



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

February 2, 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: Chief Charles Femino - SPD, Deputy Chief James Stanford - SPD, Deputy Chief Chris Ward - SPD, Ellen Collins - Personnel, Frank Wright - Law, Khushbu Webber - Director of Governmental Affairs, Lauren Racaniello - Legislative Liaison, Kim Wells - Asst. 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 10:22 PM on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), none against and none absent.

Chair Rossetti reviewed the number of openings in the Somerville Police Department (SPD) and spoke about the recent and upcoming retirements within that department and the committee's plan for interviewing candidates for those positions. She referenced a document, a Civil Service Decision involving the City of Boston, dated July 22, 2016, that was provided by Councilor Scott and forwarded to all members. Also referenced were documents from the Personnel Department and the Mayor.

Councilor Scott spoke about the by-pass information received and asked why by-passed candidates were allowed to withdraw their names from consideration and Ms. Collins replied that during her 4 year tenure in Personnel, this has been standard practice. Councilor Scott questioned denials based on failure to meet completion deadlines and Ms. Collins explained how this can happen. When candidates withdraw, they sign a withdrawal form or may notify the city via email. Councilor Scott asked if the city has confirmation from the 11 candidates who withdrew and Ms. Collins said that there is some type of notification on file. Councilor Scott spoke about the Boston Civil Service case and queried Ms. Collins about the procedure used by Boston. Chair Rossetti asked Councilor Scott to submit a motion for how he would like the by-pass notification and withdrawals process to work.

Councilor Scott spoke about the O'Donnell decision and the committee's efforts to review other documents, which was denied by the Law Department. Solicitor Wright explained when it is legally permissible for the Committee to view certain documents. Councilor Scott commented that he is still bothered that the committee is called upon to provide oversight on appointments without the benefit

of having access to personal information about candidates. He noted that the committee asked to review information before candidates have their medical review, which would be legal, but the mayor refuses to allow this to happen. He spoke about the O'Donnell decision and has some concerns with some statements listed within that decision, adding that he was informed that his concerns would have to be addressed in Executive Session.

Chair Rossetti said that all candidates should be asked the same questions and that is how she plans to proceed tonight. She also made a request to the administration that, going forward, candidates be submitted and listed on the City Council's agendas in their order of testing rank.

She asked if members had a chance to read the memo from the mayor, sent just before this meeting began, and all members responded that they had. Councilor Scott stated that he appreciates that for 1st time in over 3 years of requesting modifications to the reserve policy, and 2 years after the City Council passed a Resolution urging the mayor to stop using a reserve list, this matter has been addressed. He told the committee that he plans to present 2 Home Rule Petitions revoking the city's acceptance of the MGL allowing the use of reserve lists.

Approval of the January 12, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), none against and none absent.

RESULT:	ACCEPTED
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Approval of the January 20, 2021 Minutes

The minutes were accepted on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), none against and none absent.

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

Deputy Chief Ward introduced candidate Matthew Fairchild to the committee and gave a brief summary of his background, including his military service. Chair Rossetti apologized to the candidate for the length of time it took to get to this stage of the city's process. Chair Rossetti began the interview by offering the candidate the opportunity to make an opening statement and telling the candidate that some of the questions posed to him this evening may be the same as questions asked previously at other interviews. Chair Rossetti said that she hopes and assumes that the candidate would give the same responses to those questions as given during previous interviews, and to elaborate on them if desired.

Chair Rossetti posed the following scenario:

'You and a partner have arrested a suspect for selling drugs. During the arrest procedure at the scene, you recovered illegal drugs and a large amount of money. While you are securing these items for submittal as evidence, you observe a partner place some of the money in his or her pocket. What would you do in that case?'

The candidate replied that he would report his partner for stealing evidence.

Councilor Scott asked the candidate about his experience as a bouncer and bartender, specifically asking if, coming from a combat environment to a local pub, there were any differences in the way he approached situations. The candidate said he learned how to de-escalate situations by being a bouncer and said that Mission Hill, Boston, isn't Fallujah. Councilor Scott asked the candidate if black lives matter and the candidate responded by saying that the necessity for asking that question is as appalling as it is legitimate and said that, of course, they do matter as the country is rife with systemic racism and it's up to everyone to correct that injustice. Councilor Scott stated that he would ask additional questions during the Executive Session.

Councilor Mbah asked the candidate why he wants to be a police officer and how he deals with feedback from others.

Chair Rossetti asked the candidate if the Executive Session notification was received and understood and Mr. Fairchild said it was and that he was prepared to go into Executive Session.

Chair Rossetti moved to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). The motion was laid on the table until the remaining candidates were interviewed. After the last candidate was interviewed, the Committee voted to enter into Executive Session for the above stated reason at 7:20 PM and returned to the regular meeting at 8:36 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.

Chair Rossetti made a motion to approve the item. Councilor Mbah made a brief statement about his approach to public safety policy. He spoke about reallocating funds from the Police Department to the Social and Racial Justice (SRJ) Department to help lead the effort to re-image policing. He stated that he can't in good conscience, support the vote to approve, due to his situation in healing from this national trauma. Councilor Mbah made it clear that his vote has nothing to do with the candidate, himself.

Councilor Scott echoed Councilor Mbah's stance and raised another concern, explaining that when asked questions tonight, none of the candidates gave responses as were documented in the O'Donnell Civil Service Decision, therefore it's his belief that one of the three candidates before the committee lied tonight. Councilor Scott said that truthfulness is perhaps the single most important virtue for police officers and he thinks that any potential officer that would lie during a process such as this meeting tonight, is unfit for appointment. He will not vote for any of the candidates since he doesn't know which of them was untruthful. If this raises more questions, it might be more expedient to keep the items in the committee. Councilor Scott said that for the 2 who did not lie, thank you, and the committee is doing its best to surround you with honest associates.

Councilor Scott referred to the first paragraph on page 17 of the O'Donnell decision and said that the questions and responses were recorded. Councilor Clingan questioned whether there may have been a language barrier causing the person to misunderstand the questions. Chair Rossetti asked Solicitor Wright if there are tapes of the O'Donnell hearing and he responded that he didn't know, but would check. To the extent of the testimony given before the Civil Service Commission, it would not have been given by any of the 3 candidates here tonight, it would have been given by the appellant in the case. Councilor Scott argued that the statement that one of the candidates had a criminal history couldn't be hearsay if it was included in the decision as a matter of fact. Solicitor Wright believes that the statements were allegations put forth by the appellant, and not necessarily statements of fact. Chair Rossetti said her interpretation is in agreement with Solicitor Wright's. Councilor Scott made it clear that the presence of a criminal record is not hearsay, it's fact.

Deputy Chief Ward told the committee that one of the candidates has asked to return to Executive Session to clarify some information.

The Committee voted to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1) at 9:08 PM and returned to the regular meeting at 9:57 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.

Chair Rossetti withdrew her prior motion to approve this item.

Chair Rossetti made a motion that this item not be approved. The motion to deny the appointment passed on a roll call vote of 5 in favor (Councilors Mbah, Clingan, Strezo, Scott and Rossetti), none against and none absent.

The Chair encouraged Mr. Fairchild to reapply in the future.

Ms. Webber clarified that the committee's actions must still go before the City Council for final action and Chair Rossetti agreed and said that she would contact Mr. Fairchild in the morning to apologize to him for not making that clear.

RESULT:	NOT APPROVED. [0 TO 5]
NAYS:	Rossetti, Scott, Mbah, Clingan, Strezo

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

Deputy Chief Ward introduced candidate Giovanna Lorenzet Marin to the committee and gave summary a brief of her background and said she is fluent in Portuguese. Chair Rossetti apologized to the candidate for the length of time it took to get to this stage of the city's process. Chair Rossetti began the interview by offering the candidate the opportunity to make an opening statement and telling the candidate that some of the questions posed to her this evening may be the same as questions asked previously at other interviews. Chair Rossetti said that she hopes and assumes that the candidate would give the same responses to those questions as given during previous interviews, and to elaborate on them if desired.

Chair Rossetti posed the following scenario:

'You and a partner have arrested a suspect for selling drugs. During the arrest procedure at the scene, you recovered illegal drugs and a large amount of money. While you are securing these items for submittal as evidence, you observe a partner place some of the money in his or her pocket. What would you do in that case?'

The Candidate replied that she would report her partner to her superiors to hold him accountable for his actions.

Councilor Strezo asked the candidate how working as a nanny for 6 years will serve her in being a police officer and Ms. Marin responded by saying that it prepared her to be a caring person and a role model to others..

Councilor Scott asked the candidate if black lives matter and the candidate responded by saying that she believes people of color have the right to feel everything they have been feeling, adding that a uniform should not make anyone feel superior to others. Councilor Scott stated that he would ask additional questions during the Executive Session.

Councilor Mbah asked the candidate why she wants to be a police officer and how she deals with feedback from others. Ms. Marin said that an incident that occurred when she was in high school led her to follow this path.

Chair Rossetti asked the candidate to return to Somerville High School (SHS) to speak to the students there, as a former SHS student and Somerville Police Officer, should she be confirmed.

Chair Rossetti asked the candidate if the Executive Session notification was received and understood and Ms. Marin said it was and that she was prepared to go into Executive Session.

Chair Rossetti moved to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). The motion was laid on the table until the remaining candidates were interviewed. After the last candidate was interviewed, the Committee voted to enter into Executive Session for the above stated reason at 7:20 PM and returned to the regular meeting at 8:36 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.

Chair Rossetti made a motion to approve this item. Councilor Mbah made a brief statement about his approach to public safety policy. He spoke about reallocating funds from the Police Department to the Social and Racial Justice (SRJ) Department to help lead the effort to re-image policing. He stated that he can't in good conscience, support the vote to approve, due to his situation in healing from this national trauma. Councilor Mbah made it clear that his vote has nothing to do with the candidate, herself.

Chair Rossetti clarified that the three positions before the committee are to fill three vacancies resulting from earlier retirements and are not part of the positions that were vacated by the City Council during the FY-21 budget process, pointing out that these three vacancies do not touch upon that staff reduction of the police force.

Councilor Mbah repeated that he is still healing from the national trauma around these issues.

Chair Rossetti's motion was approved on a roll call vote of 3 in favor (Councilors Strezo, Clingan and Rossetti), 2 against Councilors Scott and Mbah) and none absent.

Chair Rossetti clarified that the committee's actions must still go before the City Council for final action.

RESULT:	APPROVED. [3 TO 2]
AYES:	Rossetti, Clingan, Strezo
NAYS:	Scott, Mbah

210573: Requesting confirmation of the appointment of Jose DaCosta to the position of Reserve Police Officer.

Deputy Chief Ward introduced candidate Jose DaCosta to the committee and gave a brief summary of his background and said he has had multiple leadership and customer service roles and is able to speak and write in 4 languages. Chair Rossetti apologized to the candidate for the length of time it took to get to this stage of the city's process. Chair Rossetti began the interview by offering the candidate the opportunity to make an opening statement and telling the candidate that some of the questions posed to him this evening may be the same as questions asked previously at other interviews. Chair Rossetti said that she hopes and assumes that the candidate would give the same responses to those questions as given during previous interviews, and to elaborate on them if desired.

Chair Rossetti posed the following scenario:

‘You and a partner have arrested a suspect for selling drugs. During the arrest procedure at the scene, you recovered illegal drugs and a large amount of money. While you are securing these items for submittal as evidence, you observe a partner place some of the money in his or her pocket. What would you do in that case?’

The candidate replied that he would report his partner.

Councilor Scott asked the candidate about the amount of time he worked in Chelsea and how he compares Chelsea to Somerville. Mr. DaCosta answered that he loved working in Chelsea with people from different countries and he's glad to be helping people to have a better life. Basically, he said, there's no difference working in either city as far as his job goes. Councilor Scott asked the candidate if black lives matter and the candidate responded by saying they do and that it matters to him, adding that everyone should have the same opportunity to become whatever they want to become. Councilor Scott said the Somerville Police Department is no different than any other police department in the country from having a profoundly shameful track record of documented racism. Councilor Scott stated that he would ask additional questions during the Executive Session.

Councilor Mbah asked the candidate why he wants to be a police officer and how he deals with feedback from others. Mr. DaCosta replied that you have to be part of something to make a difference and he wants to make a difference in peoples' lives. He also said that you have to give respect to get respect.

Chair Rossetti asked the candidate if the Executive Session notification was received and understood and Mr. DaCosta said it was and that he was prepared to go into Executive Session.

Chair Rossetti moved to enter into Executive Session to review protected personnel information or to discuss matters related to individual candidates pursuant to MGL c30A s21(a)(1). As this was the last candidate to be interviewed, the Committee voted to enter into Executive Session for the above stated reason at 7:20 PM and returned to the regular meeting at 8:36 PM. Chair Rossetti announced that no votes were taken in Executive Session other than the vote to return to the regular meeting.

Chair Rossetti made a motion to approve this item.

Councilor Mbah made a brief statement about his approach to public safety policy. He spoke about reallocating funds from the Police Department to the Social and Racial Justice (SRJ) Department to help lead the effort to re-image policing. He stated that he can't in good conscience, support the vote to approve, due to his situation in healing from this national trauma. Councilor Mbah made it clear that his vote has nothing to do with the candidate, himself.

Chair Rossetti's motion was approved on a roll call vote of 3 in favor (Councilors Strezo, Clingan and Rossetti), 2 against Councilors Scott and Mbah) and none absent.

Chair Rossetti clarified that the committee's actions must still go before the City Council for final action.

Chair Rossetti informed the members that the next committee meeting is scheduled for February 16th. She feels that the interview process should continue to fill the next 3 retirements and the remaining vacancy that exists due to the committee not approving one of tonight's candidates, should the City Council accept tonight's committee recommendations, therefore, she will most likely be putting interviews on the calendar for the February 16th committee meeting.

Chairman Scott asked the Chair to follow up with the Law Department and Deputy Personnel Director Ellen Collins to ensure that a properly formatted letter is issued, once the City Council has

taken any official action that would warrant one. Chair Rossetti assured him and the committee that she was prepared to do so.

RESULT:	APPROVED. [3 TO 2]
AYES:	Rossetti, Clingan, Strezo
NAYS:	Scott, Mbah

Referenced Materials:

- Boston Police Investigation
- Email - Personnel
- Police Reserve Candidate_Mayor's Statement
- odonnell_daniel_092420