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CAMBRIDGE, MASS.

*City of Cambridge
Police Department
Office of the Chief of Police*



TELEPHONE
(617) 498-9300

HEADQUARTERS

ADDRESS ALL COMMUNICATIONS TO
5 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS 02139

Mr. Paul Healy
City Clerk
City of Cambridge
City Hall
Cambridge, Massachusetts

Dear Sir:

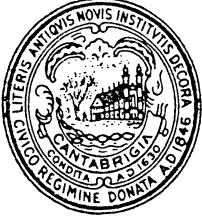
In compliance with Massachusetts General Laws Chapter 268A,
Section 25 (copy attached) you are hereby notified that Patrol
Officer Robert Harvey has been suspended (copy of suspension notice
attached).

Anthony G. Paolillo
Chief of Police

AGP:smc

Attachments

cc: Mr. Robert W. Healy
City Manager



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CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

April 12, 1984

Patrol Officer Robert Harvey
10 Agassiz Street
Cambridge, Massachusetts 02138

This is to inform you by the authority granted to me as the Appointing Authority for the City of Cambridge and, in accordance with the Massachusetts General Laws, Chapter 268A, Section 25, you are hereby suspended of your duties as a Patrol Officer pending the outcome of the criminal proceedings against you as a result of the indictment handed down by the Middlesex Grand Jury.

Such suspension shall be without compensation or salary.


Robert W. Healy
City Manager

RWH:smc

I certify that on this 12 day of April, One thousand Nine Hundred and Eighty-four, I served an original notice of which this is a true copy. In hand _____ or last and usual place of abode _____

Delivered by: Sgt. George Cummings

Date: 4/12/84 Time: 1:00 P.M.

Received by: Robert Harvey

§ 25. Suspension of persons under indictment for misconduct in office; notice; compensation and fringe benefits; temporary replacements; reinstatement

An officer or employee of a county, city, town or district, howsoever formed, including, but not limited to, regional school districts and regional planning districts, or of any department, board, commission or agency thereof may, during any period such officer or employee is under indictment for misconduct in such office or employment or for misconduct in any elective or appointive public office, trust or employment at any time held by him, be suspended by the appointing authority, whether or not such appointment was subject to approval in any manner. Notice of said suspension shall be given in writing and delivered in hand to said person or his attorney, or sent by registered mail to said person at his residence, his place of business, or the office or place of employment from which he is being suspended. Such notice so given and delivered or sent shall automatically suspend the authority of such person to perform the duties of his office or employment until he is notified in like manner that his suspension is removed. A copy of any such notice together with an affidavit of service shall be filed as follows: in the case of a county, with the clerk of the superior court of the county in which the officer or employee is employed; in the case of a city, with the city clerk; in the case of a town, with the town clerk; in the case of a regional school district, with the secretary of the regional school district; and in the case of all other districts, with the clerk of the district.

Any person so suspended shall not receive any compensation or salary during the period of suspension, nor shall the period of his suspension be counted in computing his sick leave or vacation benefits or seniority rights, nor shall any person who retires from service while under such suspension be entitled to any pension or retirement benefits, notwithstanding any contrary provisions of law, but all contributions paid by him into a retirement fund, if any, shall be returned to him.

A suspension under this section shall not, in any way, be used to prejudice the rights of the suspended person either civilly or criminally. During the period of any such suspension, the appointing authority may fill the position of the suspended officer or employee on a temporary basis, and the temporary officer or employee shall have all the powers and duties of the officer or employee suspended.

Any such temporary officer or employee who is appointed as a member of a board, commission or agency may be designated as chairman.

If the criminal proceedings against the person suspended are terminated without a finding or verdict of guilty on any of the charges on which he was indicted, his suspension shall be forthwith removed, and he shall receive all compensation or salary due him for the period of his suspension, and the time of his suspension shall count in determining sick leave, vacation, seniority and other rights, and shall be counted as creditable service for purposes of retirement.

Added by St.1972, c. 257.

1972 Enactment. St.1972, c. 257, was approved May 11, 1972.

Library References

- Counties ⇨ 67.
- Municipal Corporations ⇨ 218.
- Towns ⇨ 28.
- C.J.S. Counties § 108.
- C.J.S. Municipal Corporations § 732 et seq.
- C.J.S. Towns §§ 61 to 70.

Notes of Decisions

1. In general

Where after chief deputy sheriff was indicted for offenses arising out of alleged bribery, sheriff wrote letter in which he stated that he was imposing leave of absence, without pay, on chief deputy, such action had effect of suspending chief deputy from office. *Tobin v. Sheriff of Suffolk County* (1979) 385 N.E.2d 972, 377 Mass. 212.

Sheriff, in ordering suspension of chief deputy sheriff for Appeals Court of Commonwealth after his indictment for offenses arising from alleged bribery, should have submitted his order of suspension to Justices of Appeals Court for action. *Id.*

CHAPTER 268B. FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES

Sec.

1. Definitions.
2. State ethics commission.
3. Powers and duties of the commission.
4. Investigations by the commission.
5. Statements of financial interests.

Sec.

6. Gifts from legislative agents.
7. Penalties for violation of confidentiality and for perjury.
8. Retribution for engaging in commission proceedings [New].

Chapter 268B of the General Laws was added by St.1978, c. 210, § 20.

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