

## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

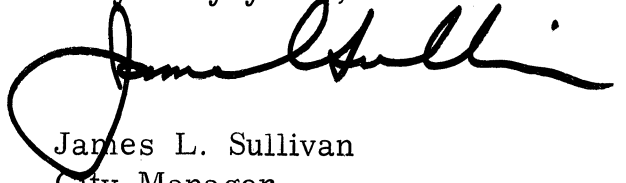
EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

September 30, 1974

To the Honorable, the City Council:

With reference to recent order of your Honorable Body relative to the establishment of a "Civilian Investigative Committee", I transmit herewith self-explanatory communication from Edward D. McCarthy, City Solicitor.

Very truly yours,



James L. Sullivan  
City Manager

JLS/b



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

## LAW DEPARTMENT

EDWARD D. MCCARTHY  
CITY SOLICITOR

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ASSISTANT CITY SOLICITOR

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SPECIAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

September 27, 1974

Honorable City Council  
City Hall  
Cambridge, Massachusetts

Dear Councillors:

You have requested my opinion whether the City Council has the right to establish a "Civilian Investigative Committee" comprised of members of the public, empowered to investigate the practices and procedures of the Police Department.

The provisions of General Laws, Chapter 31, commonly known as the Civil Service Law contains established procedures to follow before any disciplinary action may be taken or enforced by the appointing authority, namely the Chief of Police and the City Manager.

Any deviation from the procedures required by law would, in my opinion raise serious doubt as to the validity of any disciplinary action which might ultimately be taken. We are all aware of many cases where convictions of individuals have been overturned, even though the charges were justified, because they had not been afforded procedural due process of law.

The existing collective bargaining agreements also require this procedure to be followed with respect to investigations of any alleged misconduct by a police officer and the City is bound by law to adhere to this contract.


Honorable City Council

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September 27, 1974

In light of the above restraints, any such action by the proposed committee would be rendered invalid thus defeating the very purpose of such a committee.

Very truly yours,

  
Edward D. McCarthy  
City Solicitor

EDMcC:cas

CC:City Manager

Agenda# 8

Civilian Investigative Committee.

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In City Council,

Sept. 30, 1974

9/30/74

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