

CITY OF CAMBRIDGE
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ASSISTANT CITY SOLICITOR

CAMBRIDGE, MASS.

March 30, 1976

Councillor Thomas Danehy
Cambridge
Massachusetts

Dear Councillor Danehy:

With reference to your inquiry as to whether or not the City Council or one of its subcommittees should hold a hearing relative to the incident that occurred on March 6, 1976 at 6:15 P. M. at 279 Pearl Street, Cambridge, Massachusetts.

It is my understanding that the Police Department has an investigation presently pending relative to the above matter. There is also pending before the Third District Court of Eastern Middlesex applications for criminal complaints against the two officers who responded to 279 Pearl Street, Cambridge. It is my understanding that the applications for criminal complaints are scheduled to be heard on April 7, 1976.

It should be noted that the only person authorized by law to conduct disciplinary proceedings against the two officers, if warranted, is the appointing authority which in the case of the Police Department is the Chief of Police.

Any action taken by the City Council during the pendency of this investigation and litigation might adversely affect the City. I therefore recommend that no further action be taken by the City Council until such time as the investigation by the Police Department is completed and all pending litigation has been terminated.

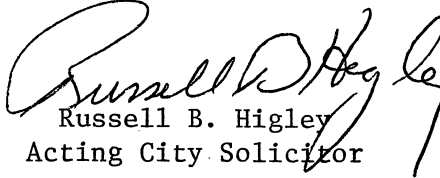
Councillor Thomas Danehy

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March 30, 1976

It should be noted that this opinion does not preclude the council from holding a hearing to determine what guidelines should be used for any future incidents of a similar nature.

Very truly yours,



Russell B. Higley
Acting City Solicitor

RBH:cas

13. S. 133

Comm. from the City Solicitor to Councillor
Danehy re: to a hearing relative to the
incident that occurred on March 6, 1976 at
279 Pearl Street.

4/5/76

Placed on File -

In City Council,
April 5, 1976