my capacity as Chief of Police upon other officers was considered; as was prior discipline imposed by predecessor Chiefs and by the Bridgeport Board of Police Commissioners, in particularly as reported in the operative BPD Parity Report.

Based upon the foregoing, and having been found in violation of Bridgeport Police Department's Policies and Procedures / Rules and Regulations 1.3.4; 1.3.5 and 1.2.21, the following penalties are hereby imposed for these violations, effective immediately:

1. Captain Sapiro is reduced in rank and demoted to the rank of Lieutenant, without any accumulated time in rank or any rank seniority.
2. Captain Sapiro is ordered to undergo any and all supervisory and/or other professional training as determined necessary and appropriate by the Chief of Police.
3. Captain Sapiro is to be assigned at the discretion of the Chief to a Lieutenant's position for which he is deemed to be fit and suitable pursuant to the Chief's authority under the current Agreement Between the City of Bridgeport and Bridgeport Police Local #1159 and Council #4 AFSCME, AFL-CIO, Article 15 Management Rights.

Disciplinary Authority

A. J. Perez, Chief of Police

Dated: November 22, 2016