

PROMOTION OF SGT. MICHAEL KIELY TO LT. MICHAEL KIELY

1. Somerville as a Civil Service Community: History & Purpose of the Civil Service Commission

Promotional appointments, on the basis of merit as determined by examination, performance evaluation, seniority of service or any combination of factors which fairly test the applicant's ability to perform the duties of the position as determined by the administrator.

In 1884, the Massachusetts Legislature enacted the Commonwealth's civil service law. Massachusetts was the second state to pass such a statute. The fundamental purpose of the civil service system is "to guard against political considerations, favoritism, and bias in governmental employment decisions; when there are, in connection with personnel decisions, overtones of political control or objectives unrelated to merit standards or neutrally applied public policy." *Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 304 (1997).

2. HR Director Cooper on January 24, 2018 regarding the vetting done at the panel Interviews for City of Somerville police promotions:

"How the process works, discipline comes up we ask about discipline, ask if the officer is aware of the discipline, what we take in as a whole, ask them to speak about it, what they have learned from it, consideration as to how old the discipline is, that is a factor, what they have done since the time of when the discipline was issued, then we look at the time between the last discipline to now and if there has been no other discipline, how's the person changed and improved themselves.

What I can say about Sgt Kiely is that he spoke very well of what he learned from the process, he has taken this as a learning experience, made a direct effort to be on the straight and narrow, he makes sure he can and is the best officer possible. He has received numerous awards and commendations. Both disciplines are close to 15 years old, so when we look at this as a whole, we consider this as a package. So, as part of the process, I wanted to share that we look at the candidate as a whole. "

3. Chief Fallon's Fully Supports on Sgt. Kiely's promotion to Lt.

The Mayor appointed Kiely as Sgt. in October, 2014. The 2014 Board of Alderman unanimously appointed Sgt. Kiely. Since that time his work has been exemplary per Chief David Fallon's statement below:

"Mr. Chairman, it is my honor to introduce Sgt. Kiely for the rank of Lt this evening. He has been with the PD since 1995. He is currently a lecture of justice studies at Lasell College and a veteran of the US Coast Guard. He holds many specialized certified trainings. He has received the Artie Reagan awards, Beyond the Call of Duty, Detective of the Year, law enforcement activities and there are many of them. I will just point out his education. He is currently enrolled at the Harvard Kennedy School of Government in the National Preparedness Leadership Initiative. He holds a Master's of Science in Emergency Management from Massachusetts Maritime Academy and a Master's of Science in Criminal Justice from Western New England College. Currently, Sgt. Kiely serves as the Sgt in Special Operation, where his main job is as an appointment to the Jurisdictional Point of Contact for the City of Somerville, he interacts with all 9 communities making up the Urban Area Securities Initiatives. They meet to discuss plans divvying up \$14 million over each three years that money is used to secure the Metro Boston area. Sgt. Kiely, before filling that position Somerville really had no seat at that table, and didn't receive a lot of funding from UASI at all. Sgt. Kiely, since assuming that position, is now one of the leaders of USAI and the City literally received millions of dollars for his efforts."

"Sgt. Kiely, since his promotion, has been an exemplary employee, exemplary hard worker, responsible, staff ready work officer takes the lead and is a good employee for department."

4. Complaints

Sgt. Kiely was promoted in 2014. At that time, he was fully vetted by the Civil Service process, the Chief's promotional review and the interview process. In 2014 the Board of Alderman unanimously promoted Sgt. Kiely. Any discipline as of 2014 was considered in that process. Since 2014 (and dating back to 2004) Sgt. Kiely has no discipline.

A couple of recent complaints filed by the same person were investigated by Professional Standards Investigator Lt. Mitsakis and reviewed by the Chief of Police, a Human Resources investigator and an Assistant City Solicitor. As a result, all of these investigations were "Unfounded" or "Cleared" as per statements of Chief Fallon, City Labor Counsel, and HR

Director Cooper before the Committee on Appointments and Confirmations.

The Committee acknowledged receiving a letter from an officer and stated that it considered taking that document into its consideration. Counsel for Sgt, Kiely advised the Committee that the Sgt. never saw that letter and that it would be unfair for it to be considered or for him to address it. HR Director Cooper stated on January 24th that on-going or open complaints are not considered as they are not final and that consideration of such would be prejudicial to the candidate. Assuming that the officers letter reflects the same material as the earlier complaints, the City's position, as advanced by the Asst. City Solicitor and his investigation, is the denial of the complain on the whole, and in the particular allegations.

5. Who is Sgt. Michael Kiely?

A member of a longtime Somerville family and city resident with 23 years as a productive city police officer under his belt, recipient of many policing awards, including officer of the year. Involved in many community service projects. Worked since 2014 as police Sgt. and studied for months in advance of the statewide Civil Service test for the Lt.'s position. Has the full support of the Chief of Police for this promotion. Sgt. Kiely ahs worked hard for and has earned this promotion.