



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

January 20, 2021

REPORT OF THE CONFIRMATION OF APPOINTMENTS AND PERSONNEL MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mary Jo Rossetti	Chair	Present	
Jefferson Thomas ("J.T.") Scott	Vice Chair	Present	
Wilfred N. Mbah	City Councilor at Large	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Kristen Strezo	City Councilor at Large	Present	

Others present: Ellen Collins - Personnel, Chief Charles Femino - SPD, Deputy Chief Steve Carrabino - SPD, Deputy Chief Jim Stafford - SPD, Mike Mastrobuoni - SomerStat, Hannah Pappenheim - Law, Khushbu Webber - Director of Governmental Affairs, Lauren Racaniello - Legislative Liaison, Kim Wells - Assistant Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:00 PM by Chair Rossetti and adjourned at 8:14 PM on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), none against and none absent.

Chair Rossetti explained to the committee that she was in contact with the administration today, and as a result, the candidates listed on the agenda will not be interviewed tonight. Rather, there will be a discussion with city staff to clear up some earlier questions regarding the process of appointing officers.

Chair Rossetti asked Ms. Collins about a memo from Ms. Pavao, dated January 6, 2020, requesting to increase the number of vacancies on the Reserve Police Officer from 10 to 16. Ms. Collins explained that projected vacancies in the SPD, along with the withdrawal of candidates from the reserve list were considered and the decision was made to expand the list to 16. The interviews for the reserve list were conducted by former Chief of Staff Skye Stewart, Nancy Bacci of HHS and Deputy Police Chief Steve Carrabino. Chair Rossetti asked Ms. Collins about the status of hiring a Racial and Social Justice (RSJ) director and was informed that there are 6 candidates for the position and interviews have been scheduled.

Councilor Scott asked if the reserve list presented to the committee this evening is the December 4, 2019 original list of 10 candidates or the January 2020 expanded list is of 16 candidates. Councilor Scott noted that there were numerous by-passes and withdrawals, and of the by-passes, 4 appeals have been filed so far. Ms. Collins believes that the by-pass letters are sent at the same time as the conditional offer letters, and those were sent on March 3, 2020. In June of 2020, the Police Department's staffing level was 88. Chief Femino reported that the current staffing level is 85, due to 3 retirements. Asked who made the request to expand the reserve list to 16, Ms. Collins said the request was made by former Chief Fallon and the letter from Ms. Pavao was sent on January 6, 2020, after the December 11, 2019 due date for candidates' signatures.

Chair Rossetti noted that 12 candidates received by-pass letters and that she had asked to see them but was informed that the City Council wasn't permitted to view them. One letter, however, was provided by the Law Department and Ms. Pappenheim explained why, saying that original appointment by-pass letters may contain private/sensitive information but once an appeal is filed, Civil Service removes the privacy requirement of the sensitive information, so appealed letters may be released. In the case of the promotional by-pass letters that were reviewed, those individuals brought the situation to the attention of the City Council, thereby removing the privacy restriction.

Councilor Scott pointed out that of the 4 by-pass appeals filed, 3 are still waiting decisions and 1 was decided. Ms. Pappenheim stated that the appeal deadline has expired, so no additional appeals may be filed. She also commented that each case may be different and there is no way to tell how long it might take to reach a decision on the outstanding cases.

Councilor Scott stated that the City Council had previously asked that the reserve list be eliminated, noting that under Civil Service, the city must state the number of vacancies to be filled but that requirement does not apply to a reserve list. He believes that using a discretionary number can lead to manipulation of the reserve list in order to get to particular individuals on that list. He referenced the following passage from the Civil Service decision in the case of O'Donnell v City of Somerville:

“... as part of this appeal, and another appeal pending before the Commission, considered the sequence of events that resulted in this candidate and 3 other lower-ranked candidates being considered for appointment. As referenced in the findings, the City first requested authorization to appoint ten (10) reserve candidates, which would limit the City's consideration to the first 21 candidates who signed the Certification as willing to accept appointment under the so-called 2N+1 formula. At least four candidates who were ultimately appointed by the City were not among the first 21 candidates on the Certification. Approximately four weeks later, the City requested authorization from HRD to appoint 16 (as opposed to 10) candidates from this Certification, thus, arguably increasing the number of candidates that could potentially be considered from 21 to 33. As a result, the City considered additional, lower-ranked candidates on the Certification, including 4 other lower-ranked candidates who were ultimately appointed. However, the City only appointed a total of 9 reserve candidates, based on the interview panel's recommendation.

The above-referenced sequence of events may warrant additional inquiry by the Commission in regard to the City's rationale for requesting authorization to hire 16 candidates, as opposed to 10, and whether, based on the City's decision to appoint only 9 candidates, those additional, lower-ranked candidates were even eligible for appointment.”

A footnote in the decision states *“The Commission has authority to conduct such inquiries, on its own initiative, through G.L. c. 31, s. 2(a).”*

Councilor Scott said that the city's active defense of the 3 remaining by-pass appeals, and its continued use of a reserve list is troubling. Ms. Pappenheim pointed out that the decision also stated that no favoritism was found.

Councilor Scott said he doesn't want to hold up the appointments until the appeals are settled and noted that the candidates' places in line are secured. He was told by Ms. Webber that if these appointments are kept in committee, the employment offers remain in effect. Ms. Webber said she consulted with Law Department and if the candidates received their offer letters before the Civil Service list expired, their civil service status would not be affected. She also stated that there is a human cost and public safety ramifications in not filing these positions. Chief Femino said that if the city doesn't fill the positions by March, the police academy slots being held for them will be given to another city/town and Somerville might have to wait until May for the next class.

Chair Rossetti said that during the FY-21 budget process, there was a lot of discussion about the Police Department's budget and the decision was made to provide funds for 6 officers at one month's salary

only, as well as adding a RSJ Director's position. Those 6 positions were vacant and the Council voted to remain so until further needed dialogue with the community. To date that RSJ position has not been filled yet, so she has a problem with hiring all 9 police positions now. She would, instead, prefer to fill the 3 vacancies created through retirements now and wait on the others until it's known how the SPD is going to be reimaged. Chair Rossetti asked if only 3 candidates interviewed, then numbers 4, 12 and 17 on the list would have to be offered the positions per their ranking on the Civil Service list and Ms. Collins replied that was correct.

Chief Femino then mentioned that within the next 40 days there would be 3 more retirements, increasing the vacancies in the department to 6. The operational needs are causing some officers to work 16 hours at a time, putting a strain on them and the department. Officers are being reassigned to fill basic patrol functions, detrimentally affecting some divisions. From his perspective, he anticipates using SRJ resources in a reimaged police department and feels that it's important to consider all aspects.

Councilor Strezio asked about the department's Family Services Division and Chief Femino explained that those officers deal with family issues, hate crimes and sexual assault. That division is normally staffed by 3-4 officers who are mandated to have special training, however there are currently 2 officers in that unit. One position has been vacant for a year and the other for 3 months. The unit services over 500 domestic violence cases per year and Deputy Chief Stafford said the SPD has repeatedly told the City Council that it needs more staff. He told the committee that although property damage is down, gun violence is on the rise in the city. Chief Femino said that he understands the calls for reallocation of staff, but many calls require multiple units. Cutting staff reduces the department's ability to protect the city properly.

Councilor Mbah said that the City Council made a decision to cut positions from the Police Department during the budget cycle, therefore, if the city has extra money it should be used to solve the housing crisis and the pandemic driven economic devastation on families and small businesses. He went on to say that the focus should be on the immediate human needs of the community which disproportionately impact people of color, adding that the entire system is built on racial hierarchy and subjugation. He said that the police are an integral part of that society and throughout history have done things to the black and brown community, therefore, he can't support increasing staff. Councilor Mbah asked about finding creative solutions to housing crisis and also asked if the administration had any plans for a civilian rapid response unit. Ms. Webber replied that the mayor is committed to moving forward on this and the Police Department is committed to progressing the policy of revamping how emergencies are responded to. Since June, the city has been waiting for a RSJ Director to move things around and she referenced a letter sent to the City Council today asking for additional staffing for the RSJ department.

Chair Rossetti asked Chief Femino to provide data showing a rise in crime, etc., to support the need for adding officers. The Chief said that he tried to make that evident tonight, saying that the department is down to a bare minimum and basic operations cannot be staffed overnight without the use of overtime. Positions will have to be shifted from traffic and community policing in order to staff patrol positions. Ms. Webber said that staff will be prepared to discuss Councilor Ballantyne's Order (#211175) at the February 1st meeting of the Public Health and Public Safety Committee meeting. Chair Rossetti asked Chief Femino to have the requested data ready for that meeting. She asked the committee to think about considering 3 police appointments at the February 2nd C of APM meeting if Councilor Ballantyne's Order is dealt with on February 1st by the PHPS Committee.

Councilor Scott believes that conversations are long overdue and he questioned the sincerity of the administration since interviews for the RSJ Director's position have not yet begun. He said that he heard the urgency in Chief Femino's voice, adding that choices are being made in the Police Department to manage and prioritize functions. He agrees with Councilor Mbah about not being comfortable with hiring now. The City Council, he said, had several meetings and decided to cut \$650 thousand from the police budget and hiring 10 officers now just puts \$650 thousand back into the budget and negates the wishes of the community.

Councilor Strezo read a letter from “several people of color” in support of hiring new officers even though “*police are problematic to our communities...and are merely a tool of the oppressor*”. The letter continues to say that “*Policing is a symptom of the inequities that exist in our city, state, and nation. We agree there is a need to reimagine the police. We need better training, a more progressive force, community policing, and a government that upholds the lives of black and brown people. We demand that those most impacted by police brutality be the dominant voice at the table.*”. In light of this letter and her interactions with constituents, Councilor Strezo will vote to add 3-5 officers.

Councilor Clingan said he would support filling the 3 retirees' positions. Chair Rossetti clarified that she is suggesting filling only the 3 recently vacated retirees positions based on the budget discussions.

Councilor Scott commented on a letter from Defund SPD saying that every dollar spent on police is a dollar not going to other areas of need. Councilor Strezo countered by saying that this isn't a numbers game, it's about equity and social justice and there's no going back. She said she was calling for unity and looking forward to the discussion.

Ms. Webber clarified the vacancies in the Police Department explaining that there are 3 vacancies now and that 2 of next 3 vacancies will occur by February 1st and Chair Rossetti asked that paperwork be submitted confirming those 2 retirements. Deputy Chief Carrabino said that 3 candidates (Henriquet, Lavey and Lentini) have already attended the police academy but Chair Rossetti pointed out that those individuals are further down on the list. Mr. Mastrobuoni told the committee that the FY-21 budget included 94 patrol positions, some for a short time and discussions were held about filling positions early, if possible. He said because of the 3 retirements, appointments were able to be moved up to an earlier date.

Chair Rossetti made a motion **to interview the 3 top candidates from the civil service list to potentially fill the 3 current vacancies created by retirements in the Police Department.**

The motion passed on a roll call vote of 3 in favor (Councilors Clingan, Strezo and Rossetti), 2 against (Councilors Mbah and Scott) and none absent.

Chair Rossetti asked Councilor Clingan to be prepared to report on the February 1st PHPS Committee meeting at the next C of APM Committee meeting on February 2nd.

210571: Requesting confirmation of the appointment of Giovanna Lorenzet Marin to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210572: Requesting confirmation of the appointment of Jamey Thompson to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210573: Requesting confirmation of the appointment of Jose DaCosta to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210574: Requesting confirmation of the appointment of Kelsey Malloy-Ripley to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210575: Requesting confirmation of the appointment of Kevin Henriquez to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210576: Requesting confirmation of the appointment of Kyle Lentini to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210577: Requesting confirmation of the appointment of Matthew Fairchild to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210578: Requesting confirmation of the appointment of Richard Lavey III to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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210579: Requesting confirmation of the appointment of William Wood to the position of Reserve Police Officer.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Police Reserve Signed Cert 06794
- Police Reserve Cert 06794-Bypass List
- Police Reserve Cert 06794 Request to Increase vacancies to 16
- odonnell_daniel_092420
- O'Donnell Bypass_Redacted
- RSJ staff request_Jan 2021
- Letter - BIPOC residents of Somerville
- Letter - Policing
- SPD recruits_Jan 2021