

RECEIVED BY
OFFICE OF CITY CLERK

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

WALTER SULLIVAN

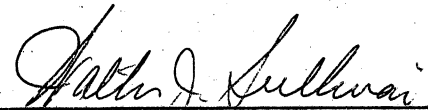
MAY 16 8 52 AM '84

CAMBRIDGE, MASS.

MAY 16, 1984

Date

Councillor Walter Sullivan has notified the City Clerk of his intention to move Reconsideration of the vote of the City Council failing to approve his motion to approve the surety bond of Daniel F. Long.



Signature

Survey Approval - 6009

City of Cambridge

MASSACHUSETTS

*#6 Comm hist
5/14/84*

In City Council

5/14/

1984

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy				✓
Mr. Francis H. Duehay			✓	
Ms. Sandra Graham		✓		
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf				✓
Mayor Russell			✓	

3

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CVT. Survey Not approved

Councillor David Sullivan questioned why Mr. Halder refused to cooperate and outlined the importance of his cooperation in order to complete the investigation of the complaints made by him. Captain Joseph Grainger, commanding officer of the Internal Affairs Bureau, stated that although the police had some thirteen names of officers from their records who were involved in the incidents with Mr. Halder, the department had not been told by Mr. Halder what it is they allegedly had done. Consequently, no investigation has taken place at this time.

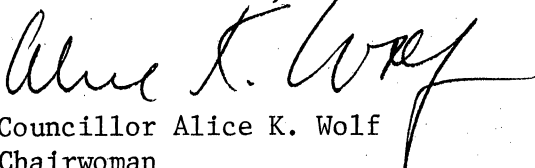
Councillor Wolf suggested that Mr. Halder go over each allegation relative to his complaint and the officers involved. Mr. Higley stated for the record, he was strongly opposed to having this done since litigation may be forthcoming regarding this case. He further stated that it was imperative that an Internal Affairs Investigation be completed before anything else is done in the case.

Councillor David Sullivan questioned if Mr. Halder would agree to cooperate with Internal Affairs. Mr. Halder answered in the affirmative. Councillor David Sullivan then questioned if Captain Grainger would conduct an interview with Mr. Halder at a convenient time in the near future. Captain Grainger responded in the affirmative. It was agreed that a meeting would be held on Wednesday, May 9, 1984 at 11:00 AM in Captain Grainger's office at Police Headquarters.

Councillor David Sullivan questioned whether the public were aware of the so-called "self-help" eviction statute prohibiting lockouts. Chief Paolillo responded by stating that the statute is made part of the education program at the Police Academy but he would have it xeroxed and distributed throughout the department to refresh everyone's memory.

Mr. William Cavillini of the Rent Control Coalition stated the coalition's strong concern for the way Mr. Halder had been treated by the landlord and police during this incident.

For the Committee,


Councillor Alice K. Wolf
Chairwoman

AKW/smc

Procedures Relative To Issuance of Gun Permits

Councillor David Sullivan stated that he believed the pertinent statute governing the issuance of gun permits was C. 40 § 131 and questioned Chief Paolillo as to the process followed by him and to the number of permits issued. Chief Paolillo responded by stating that he was a firm believer to tight control on gun permits. He further stated that since his appointment as Chief in July of 1983 he has endeavored to change the process and requested Lieutenant Donald Carney to outline said process.

Lieutenant Carney stated that the department no longer issues permits to constables and this has resulted in a net deduction of approximately 75 permits. He further stated there were roughly 1150 permits issued and that 50% of these belonged to Cambridge, Harvard University and MIT Police Officers. Lt. Carney further stated that the department under Chief Paolillo continues to strictly monitor those kinds of individuals who currently have a permit and takes appropriate review action at renewal time.

Councillor David Sullivan congratulated the Chief on the policy in effect and urged that he go further if possible in restricting the number of permits issued.

At that time the Committee heard from Mr. Mark Govino and Ms. Natalie Roy representing Citizens for Handgun Control who stated their strong opposition to handguns and congratulated Chief Paolillo on the policy in effect in Cambridge.

Mr. Biswanath Halder

At this time Councillor Alice Wolf stated that although the issue which Mr. Halder had made known to the Council relative to various allegations made by him against the Police Department has been around for some time, Mr. Halder did not feel satisfied that sufficient attention was given to his complaint and consequently the matter was referred to the Committee.

At this time Mr. Halder who stated he did not have an address, outlined to the Committee the events which occurred after he was "locked out" of his apartment where he formerly resided at 45 Orchard Street. He stated he had sent several communications to the City Manager, Mayor and the City Council, but he never got a response.

City Solicitor Higley responded by stating he had, in fact, met with Mr. Halder in the presence of Deputy City Manager Richard Rossi on April 25, 1984. He further stated that the Internal Affairs Bureau of the Police Department had informed him that although they had attempted to conduct an investigation into Mr. Halder's complaints, he refused to cooperate by going through a book which contained photographs of police officers.

At this time the following individuals spoke in support of Mr. Long's moral character:

1. Richard Percoco , President, Mass. Bay Constables Assoc., Constable of Cambridge
2. Leo Sadmawry, Constable of Cambridge
3. Frederick MacDonald, Constable of Boston

At this time Councillor Walter Sullivan moved that the Surety Bond of Daniel F. Long be referred out of the Committee for approval by the full City Council. Councillor David Sullivan moved to amend the motion by referring the bond out of Committee without recommendations. The motion as amended carried.

Procedures for Appointment of Constables

Councillor Wolf questioned whether or not there was a way in which a constables' authority could be terminated if he or she was appointed only to perform a specific job and that job was terminated. Councillor Wolf further requested that a form be generated which would outline what a background check consists of prior to a constable appointment.

At this time the City Solicitor stated that if any person has a complaint regarding a constable, his office, once said complaint is reduced to writing, will investigate and conduct a hearing with all parties present in order to comply with due process.

Councillor Wolf questioned whether or not it would be feasible to classify misdemeanors in order to establish a cutoff of approval and/or rejection of a constable appointment. The City Solicitor responded by stating he did not believe this would be appropriate since background checks are done and the appointment power rests solely with the City Manager.

Councillor David Sullivan questioned the City Solicitor as to whether or not he thought a check list outlining what is investigated regarding a constable applicant was a good idea. Mr. Higley stated he did and he would discuss it with the City Manager.

At this time the Committee heard from Alan Korb, 114 Oxford Street who stated he has been a constable for thirty-three years. He further stated he had been accused for bringing the complaint forward regarding Mr. Long, but that it was not true. He further stated that he believed a committee of three individuals comprised of a member of the City Council, the City Solicitor and a private citizen should be appointed by the City Manager to review all constable applications.

At this time Police Chief Anthony Paolillo stated the arrest power of constables actually came before that of the police. He further stated that it is a tremendous responsibility given to these individuals.

At this time City Solicitor Russell Higley further outlined the background investigations done by his office including a check of court records in order to determine whether or not the applicant was convicted of a felony or misdemeanor.

Councillor David Sullivan questioned the appointment of a constable who may have been convicted of a misdemeanor, since technically, this would result in the person having a court record. Councillor David Sullivan further questioned the number of constables within Cambridge who have been issued gun permits.

Lt. Donald Carney of the Police Department responded by stating that since Police Chief Anthony Paolillo was appointed, the policy has been changed and although he could not say how many constables have had a permit issued, that it is no longer the case. He further stated that once a permit is issued it remains in effect for five years.

Councillor David Sullivan questioned why the City is not more stringent regarding the appointment process. Mr. Higley responded by stating that technically a constable is not an employee of the city but once appointed to serve civil process they must file a surety bond with the City Clerk.

Councillor David Sullivan stated he is really concerned about the potential liability of the City depending on the action of any constable.

At this time the City Solicitor outlined for the committee the facts relative to the case of Daniel F. Long including the Solicitor's checks of the court proceedings in Plymouth County and Mr. Long's pleading guilty to two misdemeanors and the court dismissal of a third charge. Mr. Higley further stated he refused to recommend this re-appointment until he had an opportunity to review the case and await the outcome of the judicial process.

At this time the committee heard from John F. Cremins, Esquire, 21 Beacon Street, Boston. He stated he is the attorney of record for Mr. Long and questioned the chair as to whether or not the purpose of the hearing was to deprive his client of his livelihood. Councillor Wolf responded by stating that the purpose of the hearing was only to address the issues which have been forwarded to it one of which was Mr. Long's surety bond since allegations had been made relative to his conduct as an individual.

At this time Attorney Cremins outlined to the committee the circumstances surrounding the misdemeanors to which Mr. Long pleaded guilty. He further stated that for his client to do otherwise would have necessitated him to testify against a long-time personal friend and that his client refused to take such action. He further stated, that although he did not know the numbers, he believed there were other duly appointed and sworn constables who had also been found guilty of some misdemeanors over the years. He further stated that he strongly believed this entire matter was brought to the attention of the City Council by another constable in Cambridge who feels he should be the only constable with power to serve civil process. Finally, Attorney Cremins stated he was happy this hearing was not for the purpose of attempting to prevent his client from making a living since he already had been re-appointed by the City Manager and has never in his nine years tenure as a Cambridge constable had a complaint filed against him. He thanked the Committee for the opportunity to address the issue.

City of Cambridge

In City Council May 14, 1984

The Committee on Public Safety conducted a public hearing on Tuesday, May 8, 1984 beginning at 5:30 PM in the Ackermann Room, City Hall.

The purpose of the hearing was to discuss the following: the surety bond of Daniel F. Long, proposals for tightening the procedures for granting constable status, the review of procedures relative to the issuance of gun permits and to discuss the alleged complaint of Mr. Biswanath Halder relative to members of the Cambridge Police Department.

During the course of the hearing, the following motions were offered in Committee for approval by the full Council:

1. By Councillor Alice K. Wolf: That a form be established through the City Manager and City Solicitor, which would indicate what information is reviewed prior to the appointment by the City Manager of a Constable.
2. By Councillor David E. Sullivan: That the City Council be provided with the non-confidential background information of persons applying for constable status at the time of such notification to the Council.
3. By Councillor Alice K. Wolf: That the City Manager and the City Solicitor develop a "form of agreement" between constables and the City, that lists conditions under which the Constable serves similar to one in Boston.
~~and prohibit~~
4. By Councillor Walter J. Sullivan: That the surety bond of Daniel F. Long be referred out of the Committee for approval by the full City Council. Councillor David Sullivan moved to amend the motion by referring the bond out of Committee without recommendations. The motion as amended carried.

At this time at the request of Councillor Wolf, Deputy City Manager Richard Rossi outlined the application process for persons applying for constable status for both power to serve and without power to serve civil process. He stated that the applications are obtained from the City Manager's office, that said application requires five signatures of local residents and ten signatures if the applicant is not a Cambridge resident, the term of office and the background check. He further stated that the City Manager, upon review of the application and background information, then make a decision to appoint or not to appoint pursuant to Ch. 41 §91B MGLA and Ordinance #946.

A-62

REPORT

Committee on Public Safety

Re: surety bond of Daniel F. Long, proposals for tightening procedures for granting constable status, procedures Re: issuance of handguns & alleged complaint of Biswanath Halder Re: members of the Cambridge Police Dept.

*Calendar # 10
5/21/84*

*Placed on File
5-21-84 Rule #19*

*Letter sent to the City Manager
notifying him of the recommendations
adopted by the full Council + preparing
a copy of this report 5/16/84*

*Reconsideration filed by
L. W. Sullivan 5/16/84. No action*

In City Council, *Failed - Placed
May 14, 1984 on file 5/21/84*

5/14/84

*Recommendations
1, # 2, # 3*

Adopted -

4 Failed on Roll

Roll 3-2-2-2