

**COMMONWEALTH OF MASSACHUSETTS**

CIVIL SERVICE COMMISSION  
One Ashburton Place, Room 503  
Boston, MA 02108  
(617) 979-1900

ANTHONY BEDINELLI,  
Appellant

v.

G2-19-110

SPRINGFIELD  
POLICE DEPARTMENT,  
Respondent

Appearance for Appellant:

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Appearance for Respondent:

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Commissioner:

Christopher C. Bowman

**DECISION**

On May 13, 2019, the Appellant, Anthony Bedinelli (Officer Bedinelli), pursuant to G.L. c. 31, § 2(b), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Springfield's Police Department (City, Department or SPD) to bypass him for promotion from the rank of police officer to sergeant. I held a pre-hearing conference at the Springfield State Office Building on June 26, 2019, followed by a full hearing at the Springfield City Hall on August 21, 2019.<sup>1</sup> The full hearing was digitally recorded and both parties received

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<sup>1</sup> The Standard Adjudicatory rules of Practice and Procedures, 810 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission, with G.L. Chapter 31, or any Commission rules, taking precedence.

a CD of the proceeding.<sup>2</sup> The parties submitted proposed decisions on October 18<sup>th</sup> and 20<sup>th</sup>, 2019.

## **FINDINGS OF FACT**

Twenty-one (21) Joint Exhibits (Jx-1 – Jx-21) and seventeen (17) Respondent Exhibits (Rx-1 – Rx-17) were entered into evidence<sup>3</sup>.

*Called by the SPD:*

- Lynn Vedovelli, Human Resources & Payroll Manager, SPD; and
- Cheryl C. Clapprood, Police Commissioner, SPD

*Called by Officer Bedinelli:*

- Anthony Bedinelli, Appellant

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations and policies, and reasonable inferences therefrom, I find the following:

1. Located in Hampden County in Western Massachusetts, Springfield is the state's third largest city with a population of approximately 155,000.
2. Officer Bedinelli was born and raised in Springfield. After serving as a police cadet, he was appointed as a Springfield Police Officer in 1993. Officer Bedinelli has an Associate's degree in criminal justice from Springfield Technical Community College and has served in the Air National Guard. (Testimony of Officer Bedinelli)

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<sup>2</sup> If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, these CDs should be used to transcribe the hearing.

<sup>3</sup> Rx-16 is the 1/21/15 Amended Complaint & Release re: E.K and Rx-17 is the 2018 Arbitration Award related to the Appellant.

3. On September 6, 2017, Officer Bedinelli took the civil service promotional examination for police sergeant and received a score of 78. His name was placed on an eligible list of candidates for Springfield Police Sergeant on February 1, 2018. (Stipulated Facts)
4. On March 29, 2018, the SPD created Certification No. SPRO 19-0006 from which five (5) candidates were ultimately promoted to police sergeant, four (4) of whom were ranked below Officer Bedinelli. (Stipulated Facts)
5. In a bypass letter dated March 25, 2019 regarding Officer Bedinelli, then-Acting Springfield Police Commissioner Cheryl Claprood wrote in part:

“It is the department’s position that the cumulative career of this candidate shows a pattern of blatant lack of respect to the citizens of Springfield and an appointment / promotion of this individual would be detrimental to the public interest. The department feels any promotion of this officer would create community outrage and be extremely detrimental to community relations and trust.”

(Jx-8)
6. The March 25, 2019 letter referenced the following discipline regarding Officer Bedinelli: a) a 1997 six-month suspension for leaving his post without permission after learning that his dogs had attacked a child; b) a 2004 written reprimand regarding an off-duty verbal altercation with a citizen; c) a 2006 termination that was modified to a six-month suspension by an arbitrator regarding an alleged assault and alleged false statements on a police report; d) a 2015 requirement to attend training after an incident involving the issuance of a citation to a citizen; and e) a 2017 termination that was modified to a written reprimand by an arbitrator regarding an alleged altercation with a citizen during a road detail. (Jx-8)
7. Cheryl Claprood became acting Police Commissioner for the City of Springfield on February 22, 2019. As acting Police Commissioner, Claprood served as the decision-maker in regard to hiring, firing, promotion and discipline for the SPD. (Testimony of Claprood)

8. When Commissioner Clapprod was appointed, she was told by the City's Mayor that her charge was to "turn the SPD around", "place the SPD in a better light in the public eye", "start to regain the trust of the public", "start to make the SPD more transparent", "hold people accountable", "let the public know that the SPD was holding people accountable" and "start changing the image of the SPD". (Testimony of Clapprod)
9. The SPD interviewed Officer Bedinelli on March 21, 2019. The interviews were conducted by acting Deputy Trent Duda, Deputy Chief William Cochrane and acting Commissioner Clapprod. (Testimony of Commissioner Clapprod)
10. Prior to the interviews, Commissioner Clapprod was of the opinion that Officer Bedinelli should not be promoted because of his disciplinary history; however, she was open to hearing from him at the interview. (Testimony of Clapprod) The Appellant's disciplinary history, however, was not discussed during the interview. (Testimony of Officer Bedinelli)
11. After the interviews, Commissioner Clapprod and the others weighed the dates of the disciplinary issues in question as well as the nature of the disciplinary issues because other candidates had disciplinary issues as well. (Testimony of Clapprod)
12. Commissioner Clapprod was concerned that Officer Bedinelli's "cumulative career" showed a "pattern of disciplinary problems" and that most, if not all, of these disciplinary problems dealt with Officer Bedinelli's interaction with the public and that his actions had generated media attention that reflected poorly on the SPD. (Testimony of Clapprod)
13. Before making her decision, Commissioner Clapprod reviewed the underlying events regarding all of the disciplinary actions against Officer Bedinelli. Although some of the discipline was overturned and/or modified by arbitrators, Commissioner Clapprod was still concerned about the underlying misconduct that was proven. (Testimony of Clapprod)

14. Commissioner Clapprood recounted that the appearance of Officer Bedinelli's name on the promotion list drew "public outrage", which she encountered at "public speak outs", that she attended prior to making her decision. (Testimony of Clapprood)

15. Commissioner Clapprood reviewed the disciplinary histories of all the candidates promoted above Officer Officer Bedinelli. Commissioner Clapprood concluded that the disciplinary histories of the promoted candidates "were not nearly as significant" as the disciplinary history of Officer Officer Bedinelli and did not produce the level of publicity that Officer Bedinelli's misconduct had produced. (Testimony of Clapprood) (Jx-16 – Jx-21)

### *Legal Standard*

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The commission is charged with ensuring that the system operates on "[b]asic merit principles." Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259 (2001), citing Cambridge v. Civil Serv. Comm'n., 43 Mass.App.Ct. 300, 304 (1997). "Basic merit principles" means, among other things, "assuring fair treatment of all applicants and employees in all aspects of personnel administration" and protecting employees from "arbitrary and capricious actions." G.L. c. 31, section 1. Personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge at 304.

The issue for the Commission is "not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision." Watertown v. Arria, 16

Mass.App.Ct. 331, 332 (1983). See Commissioners of Civil Service v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975); and Leominster v. Stratton, 58 Mass.App.Ct. 726, 727-728 (2003).

The Commission's role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority's actions. City of Beverly v. Civil Service Comm'n, 78 Mass.App.Ct. 182, 189, 190-191 (2010) citing Falmouth v. Civil Serv. Comm'n, 447 Mass. 824-826 (2006) and ensuring that the appointing authority conducted an "impartial and reasonably thorough review" of the applicant. The Commission owes "substantial deference" to the appointing authority's exercise of judgment in determining whether there was "reasonable justification" shown. Beverly citing Cambridge at 305, and cases cited. "It is not for the Commission to assume the role of super appointing agency, and to revise those employment determinations with which the Commission may disagree." Town of Burlington and another v. McCarthy, 60 Mass. App. Ct. 914, 915 (2004).

Disputed facts regarding alleged prior misconduct of an applicant must be considered under the "preponderance of the evidence" standard of review as set forth in the SJC's recent decision in Boston Police Dep't v. Civil Service Comm'n, 483 Mass. 461 (2019), which upheld the Commission's decision to overturn the bypass of a police candidate, expressly rejecting the lower standard espoused by the police department. Id., 483 Mass. at 333-36.

### *Analysis*

Officer Bedinelli's prior disciplinary history as a police officer was a valid reason to bypass him for promotional appointment to sergeant. I carefully reviewed the entire record here, paying particular attention to all reports and other documents related to Officer Bedinelli's prior misconduct.

The record shows that, in 1997, Officer Bedinelli was assigned to radio dispatch when a 911 call came in reporting that two Rottweiler dogs were attacking a child. Based on the address, Officer Bedinelli was sure that the dogs in question belonged to him and that the dogs must have gotten out of his backyard. Before being excused from duty to go home, Officer Bedinelli can be heard on a Department recording saying “we are not sending a cruiser”. Based on the reports, it appears that no cruiser arrived on scene for 30 minutes after the call was made. Officer Bedinelli was suspended for six months based on various charges, including neglect of duty. Officer Bedinelli appealed that suspension to the Civil Service Commission and the Commission upheld the discipline. The victim of the dogs’ attack, who was eight years old at the time, and, according to published reports included in the record, still has physical scars and anxiety from the attack, attended one of the “speak-outs” referenced by Commissioner Clapprood to speak against promoting Officer Bedinelli to sergeant in 2019.

The 2004 written warning involved an off-duty incident in which Officer Bedinelli became embroiled in a verbal dispute regarding a parking space. Based solely on reports and statements *by Officer Bedinelli* at the time, it is clear that he escalated the dispute by: exiting his vehicle (that he parked in front of a fire hydrant); walking over to the female’s vehicle; pulling out his police badge; and telling the female driver that she was “acting like a bitch”.

In 2006, Officer Bedinelli was terminated by the Springfield Police Department for allegations involving another off-duty incident at a local bar in which he allegedly punched a female bar patron and then allegedly made false statements about the incident in an Arrest Report. The termination was appealed to an arbitrator. The arbitrator agreed with the SPD that Officer Bedinelli’s actions that night were more akin to a “bouncer” as opposed to a police officer and concluded that a six-month suspension was the appropriate penalty for that

misconduct. However, since the arbitrator concluded that Officer Bedinelli did not submit a false arrest report, he overturned the SPD's decision to terminate Officer Bedinelli. The arbitrator's decision states in part that " . . . I am convinced that the charges [against Officer Bedinelli] are sufficiently serious to impose a more demanding standard [on the SPD] than 'preponderance of the evidence.'" Therefore, the standard I will apply in this case is 'clear and convincing evidence.'" (emphasis added) Applying this higher evidentiary standard to the SPD, the arbitrator concluded that, "I am satisfied that there is not 'clear and convincing' evidence that Officer Bedinelli submitted [an] Arrest Report ' . . . knowing the same to be false in a material matter . . .'"<sup>4</sup> As the Commission correctly applies the "preponderance of evidence" standard in both bypass and disciplinary appeals, I gave no weight to the above-referenced conclusion by the arbitrator in the context of deciding whether the SPD was justified in bypassing Officer Bedinelli for promotion.

That turns to Officer Bedinelli's second termination in 2017, which was also overturned by an arbitrator. In that matter, the City's Community Police Hearing Board (CPHB), after a hearing, "found the testimony of the witnesses credible that Bedinelli [while on duty] choked and punched a civilian, Ms. [name redacted] without cause." The CPHB also found that Officer Bedinelli had failed to submit the proper reports indicating that he had used his pepper spray during the incident. The arbitrator, after conducting a hearing, made a series of conclusions including that: "there is not one scintilla of evidence which indicates that Officer Bedinelli conducted himself in anything but a professional manner in an attempt to get [female citizen's son] to comply with his directives. In the opinion of this Arbitrator, there is no hint that he (Bedinnelli) was guilty of misconduct or neglect of duty." I have given the Arbitrator's

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<sup>4</sup> The arbitrator also opined that it would have been permissible for him to require the SPD to prove "beyond a reasonable doubt" that Officer Bedinelli submitted a false Arrest Report.



conclusions little weight as: 1) they appear to be contradicted by his *own* findings regarding what occurred; and 2) other eyebrow-raising findings of the arbitrator appear to miss, entirely, the responsibility that Officer Bedinelli has to de-escalate potentially volatile situations.

To ensure clarity (and transparency), the below “background” is taken verbatim from the arbitrator’s decision:

“On November 3, 2017, Officer Bedinelli and [police officer] were working a paid detail at a construction site and were positioned at a corner of Dearborn Street and Wilbraham Road. It was the duty of two officers at this site to prevent automobiles from entering Dearborn Street due to the street construction taking place at that location.

During the detail, a green Honda Civic approached to enter Dearborn Street. Officer Bedinelli stopped the driver of the Honda and informed him that he would be required to go around the block and enter Dearborn Street from a different direction. Evidence indicates that the driver of this Honda, which was described by witnesses as being very loud in a ‘souped up’ car used for street racing, was very loud to the officers swearing at them. When he was not allowed to enter Dearborn Street, which is where his mother lived, he sped off and eventually followed the detour to her home at a high rate of speed. The driver backed the Honda into the driveway at [address redacted] and both officers approached the driver to obtain his license and registration. When asked by Officer Bedinelli for his name and to produce his license and registration, the driver continued his tirade of refusing to cooperate while continuing his swearing to and at the officers. The driver was reported to have said loudly that the car was on private property. Further, he grilled the Officers saying what did I do wrong and when Officer Bedinelli asked for the keys, the driver continued to refuse to give the officers the keys to the car or his drivers’ license or the registration. Evidence clearly indicates that the driver continued to scream and use vulgar language directed toward the officers.

Officer Bedinelli then informed the driver that his failure to provide the information meant that he would be arrested. At some point the driver’s mother [Ms. R] came to the area in an attempt to intervene in this encounter.

At that time, this driver, who was described by a neighbor as being a ‘loudmouth’ and drove the very loud car, ran from Officer Bedinelli who attempted to spray the individual with pepper spray but missed, and according to [Ms. R], sprayed her sleeve. Subsequently, the subject turned, picked up an aluminum Swiffer handle and while holding it like a bat and swinging it, continuously yelling at the officers repeatedly saying, ‘Come on you mother fuckers I’ll beat you with this stick.’ Both officers unholstered their service revolvers as they were concerned for their safety and the subject ran from the driveway.

The driver's mother [Ms. R] came at the officers and pleaded with Officer Bedinelli not to shoot her son. While [Ms. R] stated that Officer Bedinelli grabbed her by the throat and punched her in the chest, Officer Bedinelli testified that he put his hand up for [Ms. R] to back off and also that he never grabbed her throat, nor did he punch her in the chest. [Police officer] also testified that Officer Bedinelli did not grab [Ms. R] by the throat, nor did he punch her in the chest.

In addition, [Mr. C], who testified that he observed the entire scene from his porch across the street from [address redacted], testified that he saw Officer Bedinelli put his hands on the throat of [Ms. R] but did not observe Officer Bedinelli punch her in the chest. However, a next-door neighbor, [Ms. M] testified that she observed Officer Bedinelli hit [Ms. R] in the chest and started choking her." (emphasis added) (R-17)

While the arbitrator was free to assess the credibility of witnesses, it is, difficult, at best, to square this "background", penned by the arbitrator, with the arbitrator's subsequent conclusion that: "there is not one scintilla of evidence which indicates that Officer Bedinelli conducted himself in anything but a professional manner in an attempt to get [female citizen's son] to comply with his directives. In the opinion of this Arbitrator, there is no hint that he (Bedinnelli) was guilty of misconduct or neglect of duty." Finally, the arbitrator concluded that, "One other factor involved in this case is the fact that Officer Bedinelli had two prior six-month suspensions. While this was used by the City to also justify the discharge of Officer Bedinelli, this, according to this Arbitrator was totally inappropriate and unjustified. The reason for this is the fact that Mr. Bedinelli had been disciplined for those two previous infractions and they cannot now be used as double jeopardy."

It is not for the Commission to determine whether there was just cause to terminate Officer Bedinelli from the Springfield Police Department for his alleged misconduct in 2017. That decision, which the City chose not to challenge through a judicial appeal, was for the Arbitrator. In the context of this de novo proceeding before the Commission, however, I find that: 1) based solely on the Arbitrator's own description and findings, Officer Bedinelli's actions reflected poor judgment and an inability to deescalate an adversarial encounter; and 2) this represents an

ongoing pattern which justifies the SPD's decision to bypass Officer Bedinelli for promotion to the supervisory position of police sergeant.

*Conclusion*

The Appellant's appeal under Docket No. G2-19-100 is *denied*.

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein, and Tivnan, Commissioners) on June 18, 2020.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d)

Notice:  
Joseph G. Donnellan, Esq. (for Appellant)  
David Wenc, Esq. (for Respondent)