



A.

CITY OF CAMBRIDGE
POLICE DEPARTMENT
INTEROFFICE CORRESPONDENCE

TO: Chief Anthony G. Paolillo
FROM: Captain Joseph F. Grainger
SUBJECT: Mr. Biswanath Halder

DATE: May 22, 1984

REFERENCE:

Sir:

As you know, on May 8, 1984, we were requested to appear before the Public Safety Committee to respond to a complaint by one Biswanath Halder formerly of 45 Orchard Street, Cambridge. Mr. Halder feels that this department has failed to take action against thirteen (13) officers he has complained about. Our defense to this accusation has been that we could proceed no further without the cooperation of Mr. Halder. All we wanted Mr. Halder to do is tell us what each officer did or failed to do. At the request of the committee Mr. Halder said he would come to our office and help in the investigation. A time and date of May 9, 1984, at 11:00 a.m. was arrived at.

At 11:00 a.m., on May 9, 1984, Mr. Halder appeared at this office. Mr. Halder was asked by me if he would agree to have the interview taped and he had no objections. Present at the interview were myself, Lieutenant William Cummings, Lieutenant Timothy Lane, Detective Reuben Dottin, and Administrative Assistant Jill Brown.

We started the interview by telling Mr. Halder that we would go over each of his complaints. I then placed the photographs of the thirteen officers complained of in the order in which each responded to 45 Orchard Street on the desk in front of Mr. Halder.

We went over each of the eight complaints, identified each of the officers present at that complaint and attempted to determine what each officer did or failed to do. It was determined that no racial slurs or brutality was used. All including Mr. Halder agreed. As to the inaction by the officers it is pointed out in our previous reports Mr. Halder's complaint appear to be civil, that is, a

landlord-tenant dispute and the only actions the police could take at the time was to preserve the peace.

As to the removal of the firearm without a warrant, we feel that the police had a right under a United States Supreme Court decision, *Gaulman vs. United States* 465 A. 2d 847 (1983). This was the only time officers entered Mr. Halder's room and it was the only time officers observed the landlady in the room. Again I would like to point out it was the only time they observed Mrs. Santaskas in Mr. Halder's room and at no time did they see her remove any of his property.

As to his complaint of trespassing on the part of Mrs. Santaskas, he obtained a complaint of trespassing against her and it was dismissed in court as was the complaint against Mr. Halder. It appears from the records that the court also feels that this is a landlord tenant complaint and civil not criminal. If the court in its wisdom can find that there is no trespassing how can police officers find otherwise. To arrest Mr. Santaskas in her home would have left the City of Cambridge liable for a civil action.

In this interview, Mr. Halder stated that the officers were at 45 Orchard Street for a total of one hour and one minute on July 8, 1983, and that they observed Mrs. Santaskas remove his property. He or no other person has come forward to corroborate this accusation. The first two officers who responded at 9:30 (Sergeant T. McCusker and Officer Santiago) removed the firearm and returned it to the station for safe keeping. Our records and the statement of Mrs. Santaskas will show that they were there for not more than ten (10) minutes. The next three officers who responded at 11:04 p.m. (Officers O'Callaghan, Jillette and E.W. Lyons) were there for no more than twenty (20) minutes.

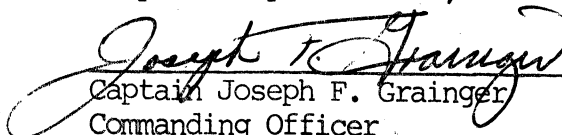
In my interview with Mrs. Santaskas she had nothing but praise for the police department and is willing to come forward to aid in this matter at any time.

As a result of our interview it will show that Mr. Halder has a low opinion of not only the police (the defending of criminals all our lives) but also of the judicial system (this court is a fraud). As it has been pointed out in our past reports we feel that this is strictly a civil matter and should be decided by the

court who is right and who is wrong. It should be pointed out that a civil action is now pending against Mrs. Santaskas. I and my staff feel that all the officers involved acted in a professional manner under the circumstances.

Attached is a transcribed copy of the interview along with other statements we have so that you may better know the accusations and the scope of the investigation.

Respectfully submitted,



Captain Joseph F. Grainger
Commanding Officer
Inspectional Services Section

JFG/jab



CITY OF CAMBRIDGE
POLICE DEPARTMENT
INTEROFFICE CORRESPONDENCE

TO: Robert W. Healy, City Manager
FROM: Anthony G. Paolillo, Chief of Police
SUBJECT: Police Applicant Brenda Fennell

DATE: June 8, 1984

REFERENCE:

As per your request, I am submitting the following information regarding the status of Ms. Brenda Fennell, an applicant for the position of Police Officer.

The Department of Personnel Administration (DPA) has certified a list of names to the City of Cambridge for the position of Police Officer. Ms. Fennell is the 31st name on that list. At the present time she has participated in a screening process along with 35 other applicants on the list. That process consists of the following:

1. An application phase consisting of an intake interview, completion of various forms and submission of various documents such as, birth certificates, military records, drivers license, residency verification, diplomas, and waivers.
2. A background investigation consisting of records checks at the FBI, Registry of Motor Vehicles and State Office of Probation. There are also interviews conducted with former employers and other relevant parties.
3. A medical examination is conducted at Cambridge Hospital.
4. A psychological screening component consisting of a battery of "paper and pencil" tests, a group exercise and videotaped role play and a clinical interview with a psychologist.

The Police Department is in the process of evaluating these candidates for purposes of appointing 15 recruits. Pursuant to Civil Service Rule 15 (1), the applicants must be considered in the order in which they appear on the list. If the first 15 names on the list are all acceptable they must be appointed. If there is sound and sufficient reason, an applicant may be by-passed or removed from the list and the next name on the list must be considered in his or her place. Therefore, in order to consider the 31st name on the list when making 15 appointments there must be 16 individuals for which there is sound and sufficient reason to by-pass or remove from the list.

The reasons may include the following types of issues:

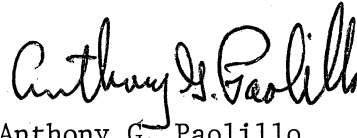
1. Criminal History
2. Making of a material false statement

continued

3. Poor work history
4. infamous, dishonest, immoral, disgraceful, dissolute or bad conduct or character (Civil Service Rule # 5)
5. medical or psychiatric conditions.

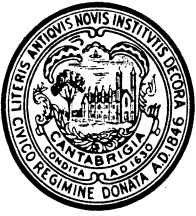
Any applicant who is by-passed has a right of appeal.

If Ms. Fennell's name is reached on the list her application will be given due consideration. At the present time, she is pregnant. Section VIII of the DPA Physical Standards for Public Safety Positions within the Civil Service System states the following: "Pregnancy - candidates should be deferred until after pregnancy terminates and then given another examination."



Anthony G. Paolillo
Chief of Police

AGP:smc



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

AGREEMENT

UPON APPOINTMENT TO THE STATUS OF CONSTABLE WITH POWER TO
SERVE CIVIL PROCESS FOR THE CITY OF CAMBRIDGE BY THE APPOINTING AUTHORITY,
ROBERT W. HEALY, CITY MANAGER OF THE CITY OF CAMBRIDGE, I HEREBY AGREE TO
ABIDE BY THE FOLLOWING TERMS:

1. I WILL CONTINUE TO RESIDE IN THE CITY OF CAMBRIDGE
FOR AS LONG AS MY APPOINTMENT CONTINUES.
2. I WILL NOT WEAR A UNIFORM WHICH RESEMBLES IN COLOR
THAT OF A POLICE OFFICER (i.e., NAVY BLUE).
3. I UNDERSTAND THAT SOLELY BY VIRTUE OF MY OFFICE
I AM NOT ENTITLED TO RECEIVE A LICENSE TO CARRY
FIREARMS.

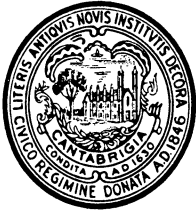
I AGREE TO GIVE IMMEDIATE NOTICE TO THE APPOINTING AUTHORITY
OF ANY CHANGE OF MY OFFICE OR RESIDENCE ADDRESSES OR CHANGE IN STATUS
OF ANY LICENSE TO CARRY FIREARMS, OR ANY FINAL CONVICTION OF A MISDE-
MEANOR OR FELONY.

I UNDERSTAND THAT VIOLATION OF ANY OF THESE CONDITIONS WILL
RESULT IN THE CANCELLATION OF MY APPOINTMENT.

SIGNED _____

DATE: _____

WITNESS: _____



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

AGREEMENT

UPON APPOINTMENT TO THE STATUS OF CONSTABLE WITHOUT POWER TO SERVE CIVIL PROCESS FOR THE CITY OF CAMBRIDGE BY THE APPOINTING AUTHORITY, ROBERT W. HEALY, CITY MANAGER OF THE CITY OF CAMBRIDGE, I HEREBY AGREE TO ABIDE BY THE FOLLOWING TERMS:

1. THIS APPOINTMENT IS VALID ONLY AS LONG AS I AM EMPLOYED
BY _____.
2. I WILL NOT WEAR A UNIFORM WHICH RESEMBLES IN COLOR THAT
OF A POLICE OFFICER (i.e., NAVY BLUE).
3. I UNDERSTAND THAT SOLELY BY VIRTUE OF MY OFFICE I AM
NOT ENTITLED TO RECEIVE A LICENSE TO CARRY FIREARMS.

I AGREE TO GIVE IMMEDIATE NOTICE TO THE APPOINTING AUTHORITY OF ANY CHANGE OF MY OFFICE OR RESIDENCE ADDRESSES OR CHANGE IN STATUS OF ANY LICENSE TO CARRY FIREARMS, OR ANY FINAL CONVICTION OF A MISDEMEANOR OR FELONY.

I UNDERSTAND THAT VIOLATION OF ANY OF THESE CONDITIONS WILL RESULT IN THE CANCELLATION OF MY APPOINTMENT.

SIGNED _____

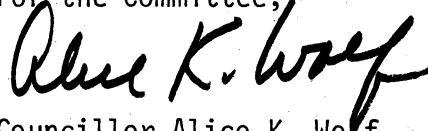
DATE: _____

WITNESS: _____

Councillor Wolf stated that possibly the entire issue of a staffing analysis should be the subject of a future meeting of the committee. Councillor Wolf questioned the number of women to be appointed from the pending list. Mr. O'Fria responded by stating that a total of six women are on the list and out of the first fifteen, three will be women.

The hearing was adjourned at 6:48 PM.

For the Committee,

A handwritten signature in black ink, appearing to read "Alice K. Wolf", written in a cursive style.

Councillor Alice K. Wolf
Chairperson

AKW/smc

Enclosures: Memo from Captain Joseph Grainger
Memo from Police Chief Anthony Paolillo
Proposed Constable Agreement

Constable Appointments

City Solicitor Russell Higley outlined on behalf of the City Manager a proposed agreement to be signed by future constables both with and without power to serve civil process. He stated this agreement was in response to an earlier request of the committee and feels it addresses concerns raised at that time.

A question came on the issue of the color of police uniforms from Edward Loder, President of the Patrolman's Association. He stated that line two of the proposed agreement could more appropriately read: navy blue/black. The committee requested that said change be added in the final agreement.

Councillor Walter Sullivan moved that the agreement as amended be accepted and referred to the full council. The motion prevailed on a voice vote of those members present.

Process for Police Recruit Hiring

Councillor Wolf stated she had requested a report on the process in order that the committee may better understand the situation she brought to the attention of the committee regarding Ms. Brenda Fennell who successfully passed the written examination but conceivably could not be appointed due to the fact she is pregnant.

At this time the committee heard from Mr. Richard O'Fria, personnel and management specialist within the Police Department, outlined at length the hiring process. He further stated that the process is governed by the Department of Personnel Administration (DPA) for the Commonwealth. Furthermore he stated that Ms. Fennell was number 31 on the list from which 15 recruits will be hired. He stated that the applicants must be considered in the order in which they appear on the list. Consequently, in order to consider the 31st name on the list, 16 individuals would have to be by-passed. Furthermore he stated that Section VIII of the DPA Physical Standards for Public Safety Positions would have to be looked at, specifically it states "a pregnant candidate should be deferred until after pregnancy terminated and then given another examination".

Mr. O'Fria also outlined the veterans and disabled veterans preference. He stated that a Cambridge resident who is a disabled veteran and a minority will be first on the list for appointment. Councillor Wolf questioned when this list was established. Mr. O'Fria responded by stating the exam was held in 1981, the list was established approximately in October of 1982, and it would expire in October of 1984.

Councillor Vellucci questioned whether or not Ms. Fennell could be granted an extension from list, in case she would be ready for appointment prior to October. Mr. O'Fria responded by stating he was uncertain that an extension could be granted.

At this time the committee heard from Edward Loder who stated he keeps hearing the number 15 in terms of vacancies, but he stated 67 patrol officers have either left through retirement, termination or promotion to another rank since 1980. He said the department needs more officers. Councillor Vellucci stated that several years ago he was instrumental in having an ordinance adopted requiring 350 police officers. Mr. Loder responded by stating not only is the department currently with 267 officers, but the minimum manning regulation is not being followed due to a lack of sworn personnel.

City of Cambridge

In City Council June 25, 1984

The Committee on Public Safety conducted a public hearing on Tuesday, June 12, 1984 beginning at 5:30 PM in the Ackermann Room at City Hall.

Motions made:

- By Councillor Walter J. Sullivan, that the entire matter relative to Mr. Biswanath Halder be referred to the District Attorney for investigation.
- By Councillor Walter J. Sullivan, that the proposed agreement to be signed by new constables both with and without power be adopted as amended.

Councillor Alice K. Wolf, Chairperson of the Committee, opened the meeting by outlining the agenda, specifically, to discuss the report on the investigation following the complaint of Mr. Halder, to discuss the process for constable appointment, the selection process for police recruits and any other issues currently before the committee.

At this time Lieutenant Timothy Lane of the Internal Affairs Bureau summarized Captain Grainger's report regarding the investigation of the citizens complaint against thirteen police officers filed by Mr. Halder. Lt. Lane stated that after a comprehensive interview with both Mr. Halder and the owner of the property formerly occupied by Mr. Halder, it was concluded that the officers involved acted in a professional manner under the circumstances. Lt. Lane further stated that the police serve a peace keeping role and when called upon by a citizen for assistance they must respond. He stated that in this particular instance when the police arrived a gun was found in Mr. Halder's room for which no permit was issued.

At this time City Solicitor Russell B. Higley reminded the committee that Mr. Halder has filed a civil suit against the City of Cambridge regarding this entire incident and the members should bear this in mind in attempting to answer questions of Mr. Halder. Councillor Wolf requested Mr. Halder to make a statement if he wished. Mr. Halder stated he objected to the answers he received from the police during the internal affairs investigation. He further stated his objection to his former landlord's complaint that he was trespassing on her property. He said the police, as far as he was concerned, were protecting the real criminals.

At this time Councillor Walter Sullivan moved that the entire file be forwarded to the District Attorney with a request that he conduct a separate investigation. The City Solicitor stated he would work with the Deputy City Clerk in order to properly prepare the request. The motion to refer Mr. Halder's case to the District Attorney prevailed on a voice vote of the members present.

S-455

REPORT

Committee on Public Safety

Re: Halder investigation, constable appointments, police recruit hiring & any & all items pending in the files of the Committee.

6/25/84

COUNCILLOR WOLF MOVED
THAT THE REPORT BE
APPROVED AS SUBMITTED
AND THAT THE

In City Council

June 25, 1984

RECOMMENDATIONS BE
ADOPTED BY COUNCIL
AND
REFERRED TO THE

CITY MANAGER
AND THE MOTION
CARRIED

copy sent to the City Manager
6/29/84/mh