



*City of Bridgeport*  
DEPARTMENT OF POLICE  
**OFFICE OF THE CHIEF**

300 Congress Street • Bridgeport, Connecticut 06604 • (203) 581-5111 • Fax (203) 576-8130

JOSEPH L. GAUDET, JR.  
Chief of Police

January 13, 2014

Bridgeport Board of Education  
45 Lyon Terrace  
Bridgeport, Ct. 06604

Re: Special Police Assigned to Bridgeport Board of Education

Dear Members of the Bridgeport Board of Education:

I received a copy of the agenda for the Board of Education for January 13, 2014 and noted that it lists the following agenda item:

“Out of Security Committee: Motion to rescind Motion to consolidate BRIDGEPORT Board of Education security with Bridgeport police Department made on January 23, 2012 and return control of security operations to the Bridgeport Public School District.”

As you are aware, the Bridgeport Police Department, pursuant to the motion passed by the Bridgeport Board of Education on January 23, 2012, has directed significant resources to improve the quality of security services provided to the students of the City of Bridgeport. The Bridgeport Police Department has provided, at its full cost, the services of a Deputy Chief, a Captain, a Lieutenant and a Sergeant to oversee the daily operations of the school security guards and to coordinate the response of the five BPD officers serving as School Resource Officers and the eight Special Police Officers assigned to the schools. It is my firm belief that this supervision has produced a significant upgrade in the level of security services provided to our students, resulted in improved efficiencies and increased the professionalism of the security operations present in the schools.

In addition, because the Bridgeport Police Department, not the Bridgeport Board of Education, is paying the costs associated with this supervision, the School District has not had to incur the significant administrative costs to provide a supervisor for its security operations. Further, the BPD has also assumed the cost to provide training to the security guards in areas such as responding to active shooter situations and in so doing we have provided to these school security guards a level of training and supervision that they had previously never received. In these days following the tragic events in Newtown, Connecticut, the importance of this type of training and coordination of security services between a board of education and a municipal police force cannot be overstated.

The direct participation of the BPD in supervising the BOE security operations has also led to increased efficiencies and lower costs for the BOE. The BPD has absorbed overtime costs in its budget that without this agreement would have been paid for out of the BOE budget. Significant investment in

security technology has been provided by the BPD at no cost to the BOE, resulting in the creation of a command center for BOE security operations that vastly increased the quality of security services provided to our students. My officers have identified expenses previously incurred by the BOE that, with the implementation of operational reform, are no longer being incurred.

The result of these efforts has been to reduce the amount of BOE funds dedicated to security-related administrative expenses and allowed such funds to be redirected to educational services for the students of Bridgeport, while leaving the responsibility to provide a safer learning environment for our students to the BPD.

While it is my absolute belief that the present arrangement between the BOE and BPD has resulted in safer schools, increased coordination of security services, and a significant savings in administrative and operational costs for the BOE, I am also aware from the meeting last week of the BOE Ad Hoc Security Committee that there is a desire among certain members of the BOE to terminate this productive arrangement and "return the control of security operations to the Bridgeport School District".

While this decision is, of course, the prerogative of the BOE, I intend on making clear to the BOE at this point in time what such a vote will mean with regard to the command and control of certain law enforcement personnel presently assigned to the schools.

As you know, the BPD presently assigns five police officers to the BOE as SRO's. These POST-certified, sworn police officers are full time members of the BPD and are members of AFSCME Local 1159, Council 15. As such they are deployed to the schools pursuant to my legal authority as Chief of Police and they will continue to operate, subject to my discretion, direction and control, within the school system.

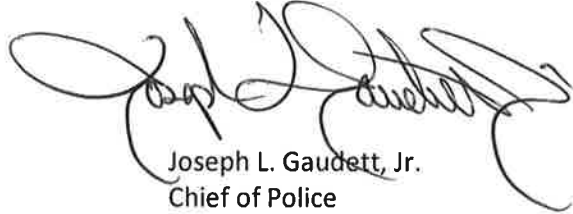
Further, there are presently eight Special Police Officers assigned to the Bridgeport Board of Education. These POST-certified, sworn police officers are members of NAGE Local R-1-200. Pursuant to Bridgeport City Ordinance 2.40.060 entitled "Special Policemen – Appointment", as well as the statutes and regulations related to their POST certification, these eight BOE Special Police Officers are subject to my legal authority as Chief of Police. Therefore, notwithstanding any vote taken by the BOE regarding the continuation of the agreement created by the BOE on January 23, 2012, these eight Special Police Officers will remain subject to my supervision and control with regard to their deployment as BOE Special Police Officers. To the extent that any issue should arise between the BOE and the BPD with regard to the nature and scope of the operational deployment of these eight Special Police Officers, please be clearly advised that, as sworn police officers, these eight Special Police Officers report to the Chief of Police of the City of Bridgeport. As POST certified law enforcement officers operating within the City of Bridgeport they are, and will remain, subject to my legal authority as Chief of Police and the ultimate authority for their deployment as police officers rests with my office, and not with the Board of Education or its agents.

A legal opinion supporting this position issued by the Office of the City Attorney is attached.

The ultimate legal authority for the deployment, supervision and control of these eight Special Officers rests with the Chief of Police of the City of Bridgeport. If the BOE wishes to assert that it has ultimate legal control and authority over the deployment of these Special Police and therefore refuses

to acknowledge the legal authority of the Chief of Police in this regard, then I as Chief will be left with no alternative than to notify POST and request that the certification of these officers be released. The result will be that these eight officers stand to lose their legal authority to make arrests, use force, or in any other way operate as police officers within the City of Bridgeport.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. Gaudett, Jr.", written in a cursive style.

Joseph L. Gaudett, Jr.  
Chief of Police

cc: Mayor Bill Finch  
Members of the City Council of the City of Bridgeport  
Chief Administrative Officer Andrew Nunn  
Chief of Staff Adam Wood

CITY OF BRIDGEPORT  
OFFICE OF THE CITY ATTORNEY

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January 13, 2014

Chief Joseph Gaudett, Jr.  
Bridgeport Police Department  
300 Congress Street  
Bridgeport, CT 06604

Re: Legal Opinion Regarding Board of Education Special Police

Dear Chief Gaudett:

You have requested an opinion from this office regarding the legal status of the Special Police Officers assigned to the Bridgeport Board of Education (hereinafter "BOE"), in particular the legal authority upon which they were created, and what entity has the legal authority to supervise the law enforcement duties undertaken by these Special Officers.

Issues Presented and Summary of Legal Conclusions

1. Pursuant to what legal authority were the BOE Special Police created?

The legal authority to appoint BOE "Special Police" is derived from Bridgeport City Ordinance 2.40.060, entitled "Special Policemen - Appointment". This ordinance has existed within the Code of Ordinances of the City of Bridgeport for at least 50 years and was previously referred to as Section 26-6 and 23-3 of the Code of Ordinances.

2. What entity has the legal authority to supervise the law enforcement duties undertaken by these Special Officers?

Pursuant to the terms of Bridgeport City Ordinance 2.40.060, "...such special policemen shall be designated for the performance of such services by the superintendent of police", and therefore the City of Bridgeport Chief of Police has the ultimate legal authority to supervise the law enforcement duties undertaken by these Special Officers. Further, as POST-certified, sworn police officers, they are subject to the legal authority of the Chief of Police and not the Board of Education.

Factual Background Regarding BOE Special Police Officers

There are presently 8 BOE "Special Police" officers working in the Bridgeport school system. They are members of NAGE , Local R1-200. The City of Bridgeport (not the Board of Education) and NAGE are parties to a Collective Bargaining Agreement that covers these Special Officers. BOE Special Police Officer salaries are paid by the BOE. BOE Special Police Officers are supervised by ranking members of the BPD in that every arrest report requires the signature of a supervising Sgt. or Lt. of the BPD prior to being filed. BOE Special Police Officers utilize the Bridgeport Police Department Booking system for processing arrestees, and utilize the Bridgeport Police Department's communication system.

BOE Special Police Officers are POST certified, sworn police personnel but do not take the City's civil service examination for hiring and are subject to other less stringent hiring requirements than BPD sworn personnel. They are armed and have full arrest powers.

In addition to the 8 BOE Special Police Officers, the BOE also employs approximately 75 "security guards", who are not POST certified, are not sworn officers, and are unarmed.

The Bridgeport Police Department employs 5 School Resource Officers ("SRO's") in the school system. These officers are full time Bridgeport Police Officers, are paid for by the BPD budget, and they are armed and POST certified. They are members of AFSCME Local 1159. These officers, as sworn members of the Bridgeport Police Department, fall under the direct supervision and control of the Chief of Police.

On January 23, 2012, the Board of Education of the City of Bridgeport approved a motion that "...all Board of Education school police operations shall be managed by senior BPT Police Department command level officers, and operate subject to the general supervision and ultimate control of the Bridgeport Chief of Police". Since that time the BOE school police operations, including the BOE Special Police, have been directly managed by the Bridgeport Police Department and supervised by the Chief of Police through a Deputy Chief, a Captain, a Lieutenant and a Sergeant.

Legal Authority for the Establishment of BOE "Special Police" in Bridgeport

A review of Connecticut statutes indicates no independent authority for a local Board of Education to employ "police officers", maintain its own "police department", or appoint "special officers" or "special constables".

A "police officer" is defined in C.G.S Sec. 7-294a as "...a sworn member of an organized local police department, an appointed constable who performs criminal law enforcement duties...or any member of a law enforcement unit who performs police duties". A 'law enforcement unit' is further

defined as "...any agency, organ or department of this state or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life or property, or the prevention, detection or investigation of crime". Id. The Police Department of the City of Bridgeport is the only recognized "law enforcement unit" with jurisdiction over the eight BOE Special Police Officers.

The legal authority of BOE "Special Police" officers to act as "police officers", with the authority to arrest and to use force is derived from a Bridgeport City Ordinance 2.40.060 entitled "Special Policemen - Appointment". This ordinance and its predecessor versions (Section 26-6 and 23-3) have existed from at least 1953, and empowered the "Board of Police Commissioners" to "...appoint such number of special policemen as it may deem proper, who shall serve at its pleasure and be selected under such rules as it may from time to time establish". The ordinance clearly states that "...such special policemen shall be designated for the performance of such services by the superintendent of police". Further, a municipal department, such as the BOE, may apply in writing to the BPC to seek the appointment of employees of the department "...to be special policeman while engaged in the duties of his employment". The BPC is "...authorized to make rules and regulations relative to the payment for the services of all special policemen" by the department seeking the services and such special policemen shall also be classified as municipal employees.

"Special Officers" exist as a job classification within the Civil Service system of the City of Bridgeport, with a "Job Class Code" of 3607 and a NAGE Union affiliation. According to the job classification for "Special Officers", the 'duties that are characteristic as to type and level' for this job are stated as follows:

"Special police work of ordinary difficulty and responsibility in patrolling, guarding and the like; related work as required; may be performed under rather close supervision or semi-independently but with overall police department approval and supervision".  
(Emphasis supplied).

The only change in the job classification description for "Special Officers" was the addition of the requirement that Special Officers "...Must be certified by the Municipal Police Officer Standards & Training Council" (known as "POST") (See, attached City of Bridgeport Civil Service Job Descriptions for "Special Officer"). Connecticut General Statutes Sections 7-294a - 7-794e require that "...No person may be employed as a police officer by any law enforcement unit for a period exceeding one year unless he has been certified under the provisions of subsection (a) of this section". "Special Officers" such as the BOE Specials are required, due to their authority to effectuate an arrest and use force, to receive POST certification. See, Connecticut Attorney General Opinion ("AGO") 1993-028, September 21, 1993, and AGO 1991-011, March 9, 1991. POST certification can only be afforded to persons who hold the position of "police officer" within a "law enforcement unit" "Certification of police officers is contingent upon active employment in a law enforcement unit". Regs. Conn. State Agencies Sec. 7-294e-14(b)(1).

The authority conveyed by Bridgeport Code of Ordinance Sec. 2.40.060 to appoint "Special Policeman" has been cited in at least one State of Connecticut Labor Department Board of Labor Relations decision as the legal basis for the appointment of Special Officers in Bridgeport. See, In re: City of Bridgeport and NAGE, Local R1-200 and Council 15, AFSCME, AFL-CIO, Local 1159, Case No. MPP-24, 044, Decision No. 4211, February 22, 2007, citing terms of the Collective Bargaining Agreement between the City of Bridgeport and Council 15 that refer to "...Special Police Officers appointed under Section 23-6 of the City ordinance...". (Note that Section 23-6 is the predecessor version of Section 2.40.060 though the terms remain unchanged despite the renumbering of the Ordinance). This decision also indicates that the provision citing the authority to appoint Special Police Officers under 26-3 has been referenced in Collective Bargaining Agreements since 1973.

Further, the present arrangement governing the relationship between the BOE Special Police and the City remains consistent with the terms of the ordinance creating these special officers. The ordinance contemplates that a request for the appointment of special policemen may be made upon "...the written application of any municipal department...", in this case the Board of Education. Though the Special Police officers are presently paid for by the BOE, the ordinance allows for the establishment of "...rules and regulations relative to the payment for services of all special policemen..." appointed by the Board of Police Commissioners. As a result, the fact that Special Officers may be paid for by the BOE does not equate with control of those officers, as payment for the services of special officers appointed by the legal authority of the BPC and assigned for duty by the Chief of Police is contemplated by the ordinance. Finally, the ordinance states that "...the board shall cause employees so appointed as special policemen to be classified and recorded as municipal employees...", and as noted the BOE Special Officers are members of NAGE.

City of Bridgeport Code of Ordinances Sec. 2.40.060 is the legal basis for the appointment of "Special Officers" subject to the supervision of the Chief of Police, and there is simply no alternate legal mechanism for the establishment of a "BOE Police Force", either in the Bridgeport Charter or in the Connecticut General Statutes. As a result, it is the opinion of this office that the BOE "Special Police" were originally created pursuant to Section 2.40.060 of the Code of Ordinances of the City of Bridgeport.

Legal authority to supervise the law enforcement duties undertaken by these Special Officers

Pursuant to Bridgeport Code of Ordinances Section 2.40.060 and its predecessors, "...special policemen shall be designated for the performance of such services by the superintendent of police". As such, they are accountable legally to the office of the Chief of Police.

This conclusion is again consistent with the practices that govern the relationship between the BOE Special Police Officers and the Bridgeport Police Department. BOE Special Police Officers have historically been required to obtain the signature of a supervising Sergeant or Lieutenant from the BPD on all arrest reports, which serves as an obvious example of the supervisory nature of this relationship.

The City has one dispatch center, and the City coordinates and is responsible for dispatching all City Police and Special Officers.

Further, the Civil Service Job Description of "Special Officer" specifically states that "Special Police" duties are fulfilled "...with overall police department approval and supervision".

In addition, BOE Special Police are POST certified, and cannot perform their functions as "police officers" without "active employment in a law enforcement unit", and their certification by POST can only be through the sponsorship of that police officer for certification by the Chief of Police of the municipality.

It is the opinion of this office that the Chief of Police of the City of Bridgeport, as the highest ranking law enforcement officer in the City, is ultimately responsible for the supervision of all sworn officers within the City of Bridgeport, including those Special Officers appointed pursuant to the "Special Policeman" ordinance.

In addition to being responsible for the supervision and control of BOE Special Police Officers, the City of Bridgeport is the proper party to impose discipline and participate in any review of such discipline through the grievance process, not the Board of Education. See, In re: City of Bridgeport and NAGE, Local R1-200, Decision No. 4416, Case Nos. MPP-24, 411, MPP-25, 195 (October 29, 2009).

In that decision by the State of Connecticut Board of Labor Relations, a BOE Special Officer was disciplined by the City of Bridgeport Office of Labor Relations. Although the Special Officer was a NAGE member subject to the terms of the Collective Bargaining Agreement entered into between the City of Bridgeport and NAGE, he attempted to appeal his discipline to the Board of Education. The Labor Board found that:

"...as a Special Officer, [the complainant] is a Civil Service employee and a member of the Union's bargaining unit. The record further indicates that the applicable collective bargaining unit is between the Union and the City; the School Board is not a party to that contract. Further, the collective bargaining agreement, in combination with a City ordinance, delineates the Office of Labor Relations as the Mayor's designee for purposes of administering the collective bargaining agreement...It is very clear from a plain reading of the grievance procedure section of the applicable collective bargaining agreement that the School Board is not a designated step in the grievance process and thus has no authority to negotiate a grievance settlement agreement...".



BOE Special Police Officers are, therefore, originally appointed as Special Police Officers pursuant to a City Ordinance that makes the appointing authority the Board of Police Commissioners. Thereafter they "...shall be designated for the performance of such services" by the Chief of Police of the City of Bridgeport". The Civil Service Job classification for "Special Officer" specifically states that their duties are performed "...with overall police department approval and supervision". During their careers as Special Police Officers for the BOE their arrest reports are signed off on by supervisory Sergeants or Lieutenants employed by the BPD. As NAGE members, the Special Officers are members of a Collective Bargaining Unit that has contracted with the City of Bridgeport, not the Board of Education. And when discipline is imposed, the designated representative of the City when addressing any grievance by the Special Police Officer is the Office of Labor Relations, not the Board of Education. As POST-certified "police officers" they are granted their authority to arrest and use force through their affiliation with an "organized local police department" or a "law enforcement unit", which in this jurisdiction is the Police Department of the City of Bridgeport.

The only reasonable conclusion that can be reached based on this description of the relationship between the BOE Special Officers and the Police Department of the City of Bridgeport is that the Chief of Police is the direct line of supervisory control over these Special Officers at the BOE, not any authority within the Board of Education.

Conclusion

It is the opinion of the Office of the City Attorney of the City of Bridgeport that (1) The original authority for the appointment of BOE Special Police is pursuant to Bridgeport City Ordinance 2.40.060, entitled "Special Policemen - Appointment"; and (2) The Chief of Police of the City of Bridgeport holds ultimate supervisory authority over the deployment of BOE Special Police Officers.

Respectfully Submitted,

/s/

Arthur C. Laske, III  
Deputy City Attorney

/ACL

Attachment

cc. Mark Anastasi, City Attorney

#### 2.40.060 - Special policemen---Appointment.

The board of police commissioners may appoint such number of special policemen as it may deem proper, who shall serve at its pleasure and be selected under such rules as it may from time to time establish. The board is authorized to make rules and regulations relative to the payment for the services of all special policemen by the person engaging such services, and such special policemen shall be designated for the performance of such services by the superintendent of police. The board may in its discretion, upon the written application of any municipal department or any person requiring the services of a special policeman for the preservation of the peace or the protection of property, or in the conduct of any business, appoint any employee of any such municipal department or of any such person to be a special policeman while engaged in the duties of his employment. The authority of such special policeman shall cease upon the termination of his employment, or sooner at the pleasure of the board. The board shall cause employees so appointed as special policemen to be classified and recorded as municipal employees, private employees and otherwise, all as it may deem advisable.

**CLASS TITLE: SPECIAL OFFICER**

**JOB CLASS CODE: 3607**

**UNION: NAGE**

**1. DUTIES THAT ARE CHARACTERISTIC AS TO TYPE AND LEVEL:**

Special police work of ordinary difficulty and responsibility in patrolling, guarding and the like; related work as required; may be performed under rather close supervision or semi-independently but with overall police department approval and supervision.

**2. TYPICAL TASKS OR ASSIGNMENTS:**

Guards, patrols and polices assigned areas and buildings in part or full time work; polices park areas, playgrounds, athletic fields and events; guards areas and buildings such as the zoo, concessions, beaches, against vandalism, and objectionable persons; keeps order, locates parents of lost children, enforces ordinances; patrols parking lots, tags for meter violations, checks meters for defects, listens to complaints; incidentally may assist or substitute in specialized work of the particular agency to which assigned as for example, in cashiering work at the parking garage.

**3. MINIMUM QUALIFICATION REQUIRMENTS:**

**A. AS TO EDUCATION, TRAINING, AND EXPERIENCE:**

High school graduation.

Some experience in dealing with the public, preferably in some phase of law enforcement work.

Any equivalent combination of education and experience.

Must be certified by the Municipal Police Officers Standards & Training Council

**B. AS TO SPECIAL KNOWLEDGE, ABILITY, AND SKILL:**

Working knowledge of methods and procedures of maintaining order and of supervising persons placed under restraint.

Ability to obtain police department approval.

Ability to act quickly and calmly in emergencies.

Class Code: 3607

Pay Grade: W-1

Class Title: SPECIAL OFFICER

1. Duties that are characteristic as to type and level:

Special police work of ordinary difficulty and responsibility in patrolling, guarding and the like; related work as required; may be performed under rather close supervision or semi-independently but with overall police department approval and supervision.

2. Typical tasks or assignments:

Guards, patrols and polices assigned areas and buildings in part or full time work; polices park areas, playgrounds, athletic fields and events; guards areas and buildings such as the zoo, concessions, beaches, against vandalism, and objectionable persons; keeps order, locates parents of lost children, enforces ordinances; patrols parking lots, tags for meter violations, checks meters for defects, listens to complaints; incidentally may assist or substitute in specialized work of the particular agency to which assigned as for example, in cashiering work at the parking garage.

3. Minimum qualification requirements:

a. As to education, training, and experience:

High school graduation.

Some experience in dealing with the public, preferably in some phase of law enforcement work.

Any equivalent combination of education and experience.

b. As to special knowledge, ability, and skill:

Working knowledge of methods and procedures of maintaining order and of supervising persons placed under restraint.

Ability to obtain police department approval.

Ability to act quickly and calmly in emergencies.