

COMMONWEALTH OF MASSACHUSETTS

Civil Service Commission

100 Cambridge Street, Suite 200

Boston, MA 02114

(617) 979-1900

GIOVANNI CARUSONE,

Appellant

v.

BOSTON POLICE DEPARTMENT,

Respondent

Docket Number:

G1-25-028

Appearance for Appellant:

James Gilden, Esq.

173 N Main St.

Sharon, MA, 02067-1230

Appearance for Respondent:

Jennifer Cipolletti, Esq.

Boston Police Department

Office of the Legal Advisor

One Schroeder Plaza

Boston, MA 02120

Commissioner:

Angela C. McConney¹

Summary of Decision

The Commission affirmed the decision of the Boston Police Department to bypass a candidate for appointment as a police officer based on his prior conduct, poor judgment and untruthfulness.

DECISION

On January 24, 2025, the Appellant, Giovanni Carusone, pursuant to G.L. c. 31, § 2(b), filed an appeal to the Civil Service Commission (Commission), contesting the January 12, 2025 decision of the Boston Police Department (BPD or the Department) to bypass him for original appointment to the position of a permanent, full-time police officer.

¹ The Commission acknowledges the assistance of law clerk Chanel Palmer in the drafting of this decision.

On March 4, 2025, the Commission held a remote pre-hearing conference via Webex, and I held an evidentiary hearing on May 6, 2025 at the offices of the Commission in Boston, located at 100 Cambridge Street, Suite 200, Boston, MA 02114.² The hearing was recorded via WebEx.³ The parties submitted post hearing briefs on August 18, 2025, whereupon the administrative record closed.

For the reasons set forth below, the appeal is denied.

FINDINGS OF FACT

I admitted ten exhibits (R. Exhibits 1-8) into evidence by the BPD. I admitted one exhibit (A. Exhibit 1) into evidence by the Appellant. Based upon the documents submitted and the testimony of the following witnesses:

Called by BPD:

- Det. Michael Rockwell, Domestic Violence Unit, Boston Police Department (previously assigned to the Recruit Investigations Unit)
- Det. Allison Gunther, Special Investigations Unit, Boston Police Department (previously assigned to the Youth Violence Strike Force)
- Natasha Levarity, Esq., Director of Human Resources, Boston Police Department

Called by the Appellant:

- Capt. Tristan Connover, Public Safety Department, Boston Children's Hospital
- Giovanni Carusone, Appellant

and taking administrative notice of all pleadings filed in the case, pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence,

² The Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. § 1.01 (formal rules), apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

³ The Commission provided a link to the parties. Should there be a judicial appeal of this decision, the plaintiff in the judicial appeal is obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, the plaintiff in the judicial appeal must transcribe the transcript from the Commission's official recording.

I make the following findings of fact:

Appellant's Background

1. Giovanni Carusone (Mr. Carusone or Appellant) was born and raised in the City of Boston. (Testimony of Appellant)

2. Mr. Carusone attended Boston Public Schools, and earned his GED in February 2021. (R. Exhibit 2; Testimony of Appellant)

3. Mr. Carusone currently works as a security officer at a local hospital. He has received four commendations on the job, including for saving the life of a patient. (A. Exhibit 1; Testimony of Appellant)

Civil Service Process

4. Mr. Carusone took the civil service examination on March 16, 2024 for the position of permanent full-time Boston police officer. (Stipulated Facts)

5. On June 1, 2024, the state's Human Resources Division (HRD) established an eligible list for Boston Police Officer. Mr. Carusone ranked 64th on the eligibility list. (Stipulated Facts)

6. On June 28, 2024, HRD issued Certification No. 09999 to the Department, from which it could fill vacancies from the top candidates willing to accept conditional employment. (Stipulated Facts)

7. The Department convened a roundtable comprised of representatives from Human Resources (HR), the Legal Department and the Internal Affairs Department (IAD) to review Mr. Carusone's candidacy for the position of permanent full-time police officer. Director Natasha Levarity served as HR's representative at the roundtable. (Testimony of Levarity)

8. The roundtable did not recommend Mr. Carusone for appointment. However, the Department extended conditional offers to 62 candidates ranked below Mr. Carusone on the certification. (Stipulated Facts)

9. HR Director Natasha Levarity informed Mr. Carusone of the Department's decision in a January 12, 2025 letter, enclosing his appeal rights. (R. Exhibit 1; Testimony of Levarity)

10. Director Levarity cited three reasons for bypass in the January 12, 2025 letter: Mr. Carusone's prior conduct, judgment, and truthfulness. (R. Exhibit 1; Testimony of Levarity)

11. On January 24, 2025, Mr. Carusone filed his appeal with the Commission. (Stipulated Facts)

Background Investigation

12. The Department assigned Det. Michael L. Rockwell of the Department's Recruit Investigation Unit (RIU) to conduct Mr. Carusone's background investigation. At the time of the assignment, Det. Rockwell had completed approximately 15 to 20 investigations. (Testimony of Rockwell)

13. Det. Rockwell completed a report called a "Privileged and Confidential Memorandum" (PCM), containing Mr. Carusone's information related to education, work history, residency, criminal offender registry information (CORI), financial records, driving record, military history, social media, drugs, field investigation and observation (FIOs), interviews, references and other reports. (R. Exhibit 2; Testimony of Levarity)

14. Det. Rockwell found that Mr. Carusone had no adult criminal record, had a favorable employment history, good credit history, and favorable personal references. Mr. Carusone's former partner reported no domestic issues. (R. Exhibit 2)

15. Det. Rockwell found three motor vehicle accidents in Mr. Carusone's Registry of Motor Vehicles driving record. (R. Exhibit 2)

16. Det. Rockwell and Det. Gorman visited Mr. Carusone's residence on August 23, 2024 in order to determine whether he met the residency requirement. At that appointment, Mr. Carusone provided documentation for proof of residency. Det. Rockwell and Det. Gorman noted that the home was "well kept, very neat and orderly," and concluded that Mr. Carusone met the residency requirement. (R. Exhibit 2)

17. Mr. Carusone's three neighbors, who had known him for eleven, fourteen and eighteen years, respectively, gave Det. Rockwell positive assessments and expressed confidence that he would be a good police officer. (R. Exhibit 2)

18. Det. Rockwell found no issues with Mr. Carusone's social media presence after he provided access to his Facebook, Instagram, Snapchat, and Twitter accounts. Mr. Carusone provided the Department access to an Instagram accounts, under the name gio_67 (with one underscore). Mr. Carusone had a second Instagram, under the name gio__67 (with two underscores), that he withheld from the Department. (R. Exhibit 2)

19. Although Mr. Carusone reported on the Department employment application that he had never used or possessed marijuana, Det. Rockwell found a 2010 City of Boston violation citation for the possession of marijuana. (R. Exhibit 2)

20. During his testimony, Mr. Carusone reiterated that he had never used or possessed marijuana, but had been present at the time of the incident, as documented in the Department incident report. (*See* Finding of Fact 50; R. Exhibit 2; Testimony of Appellant)

21. Through a search of the Department's databases, Det. Rockwell's found reference to Mr. Carusone in seven field investigative observation (FIOs) encounter reports, in association

with members of a gang known to the Department. Those known gang members connected to Mr. Carusone in the FIOs had lengthy Board of Probation (BOP) records. From the FIOs, Det. Rockwell noted that Mr. Carusone was observed with gang member X. in May of 2010, with gang member L. in October 2014, with gang member Z. in November 2015, and with gang member X. again in February 2017. Police officers also stopped Mr. Carusone, gang member L, gang member Z. and others for trespassing in July 2021. (R. Exhibit 2; Testimony of Rockwell)

22. Mr. Carusone testified that he did not know the named gang that his associates were part of until 2017; and that he is now aware that it is a criminal enterprise. He testified that “a few individuals who are around [him] are active gang members within those two groups.” (Testimony of Appellant)

23. Mr. Carusone testified that he and known gang member, X., have been friends since Mr. Carusone was fourteen or fifteen and X. was twelve, and that they remained in touch until the beginning of the application process in 2024. (Testimony of Appellant)

24. Mr. Carusone confirmed that he knew L., Y., B. and other known gang members listed in Department incident reports. Mr. Carusone claimed that he knew most of them because they played basketball together in a local park. (Testimony of Appellant)

25. Mr. Carusone stated that he had known Z. since Mr. Carusone was about six or seven years old and they were at middle school together. Mr. Carusone stated that he no longer associates with Z. or X. (Testimony of Appellant)

26. Mr. Carusone confirmed that several known gang members referenced in the report had frequently spent time in and around Mr. Carusone’s home. (R. Exhibit 4; Testimony of Appellant)

27. Mr. Carusone stated that he lent his phone to people in the neighborhood who had

no cellphones or when their phones were not working. Mr. Carusone stated that Z. frequently asked to use Mr. Carusone's cellphone because Z.'s cellphone did not work. (Testimony of Appellant)

28. Mr. Carusone only recalled one of the phone calls listed in the Department telephone log report. (Testimony of Appellant)

29. Det. Rockwell also found references to Mr. Carusone in Department incident reports. Mr. Carusone was shot at in December 2009 according to one report. In a text exchange on June 29, 2016 between G. and other gang members, G. stated that Mr. Carusone identified rival gang member, L. On March 12, 2017, Boston police received information of shots fired at an address in the rival gang territory according to another report. X. and known gang member, C., fired shots at L. on April 28, 2017 and July 19, 2017, using the same gun that was used during the March 12, 2017 incident. (R. Exhibits 2, 4 and 5)

30. On June 1, 2017, officers responded to a ShotSpotter⁴ activation for 13 rounds on a Boston Street, striking a residence and two cars. One rival street gang member was in one of the damaged vehicles and another rival gang member, D., was also on the scene. (R. Exhibits 2, 4 and 5)

⁴ Implemented by the Boston Police Department in 2007, ShotSpotter serves as an acoustical technology that precisely locates the area where gunshots have been fired and provides immediate notification. <https://police.boston.gov/shot-spotter/>

31. On June 2, 2017, Y. informed his fellow gang members that the June 1, 2017 gunfire had damaged Mr. Carusone's motor vehicle. The gang members then discussed how they shot at another vehicle and how rival gang members retaliated and then shot Mr. Carusone's vehicle. These texts implied that Mr. Carusone was involved in this shooting incident of June 1, 2017. Y. later advised X. to shoot Mr. Carusone's car. The BPD believe this shooting of Mr. Carusone's car was intended to cover up Mr. Carusone and the gang's involvement in the exchange of gunfire on June 1, 2017. (R. Exhibits 4 and 7)

32. On June 2, 2017, police officers questioned Mr. Carusone and asked when he had returned from work. (R. Exhibit 8)

33. On July 9, 2017, Mr. Carusone and X. were shot. A bullet was lodged in Mr. Carusone's leg, and another bullet grazed his right arm. (R. Exhibits 1 and 6; Testimony of Appellant)

34. Det. Rockwell compiled all his findings into a PCM for presentation to the roundtable on August 21, 2024. (R. Exhibit 2; Testimony of Rockwell)

35. The roundtable was concerned about Mr. Carusone's firearm possession, drug possession, closeness to gang activity and truthfulness. The roundtable asked Det. Rockwell to conduct a discretionary interview to get clarification of these issues. (Testimony of Rockwell)

Discretionary Interview

36. Det. Rockwell and Det. Gunther scheduled an October 28, 2024 discretionary interview to get more information about Mr. Carusone's background. (Testimony of Rockwell)

37. At the October 28, 2024 interview, Det. Rockwell questioned Mr. Carusone about his tattoos, drug activity, whether he had ever possessed a firearm and whether he knew a rival gang member. (R. Exhibits 1 and 2)

38. Mr. Carusone explained that the tattoos were all personal, and related to his heritage. He said that he got the tattoo on his back when he was 17 or 18 and that it was a “young, dumb idea.” The tattoo itself, a large skeleton holding two pistols with the word “Carusone” under it, was heritage based. Mr. Carusone said that he got the tattoo of a cross on his left cheek under his eye when he was 24, that it had no significance, and was another “another young, dumb idea.” Mr. Carusone stated that the tattoos on his neck and hands also had no significance, other than being connected to his heritage and one paying “homage” to his late cousin. (R. Exhibit 2; Testimony of Rockwell)

39. Det. Gunther questioned Mr. Carusone about his affiliation with gang members and his involvement with the distribution of drugs. Mr. Carusone confirmed his telephone number, a number that the detectives noted in the cell phone contacts of the cell phones of known gang members. Mr. Carusone confirmed that he also had the cell phone numbers of several of the known gang members referenced in police reports saved in the contacts of his phone. (R. Exhibit 4; Testimony of Appellant)

40. Mr. Carusone stated that he was never a part of any group text messaging with the known gang members listed in the Department report. (Testimony of Appellant)

41. Several gang members also followed Mr. Carusone’s Instagram account under the gio__67 (with two underscores) handle. (See Finding of Fact 17; R. Exhibits 1 and 2; Testimony of Gunther)

42. Mr. Carusone denied ever making a phone call facilitating the sale or distribution of narcotics. (Testimony of Appellant)

43. Det. Gunther confirmed that the Department retrieved Mr. Carusone's phone number from X. and Y.'s cell phones during the 2019 Youth Violence Strike Force (YVSF) investigation which resulted in the arrest of 31 individuals for drug trafficking and possession of illegal firearms. In the gang members' cell phones, Mr. Carusone's contact information was saved as "Gio" and "G Tech [100 emoji] [horn finger sign emoji][chick drumstick emoji]" which includes a reference to a firearm. Mr. Carusone again confirmed that the number attributed to him was his number in the October 28, 2024 discretionary interview. (Testimony of Gunther)

44. The cell phone communications of the gang members revealed that Mr. Carusone was buying, selling or "middling" drugs with the gang members, including marijuana and fentanyl pills disguised as Percocet pills. When the detectives asked Mr. Carusone whether he had possessed, sold or "middled" drugs, Mr. Carusone said that he did not recall the communications, did not know what they meant and claimed that he had let others use his cell phone. (R. Exhibits 1 and 4; Testimony of Rockwell)

45. During the interview, Mr. Carusone denied ever possessing a firearm, although several cell phone communications of the known gang members revealed that he had been in possession of an illegal firearm. (R. Exhibit 1; Testimony of Rockwell)

46. During the interview, Mr. Carusone denied participating in a gang feud between two gangs. However, the detectives' review of the known gang members' cell phone communications revealed that Mr. Carusone had texted the gang members the location of a rival gang member. (R. Exhibit 1; Testimony of Rockwell)

47. Mr. Carusone stated that his neighborhood nicknames were “Gio,” “G,” or “G Tech.” He acquired the nickname “G Tech” when he was about fourteen or fifteen years old, in reference to the various video games and technology at his house. He denied that this nickname was related to firearms. Det. Rockwell understood that the word “tech” could refer to a KelTec or Tec-9 firearm. (Testimony of Appellant)

48. Mr. Carusone’s phone number was linked to a CashApp account under the name “Gio,” with the \$Cashtag of \$GC61731. (R. Exhibit 1)

49. On June 12, 2016, known gang member Y. and Mr. Carusone planned, via text messages, a meeting in order to exchange something. The wording of this text conversation was consistent with Y.’s other conversations related to drug deals. (R. Exhibit 4)

50. On July 28, 2016, Y. sent a group message to other known gang members stating that he and Mr. Carusone were smoking at UMass. This appeared to reference marijuana. (R. Exhibit 4)

51. On August 21, 2016, Y. texted Mr. Carusone to “break that down for [Y].” This conversation was consistent with other texts in Y’s phone describing the break-down of large amounts of marijuana into smaller portions for individual sale. (R. Exhibit 4)

52. On January 10, 2017, X., a known gang member and friend, exchanged texts with Mr. Carusone in order to coordinate Mr. Carusone’s “middling” of drugs to a female buyer. (R. Exhibit 4)

53. On June 2, 2017, Mr. Carusone texted X. that his “bud” (marijuana) was in the hallway. (R. Exhibit 4)

54. On July 28, 2017, X. sent Mr. Carusone a message telling him to grab the yin (firearm) from “D.” Mr. Carusone informed him that it was in the house. (R. Exhibit 4)

55. On September 15, 2017, known gang members X. and E. discussed purchasing drugs on Facebook Messenger. When E. asked X. if he were “on deck” (had drugs to sell), X. responded that he did not, but Mr. Carusone had drugs to sell. X. and Mr. Carusone exchanged several phone calls later that afternoon. (R. Exhibit 4)

56. On June 20, 2019, Mr. Carusone contacted Y. to “middle” a drug deal for a female who wanted to purchase \$30 worth of drugs. (R. Exhibit 4)

57. On June 29, 2019, Mr. Carusone and Y. exchanged several messages and calls, indicating that Mr. Carusone was “middling” a drug deal for a female who wanted to purchase pills. After Mr. Carusone inquired about the type of pills Y. had, Y. responded 30 (indicating that the pills were Percocet 30g). While the pills appeared to be Percocet, they were in fact Fentanyl. (R. Exhibit 4)

58. On July 2, 2019, Mr. Carusone texted Y. that he had “got rid of those [sell narcotics] two.” Y. replied that he would “link” (meet) Mr. Carusone later. (R. Exhibit 4)

59. On July 7, 2019, Y. texted if Mr. Carusone had “moved any yet,” consistent with other messages on Y.’s phone where the term “moving” referred to selling drugs. Mr. Carusone responded that he sold one kind of drug and may sell more. On the following day, July 8, 2019, Y. asked if Mr. Carusone still had a certain amount of drugs. Mr. Carusone stated that he still had four of an unidentified type of drug, but that he had sold one and would let Y. know if he sold the others. Y. then asked Mr. Carusone to give him two of those drugs to sell. (R. Exhibit 4)

60. On July 14, 2019, Y. inquired whether Mr. Carusone had sold a certain amount of drugs; Mr. Carusone confirmed he had the “bread” (money from the drug deal) for Y. (R. Exhibit 4)

61. In a July 20, 2019 traffic stop of Y., police officers recovered a loaded firearm and Fentanyl pills with the appearance of Percocet. (R. Exhibit 4)

62. Mr. Carusone testified that he had never owned a firearm. He stated that his use of a firearm was limited to hunting with his uncle in Florida in 2016, and use at a Massachusetts shooting range a few years later. (Testimony of Appellant)

63. Mr. Carusone testified that there were never any firearms in his home or on his porch. (Testimony of Appellant)

64. In a June 9, 2016 group chat with several gang member, Y. asked F. to “grab Gios tec by the porch.” F. responded that he had “Ema’s 9.” (A “tec” refers to a firearm which could be either a KelTec or Tec-9. A “9” refers to a 9mm firearm) (*See* Finding of Fact 42; R. Exhibit 4)

65. On August 29, 2016, known gang member, G., texted other members “W***/ “L.”] on leyland.” This message implied that rival gang member known as “L.” was on a local street at the time. The group of known gang members then discussed targeting L. for violence. G. indicated that Mr. Carusone had informed him of L’s location. (R. Exhibit 4)

66. On March 6, 2017, X. texted his fellow known gang members if they knew what “L” looked like in a group text message. Known gang member, D. texted L.’s photo from his Snapchat account “w***bandss” in front of a grocery store located in rival gang territory. The following day, March 7, 2017, X. texted L.’s photo to Mr. Carusone. (R. Exhibit 4)

67. On August 5, 2017, X. texted Mr. Carusone, “Send those pics of the dirtie” (dirt bike). Later, L. sent X. a photo of an orange and black dirt bike. Mr. Carusone also sent X. two photos of the same orange and black dirt bike. On August 7, L. sent X. the photo of the same dirt bike. That evening X. visited the residences of both L. and Mr. Carusone. (R. Exhibit 4)

68. That night a Boston police officer from the B2 Station attempted a traffic stop of two dirt bikes, one orange and the other white. The operator of the orange bike abandoned the bike, dropped a firearm, and got onto the white bike. The dropped firearm was a Smith & Wesson 9mm, with cartridge casings identical to those used in the gun fire from the Dorchester June 1, 2017 and June 2, 2017 shootings. (*See Findings of Fact 29-30; R. Exhibit 4*)

69. On the night of August 5, 2017, X. made several calls to other known gang members. J. informed the group that he had spoken to X. about the traffic stop incident and that the firearm was gone. (R. Exhibit 4)

70. On August 8, 2017, X. visited the bpdnews.com website on his phone. Mr. Carusone texted X., “U straight” [meaning are you okay?] (R. Exhibit 4)

71. On September 12, 2017, Mr. Carusone was present when known gang members were cited for loitering. (R. Exhibit 6)

72. On November 1, 2017, police officers responded to a report of vandalism. They discovered individuals, including Mr. Carusone, throwing blue paintballs and eggs from the roof of a Roxbury building and arrested several of them. (R. Exhibit 6)

73. On July 4, 2021, Mr. Carusone and a group of his associates trespassed on an empty lot. When officers frisked them, one of the associates assaulted one of the officers. (R. Exhibits 1, 5 and 6)

The Department’s Decision to Bypass

74. On November 5, 2024, Det. Rockwell updated the PCM with the findings from the discretionary interview, and submitted it to HR Director Levarity and Sgt. John Puglia. The updated PCM did not allay the roundtable’s concerns about Mr. Carusone. After deliberation, the roundtable decided to bypass Mr. Carusone. (R. Exhibit 2)

75. Director Levarity informed Mr. Carusone of the Department's decision in a January 12, 2025 letter, enclosing his appeal rights. (R. Exhibit 1; Testimony of Levarity)

76. Director Levarity cited three reasons for bypass in the January 12, 2025 letter: Mr. Carusone's prior conduct, judgment, and truthfulness. (R. Exhibit 1; Testimony of Levarity)

77. In regard to the first bypass reason: *prior conduct*, Director Levarity wrote that the Department was concerned about Mr. Carusone's contacts with known gang members, his facilitation of drug activity with the gang members, his revelation of a rival gang member's whereabouts to the known gang members, and his possession of a firearm. (R. Exhibit 1; Testimony of Levarity)

78. In regard to the second bypass reason: *judgment*, Director Levarity also referenced the aforementioned contacts with known gang members, facilitation of drug activity with the gang members, revelation of a rival gang member's whereabouts to the known gang members, and possession of a firearm. Director Levarity cited Mr. Carusone's participation in gang crossfire on June 2, 2017 and July 9, 2021. Mr. Carusone's motor vehicle was shot at in the 2017 incident, and Mr. Carusone was shot in the right leg and grazed on his right arm in the 2021 incident.

79. In regard to the third bypass reason: *truthfulness*, Director Levarity cited Mr. Carusone's untruthfulness in his application and discretionary interview. (R. Exhibit 1; Testimony of Levarity)

Applicable Legal Standard

The purpose of Massachusetts' civil service law is to enforce "basic merit principles" for the "recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills" while "assuring that all employees are protected against coercion for

political purposes, and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. *See, e.g., Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259 (2001); *MacHenry v. Civil Serv. Comm’n*, 40 Mass. App. Ct. 632, 635 (1995), rev. den., 423 Mass. 1106 (1996). *See also Brookline v. Alston*, 487 Mass. 278 (2021) (analyzing broad scope of the Commission’s jurisdiction to enforce basic merit principles under civil service law). In accordance with civil service law, original appointments of civil service employees are made from a list of candidates, called a “certification”, whose names are drawn in the order in which they appear on the applicable civil service “eligible list”, using what is called the 2n+1 formula. G. L. c. 31, §§ 6 through 11, 16 through 27; Personnel Administration Rules, PAR.09.

It is the duty of the Commission to determine whether the appointing authority has shown, by a preponderance of the evidence, that it has “reasonable justification” for the bypass after an “impartial and reasonably thorough review” of the relevant background and qualifications bearing on the candidate’s present fitness to perform the duties of the position. *Boston Police Dep’t v. Civil Serv. Comm’n*, 483 Mass. 461, 474-78 (2019); *Police Dep’t of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012); *Beverly v. Civil Serv. Comm’n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

Public safety officers are vested with considerable power and discretion and must be held to a high standard of conduct. *See, e.g., Falmouth v. Civil Serv. Comm’n.*, 61 Mass. App. Ct. 796, 801 (2004), citing *Cambridge v. Civil Serv. Comm’n*, 43 Mass. App. Ct. 300, 303-305, rev. den., 10 428 Mass. 1102 (1997); *Police Comm’r v. Civil Serv. Comm’n*, 22 Mass. App. Ct. 364, 371, rev. den. 398 Mass. 1103 (1986).

Analysis

I find that the Department had reasonable justification to bypass Mr. Carusone. The Department gave three reasons for bypassing Mr. Carusone: 1) prior conduct, 2) poor judgment, and 3) truthfulness. Each of these reasons is sufficient reason on its own for a bypass.

I now examine them in turn.

Bypass Reason 1: Prior Conduct

Ms. Levarity wrote that Mr. Carusone's prior conduct was of significant concern to the Department, and cited two instances of misconduct:

- 1) The June 2, 2017 incident where an exchange of fire between [...] gang members and [...] gang members damaged his vehicle.
- 2) The July 9, 2021 incident where Mr. Carusone was shot alongside a [...] gang member.

In both instances, known gang member, X, was present. Although Mr. Carusone denied involvement, his motor vehicle was at the scene of the June 2, 2017 gang crossfire. In the July 9, 2021 incident, both Mr. Carusone and gang member X were shot. I concur that the Department had good reason to find Mr. Carusone's affiliation with X, not limited to these events, concerning.

While Mr. Carusone has not been charged or convicted with a criminal drug offense, I endorse the Department's finding that he had engaged in and facilitated drug activity. Among other activity, on September 26, 2010, the City of Boston issued a citation to Mr. Carusone for marijuana possession. Although marijuana possession is no longer prosecuted in the Commonwealth of Massachusetts, Mr. Carusone did deny ever using or possessing marijuana in his October 28, 2024 discretionary interview.

During the discretionary interview, Mr. Carusone denied ever being involved in drug activity, although the cell phone communications among the gang members documented that he

“middled” or facilitated drug deals on at least two occasions: January 10, 2017, and June 29, 2019. It should go without saying that engagement in illicit drug activity is not appropriate conduct for a candidate for the position of police officer.

Reportedly, Mr. Carusone has also participated in other illegal activities, such as trespassing. On July 4, 2021, Mr. Carusone and a group of his associates, including two known gang members, reportedly trespassed on an empty lot. One of the associates reportedly assaulted an officer.

Mr. Carusone’s association with the known gang members was intentional and voluntary. While it is understandable that contact with certain individuals may be unavoidable because of familial ties, that excuse is not available to Mr. Carusone. Police officers are in positions of public trust, and thus bear a heightened responsibility to distance themselves from such associations. A reasonable suspicion of association with criminals is sufficient to erode public trust in the Department; therefore, it is the Department’s duty to ensure that only individuals who have acceptable associations become officers.

In sum, Mr. Carusone’s association with known gang members renders him an unfit candidate for the position of permanent full-time police officer, and on its own provides merit for bypass.

Bypass Reason 2: Poor Judgment

The Department questioned Mr. Carusone’s sense of judgment due to his continued association with a gang, an association that he maintained during his application to the Department.

Mr. Carusone was in the cell phone contacts of two individuals arrested during a Department 2019 YVSF investigation. Mr. Carusone’s contact information was saved as “Gio”

and “G Tech [100 emoji] [horn finger sign emoji][chicken drumstick emoji]” which includes a reference to a firearm. Text exchanges among known members of the local gang and Mr. Carusone indicate his close ties with the gang and facilitation of drugs. The Department has documented Mr. Carusone’s correspondence with known gang members on several occasions between 2016 and 2019.

On March 7, 2017, a known gang member texted Mr. Carusone a photo of L., a rival gang member. Although the reason for that text is unclear, this type of correspondence is yet another example of Mr. Carusone’s connection to the gang’s activity.

During the early hours on June 2, 2017, Mr. Carusone’s motor vehicle was damaged in crossfire between his associated gang and another gang. Although Mr. Carusone claims he was not involved in this incident, contemporary text messages among his known gang member associates showed their intention to use Mr. Carusone’s motor vehicle to divert attention from their involvement in the shooting on June 1, 2017. These messages also imply that Mr. Carusone was directly involved in the June 1, 2017 shooting.

On July 9, 2021, Mr. Carusone was shot while in the company of known gang member X. Although Mr. Carusone sustained a wound to the right leg and a bullet graze on his right arm, he continued to associate with the known gang members. This association was documented in social media as Mr. Carusone remained connected to several members of the gang through October 31, 2024. This enduring contact shows that Mr. Carusone maintained a connection to known gang members at least through the beginning of the application process to become a police officer.

As Director Levarity wrote in the January 12, 2025 bypass letter:

Police Officers must behave in a manner consistent with the law that they are sworn to enforce in order to gain and preserve public trust, maintain public confidence, and avoid an abuse of power by law enforcement officials. As a

result, your prior conduct and poor judgment deem you unsuitable for employment as a Boston Police Officer.

Mr. Carusone's continued association with gang members demonstrates poor judgment, renders him an unfit candidate for the position of permanent full-time police officer, and on its own merits bypass.

Bypass Reason 3: Truthfulness

The Commission has consistently recognized that "a police officer must be truthful at all times," and "failure to do so constitutes conduct unbecoming an officer." *MacHenry v. Wakefield*, 7 MCSR 94 (1994). Indeed, there is a "strong public policy against employing police officers who are untruthful." *Royston v. Billerica*, 19 MCSR 124, 128 (2006).

An appointing authority is well within its rights to bypass an individual for lack of truthfulness as part of an application for a civil service position. It is reasonable for a police department to have concerns about an applicant's candor during their job performance if they were willing to distort the truth in their application. *See O'Brien v. Somerville*, 25 MCSR 292 (2012). *See also Minoie v. Braintree*, 27 MCSR 216 (2014); *Polin v. Randolph*, 23 MCSR 229 (2011). To that end, the Commission has stated that "it is well settled that police officers voluntarily undertake to adhere to a higher standard of conduct than that imposed on ordinary citizens." *Garrett v. Haverhill*, 18 MCSR 281, 285 (2005). As such, allegations of untruthfulness ought to be made with an appropriate degree of seriousness and investigated with sufficient diligence. *See, e.g., Morley v. Boston Police Dep't*, 29 MCSR 456 (2016).

Police officers' duties include issuing reports on incidents, frequently testifying in court, and assisting in internal investigations. These are all activities in which the credibility and truthfulness of the officer play a vital role. When an officer is found to be untruthful, it damages the officer's ability to testify in future court proceedings.

The extent of Mr. Carusone's voluntary contacts with known gang members is well documented in the PCM. While some of the associations may have begun in his childhood or youth, there was no need to continue these contacts in adulthood. Mr. Carusone's continued contact with the known gang members compromises his ability to be an able police officer, including testifying in court.

Mr. Carusone denied conduct and known gang member associations that were easily disproven by Department records, gang member associates' cell phone records and his own personal cell phone.

Mr. Carusone denied that he was cited for marijuana possession on September 26, 2010. While marijuana possession is no longer prosecuted in the Commonwealth, Mr. Carusone denied ever possessing or smoking marijuana. This assertion is belied by the text communications between him and the known gang members.

Mr. Carusone denied knowledge of gang activity, contrary to the documentation provided by his own cell phone. As an excuse, Mr. Carusone claimed that he let known gang members borrow his cell phone for hours at a time and was unaware of conversations they may have had.

Mr. Carusone also denied "middling" drugs, despite the text messages indicating that he had done so on multiple occasions with known gang members.

Most seriously, the BPD had good cause to believe that Mr. Carusone possessed an illegal firearm, evidenced again by text messages between him and known gang members. However, he denied possessing a firearm in the discretionary interview. Mr. Carusone denied being involved in a gang feud in the discretionary interview, although he identified a rival gang member when known gang member X texted him that individual's photo.

Over the days of June 1, 2017 and June 2, 2017, Mr. Carusone's motor vehicle sustained gunshot damage in the crossfire between his gang member associates and a rival gang. When police officers requested a statement, Mr. Carusone claimed that he was not involved and had arrived home from work between 12:30 a.m. and 1:00 a.m. However, Mr. Carusone testified later that he arrived home from work at 7:00 p.m. on June 1, 2017.

During the hearing, Mr. Carusone stated that he distanced himself from his gang associates in 2020. However, throughout the 2024 application process, Mr. Carusone remained connected to several known members through his Instagram account (gio__67). It should also be noted that the Instagram account identification he provided during the application process was (gio_67) (with one underscore), but his actual account, which was linked to the accounts of gang associates in 2024, was gio__67 (with two underscores). Thus, Mr. Carusone withheld requested social media information during his application process.

Based on the foregoing, Mr. Carusone's untruthfulness renders him an unfit candidate for the position of permanent full-time police officer, and on its own, warrants bypass.

Finally, I see no evidence that the appointing authority's decision was based on political considerations, favoritism or bias.

CONCLUSION

Accordingly, the Boston Police Department has proven by a preponderance of the evidence that it had reasonable justification for bypassing Giovanni Carusone for the position of permanent full-time police officer. The appeal filed under G1-25-028 is hereby **denied**.

/s/ Angela C. McConney
Angela. C. McConney
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, and Stein, Commissioners) on October 16, 2025.

Either party may file a motion for reconsideration within ten days of receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 C.M.R. § 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 to:

James Gilden, Esq. (for Appellant)

Jennifer Cippolletti, Esq. (for Respondent)