



**City of Gardner
Human Resources Department
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To: Michael Nicholson, Mayor

From: Debra A. Pond
Director of Human Resources

Date: April 26, 2022

Subject: Police Department Investigation
Executive Summary

As requested, I have reviewed the investigation file and findings for the Police Department investigation as provided by Paul J. L'Italien, Licensed Private Investigator (the Investigator"). The Investigative Report contains personnel information the disclosure of which would constitute an unwarranted invasion of personal privacy regarding particular employees. Therefore, the report cannot be produced publicly so I am providing the following executive summary of the investigation and the conclusions of the Investigator:

Engagement of Investigator

On Wednesday, January 20, 2022 Investigator spoke with Attorney John Flick, City Solicitor for the City of Gardner (the "City"). The nature of the call involved the City looking for an external investigator to conduct an investigation regarding the certain complaints received by the City so that the City could properly address the personnel issues raised. Attorney Flick explained that the Police Department has four (4) unions. The unions are the Superior Officers, Patrol Officers, Dispatchers and Animal Control Officers. The complaints received by the City consisted of **votes of no confidence** by all four (4) unions in certain Police Department personnel. The Investigator informed Attorney Flick he would provide investigative services for the City regarding this matter.

Background and Scope of Investigation

The Investigator provided the following background and scope:

The employees who were the subject of the investigation were appointed to their respective positions between 2018 and 2020. Two of the employees were promotions from within the Gardner Police Department (the "Department"), and each employee had twenty (20) plus years of services at the Department and one employee being a new hire in 2020.

During the month of January 2022, the four (4) Department unions took votes of no confidence against two of the employees and the dispatch union took a vote of no confidence against a Dispatch employee. One member of the Superior Officer's union opted to not participate in the vote. As noted by the Investigator, although it was reported as a unanimous vote it was determined two members of the Patrol union did not cast votes. One member of the Dispatch union did not cast a vote. The Animal Control union voted unanimously for the vote of no confidence against two of the employees.

On February 1, 2022, the Investigator met with both you and me. During the meeting the Investigator noted that you informed him that you would like all employees of the Department to be afforded an opportunity to be interviewed regarding this matter as it was your desire to make an informed decision of what steps to take as a result of the no confidence votes.

The **investigative directive** was to conduct interviews of the employees (sworn, non-sworn, and in some cases former employees) of the Department to hear their concerns and reasons for participating in the vote(s) of no confidence. The purpose of the investigation was to provide the City with employee work evaluations based on the content of the votes of no confidence.

Interviews of Gardner Police Department Employees

During the course of the investigation the Investigator interviewed forty-eight (48) current and, in some cases former employees. The majority of the interviews were in-person at either City Hall or the Police Department.

Interviews of the Subject Employees:

On Monday, February 24, 2022, at 10:00 AM, the Investigator interviewed **one employee** at the office of his Attorney in Worcester.

During the interview, the Investigator informed the employee of the information specific to the vote(s) of “no confidence” he had learned from the interviews involving this matter. He outlined the letters presented by each union (Superior Officers, Patrol, Animal Control and Dispatch) and afforded him an opportunity to respond to each letter.

On Wednesday, March 2, 2022, at 10:00 AM, the Investigator interviewed **a second employee** at Gardner City Hall. The Investigator noted that the employee being questioned has been a member of the Department for twenty-seven (27) years and that he had held numerous positions and senior ranks during his career.

During the interview the Investigator informed the employee of the information specific to the vote of “no confidence” he had learned from the interviews involving this matter. The Investigator outlined the letters presented by each union (Superior Officers, Patrol, Animal Control and Dispatch) and afforded him an opportunity to respond to each letter. The employee acknowledged he had reviewed the letters at City Hall.

On Wednesday, March 9, 2022, at approximately 1:00 PM, the Investigator conducted a Zoom interview with **the third employee**. During the interview the Investigator outlined the complaints made against the employee by members of the Dispatch union.

Opinions and Analysis

The Investigator reported that after careful review and consideration of all available materials from the vote(s) of “no confidence” and the interviews of forty-eight (48) current and former employees of the Department it is his opinion that the vote(s) of “no confidence” against two of the employees **are substantiated**.

The Investigator also reported that the vote of “no confidence” by the Dispatch union against a Dispatch employee also **has merit**.

Conclusion

The Investigator provided the following conclusions:

Inconsistent management is a problem in itself, but more importantly it delivers a message to the officers and employees which causes confusion, has an adverse effect on morale and most importantly can negatively impact the delivery of safe, efficient and effective police services to the community.

Day to day management should be a hands-on, face to face opportunity to direct, guide, oversee and supervise. Interactions should include praising good performance in public and taking appropriate corrective actions for poor performance in private. Both need to be done contemporaneous to the event to have a maximum impact.

The current management approach in place at the Gardner Police Department is **not** working. It has exasperated the work environment and has caused a negative effect on the work product of high-quality police services, emergency communications and animal control services to the Gardner community.

It is the Investigator’s opinion that the current management approach needs to be abandoned as a continuation of the current management approach would further exasperate the workforce and the city would be faced with the strong probability that additional employees (sworn and non-sworn) would leave the police department.

This a brief overview of the investigation process and conclusions as provided by Investigator L’Italien. All other documentation as it relates to the investigation are defined as personnel records and will be maintained the confidential manner required for personnel files.

If you have any questions regarding this matter, please contact me.