

**COMMONWEALTH OF MASSACHUSETTS**  
**CIVIL SERVICE COMMISSION**  
100 Cambridge Street, Suite 200  
Boston, MA 02108  
(617) 979-1900

**VERA DEPINA,**  
*Appellant*

v.

**CITY OF BROCKTON,**  
*Respondent*

Docket Number: G1-24-030

Appearance for Appellant: Kenneth H. Anderson, Esq.  
Anderson, Goldman, Tobin &  
Pasciucco, LLP  
50 Redfield Street, Suite 201  
Boston, MA 02122

Appearance for Respondent: Kayla J. Venckauskas, Esq.  
Karen A. Fisher  
City of Brockton Law Department  
45 School Street  
Brockton, MA 02301

Commissioner: Angela C. McConney

**SUMMARY OF DECISION**

The City of Brockton has proven by a preponderance of the evidence that it had reasonable justification for bypass due to the Appellant's untruthfulness, her failure to disclose present and past relationships, failure to establish residency, and violation of the CJIS and police department rules and regulations.

**DECISION**

On March 4, 2024, the Appellant, Vera DePina (Appellant or Ms. DePina), pursuant to G.L. c. 31, § 2(b), appealed to the Civil Service Commission (Commission) the February 1, 2024 decision of the City of Brockton (City or Respondent) to bypass her for original appointment to the position of permanent full-time police officer.

The Commission conducted a remote pre-hearing conference on April 2, 2024. On June 26, 2024, I conducted an in-person full evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston MA.<sup>1</sup> The hearing was recorded via Webex.<sup>2</sup> In August 2024, the parties filed proposed decisions, whereupon the administrative record closed.

## **FINDINGS OF FACT**

I admitted nineteen exhibits from the Respondent (R. Exhibits 1-19). I admitted the Appellant's March 4, 2024 appeal to the Commission (A. Exhibit 1). I admitted the Stipulated Facts as a joint exhibit (J. Exhibit 1). Based upon the documents submitted and the testimony of the following witnesses:

*Called by the Respondent:*

- Det. George Almeida

*Called by the Appellant:*

- Vera DePina, Appellant

and taking administrative notice of all pleadings filed in the case, plus pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence, I make the following findings of fact:

1. Vera DePina has been living in the United States for the past sixteen years. She is bilingual in English and Cape Verdean Creole. (Testimony of Appellant)

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<sup>1</sup> 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.

<sup>2</sup> 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.

2. Ms. DePina graduated from high school and attended community college for one year. (Testimony of Appellant)

3. Since April 5, 2022, Ms. DePina has worked as an Emergency Telecommunications Dispatcher (ETD or dispatcher) for the Brockton Police Department (BPD or Department). (R. Exhibit 4; Testimony of Appellant)

4. The position of dispatcher is governed by a Collective Bargaining Agreement (CBA) that required Ms. DePina to live in Brockton for the first seven years of her employment or until April 5, 2029. (R. Exhibit 4; Testimony of Appellant)

5. On her first day, April 5, 2022, Ms. DePina completed training on the Criminal Justice Information Systems (CJIS) and the National Crime Information Center (NCIC) systems. She signed a CORI Non-Disclosure Agreement. She also signed a Certification that she had read and understood the CJIS Security Addendum, NCIC Operating Manual, CJIS Security Policy, and 28 CFR 20. (R. Exhibit 19)

6. On March 23, 2023, Ms. DePina passed the entry-level civil service examination for police officer. (Stipulated Facts)

7. On July 1, 2023, the state Human Resources Division (HRD) established an eligible list of candidates for the position of Brockton Police Officer. On August 29, 2023, HRD issued Certification No. 09467 to the appointing authority for thirty (30) permanent, full-time police officer vacancies with the Department. (R. Exhibit 15)

8. Ms. DePina's name appeared in a group tied at the 50<sup>th</sup> rank on Certification No. 09467. (R. Exhibit 15)

9. On September 26, 2023, Ms. DePina submitted her completed Recruit Officer Candidate Application Packet (Initial Application). (R. Exhibit 4)

10. The Department assigned Det. George Almeida to conduct Ms. DePina's background investigation. (Testimony of Det. Almeida)

11. During a September 26, 2023 interview (initial interview), Det. Almeida reviewed Ms. DePina's Initial Application with her. (Exhibits 10 and 16)

12. At the beginning of the initial interview, Det. Almeida provided Ms. DePina with a series of forms for review and signature, including the Department's Reasons for Bypass Policy and Notice of Residency Policy. Ms. DePina read and signed both forms. (R. Exhibits 1 and 3).

13. The Department's Reasons for Bypass Policy documents among the reasons for bypass for the original position of permanent full-time police officer, "False statements or omissions in answering questions." (R. Exhibit 1)

14. The Department's Notice of Residency Policy states in pertinent part:

[A]s a condition of my employment with the City of Brockton, Section 2-110 of the Revised Ordinances of the City of Brockton mandates that I shall be a resident of the City of Brockton...I also acknowledge that, should I fail to comply with this ordinance, such non-compliance is determined to be voluntary termination of my employment.

(R. Exhibit 3)

15. Throughout the initial interview, Det. Almeida pointed out to Ms. DePina the parts of the Initial Application where she had failed to complete the answer or where she had provided an inaccurate answer, providing her with the opportunity to correct these errors and/or omissions. (R. Exhibit 4; Testimony of Det. Almeida)

16. During the interview, Det. Almeida questioned Ms. DePina about current and past romantic relationships, as she had left the application sections entitled "CURRENT SPOUSE/SIGNIFICANT OTHER" and "FORMER SPOUSE/SIGNIFICANT OTHER" blank.

Det. Almeida explained to Ms. DePina that the term “significant other” included boyfriends. Det. Almeida then highlighted those sections, and asked Ms. DePina to complete them. (R. Exhibits 4 and 6; Testimony of Det. Almeida)

17. After Det. Almeida’s explanation, Ms. DePina stated that she did not have a current boyfriend and said, “I only have one past boyfriend; and I have proof — it’s my baby daddy.” (R. Exhibit 16)

18. Ms. DePina stated that she had last used marijuana seven years prior, before she became pregnant, and that now she could not stand the smell. (R. Exhibit 16)

19. After the September 23, 2023 initial interview, Det. Almeida began the background investigation. A background investigation typically encompasses a review of the applicant’s educational history, work history, criminal history, driving history, personal and professional references, and interviews with neighbors, significant others and family members. (Testimony of Det. Almeida).

20. Following the initial interview, Det. Almeida began reviewing the records provided by Ms. DePina, looking into her job history, social media posts, conducting interviews with disclosed friends, family, and neighbors and reviewing in-house records such as arrest records and driving history. (Testimony of Det. Almeida)

21. On September 28, 2023, Ms. DePina submitted a corrected version of the initial application to Det. Almeida (Corrected Application). Again, she left the section for current significant other blank. Under the section for past significant others, she added her child’s father, Mr. B. (R. Exhibit 5; Testimony of Det. Almeida)

22. Det. Almeida conducted a second interview of Ms. DePina on October 11, 2023 (Interview #2). (R. Exhibit 17)

23. During Interview #2, Det. Almeida provided Ms. DePina with the Background Investigation Questionnaire (Questionnaire). He then left the room, giving her time to complete the Questionnaire. (R. Exhibit 6).

24. When he returned to the room, Det. Almeida reviewed both the Questionnaire and Corrected Application with Ms. DePina. (R. Exhibits 10 and 17)

25. Included among the questions on the Questionnaire was, “Have you ever been with someone that committed a crime?” Ms. DePina answered by circling “No” to this question. (R. Exhibit 6)

26. Following the October 11, 2023 Interview #2, Det. Almeida provided Ms. DePina with a link to access the Massachusetts Peace Officer Standards and Training (POST) Commission Questionnaire (Initial POST Questionnaire). Ms. DePina completed the Initial POST Questionnaire the same day. (R. Exhibit 7)

27. Det. Almeida scheduled a third interview (Interview #3) with Ms. DePina for October 17, 2023 in order to discuss the Initial POST Questionnaire. (R. Exhibit 10; Testimony of Det. Almeida)

28. Following Interview #3, Ms. DePina amended her Initial POST Questionnaire to include previously disclosed marijuana use. She wrote, “Cannabis – used it 7 years ago and stopped after getting pregnant with my child.” (R. Exhibit 8)

29. Throughout the Department’s investigative background process, Ms. DePina signed five separate statements attesting that her answers were truthful. (R. Exhibit 4, 6-8; Testimony of Appellant)

30. Upon completion of her background investigation, Det. Almeida recommended that the Department extend a conditional offer to Ms. DePina. (R. Exhibit 9; Testimony of Det. Almeida).

31. On December 28, 2023, Det. Almeida discovered that Ms. DePina had written in a November 26, 2023 Facebook post, “Happy bday to my babe I would wish you the best but u already have it (me) lol. Hope all ur dreams come true I love you [heart emoji] [Mr. J]”. (R. Exhibit 10; Testimony of Det. Almeida).

32. Det. Almeida then examined Mr. J’s Facebook page because it appeared that he and Ms. DePina were in a dating relationship, a fact that she had failed to disclose during the background investigation. (Testimony of Det. Almeida)

33. On Mr. J’s Facebook page, Det. Almeida discovered comments and reactions from Ms. DePina dating back to July 2023. (Testimony of Det. Almeida).

34. On September 18, 2023, eight days before the Initial Interview, Ms. DePina commented “my handsome babe” on a post made by Mr. J. On November 14, 2023, less than a month after Interview #3, she commented “facts babe” on another post made by Mr. J. (R. Exhibit 10)

35. Mr. J. was “well-known” to the Department because of his criminal record. Det. Almeida had investigated Mr. J for the offenses of robbery and assault, resulting in an arrest and conviction. (Testimony of Det. Almeida)

36. From the Facebook posts, Det. Almeida grew doubtful that Ms. DePina resided in Brockton pursuant to the residency requirement. He set up a residency surveillance of Ms. DePina, and learned that she lives in Middleboro with Mr. J. (Testimony of Det. Almeida)

37. On January 6, 2024, Det. Almeida learned from another officer that Ms. DePina had a past relationship with an individual, Mr. A., which she had failed to disclose. Mr. A was also “well known” to Det. Almeida because he had been the subject of multiple narcotics arrests and investigations. (Testimony of Det. Almeida).

38. Det. Almeida also learned from the Department’s Internal Affairs Department (IAD) that it was likely that Ms. DePina used the Department’s in-house criminal history record information system to conduct searches for current and past boyfriends. Ms. DePina also conducted a search of past romantic partners of Mr. J. (Testimony of Det. Almeida)

39. Det. Almeida scheduled an interview for January 25, 2024, in order to discuss the newly discovered information (Follow-Up Interview). (R. Exhibit 18; Testimony of Det. Almeida).

40. Det. Almeida began the interview by asking Ms. DePina if anything in her application packet had changed. Ms. DePina replied that nothing had changed. (R. Exhibit 18)

41. Det. Almeida then questioned Ms. Pina about Mr. J. First, she said that he was her friend. She then admitted that they were not just friends, but were “just talking”, and had been since July 2023. (R. Exhibit 18)

42. When Det. Almeida showed Ms. DePina her Facebook posts to Mr. J., she admitted that they had been dating before the September 26, 2023 Initial Interview. Ms. DePina stated she did not mention Mr. J in case they broke up, and that she did not want to include any boyfriends in her application. (R. Exhibit 18)

43. When Det. Almeida asked about Mr. A, Ms. DePina admitted that he they had dated for five years, and that she had not disclosed him for fear that it would reflect badly on her. (R. Exhibit 18)



44. During the January 25, 2024 Follow-Up Interview, Ms. DePina admitted that she misused the Department's in-house criminal history record information system when she conducted inquiries for personal reasons. She admitted that she queried Mr. J on three separate occasions, beginning in June 14, 2023. She also admitted to querying past boyfriends, Mr. A and Mr. C. She further admitted to searching Mr. J's former romantic partner after finding domestic violence records between them. (R. Exhibit 18; Testimony of Appellant)

45. When Det. Almeida asked Ms. DePina for her address, she said that she had been displaced due to a fire and gave a Brockton address where her mother and son lived. When Det. Almeida presented the surveillance evidence, she admitted to living in Middleboro with Mr. J. She also admitted that she had decided to live with Mr. J before the fire, and that her belongings were at Mr. J's Middleboro home. (R. Exhibit 18; Testimony of Appellant)

46. At the end of the Follow-Up Interview, Det. Almeida asked Ms. DePina if there was anything else she needed to disclose. At this point she informed Det. Almeida that she is currently smoking marijuana weekly. (R. Exhibit 18)

47. On January 26, 2024, Internal Affairs opened an investigation into Ms. DePina's admitted CJIS violations, untruthfulness, and change in residency. The Department also placed her on administrative leave pending the investigation. (R. Exhibits 11 and 12)

48. Det. Almeida updated his background investigation report. (*See* Finding of Fact 30; Testimony of Det. Almeida)

49. The Department withdrew its conditional offer to Ms. DePina after Det. Almeida presented his written findings to the appointing authority. (R. Exhibit 13; Testimony of Det. Almeida)

50. In a February 1, 2024 notice enclosing her appeal rights, the Department informed Ms. DePina of her bypass. The notice further stated that the Ms. DePina had “been found unsuitable for a Public Safety position in the Brockton Police Department. (R. Exhibit 13)

51. The notice cited six reasons for bypass:

1. You failed to disclose, and intentionally withheld, multiple previous relationships. When confronted with this information you stated that you felt that disclosure of one particular ex-boyfriend could have reflected negatively on you based on his criminal record.
2. You failed to disclose, and intentionally withheld, the fact that you are currently in a relationship. This relationship started before your first interview in September of 2023. The relationship was ongoing during your second interview in October of 2023. The significant other fields (past and present) in your Recruit Application Packet were left blank. This was pointed out to you during the initial interview. Your background investigator specifically informed you that significant other means past and present boyfriends. You were afforded the opportunity to take the Recruit Application packet home after the initial interview and complete it. It was returned a week later and no other past or present relationships were listed.
3. You failed to disclose, and intentionally withheld, the fact that you had moved out of the City of Brockton and are currently living with your boyfriend in Middleboro, MA. When confronted with this you initially were untruthful saying that you were currently living with your mother at [redacted]. You were truthful only after your background investigator provided you with details of surveillance efforts that proved otherwise.
4. In establishing residency outside the City of Brockton, you willfully violated the Revised Ordinances of the City of Brockton and your collective bargaining agreement. The requirement to reside within the city is a condition of your employment as a City of Brockton Emergency Telecommunications Dispatcher; a condition you violated when you established residency in Middleborough, MA.
5. You were found to be in violation of Brockton Police Department and Criminal Justice Information System (CJIS) rules and regulations. It was discovered that you used the police department’s CJIS and IMC systems to conduct personal investigations of past and present boyfriends as well as others.
6. During an interview on Thursday, January 25, 2024 you provided untruthful answers to multiple questions asked of you in regards to residency, past relationships, and present relationships. During the same interview you admitted that you have been using marijuana regularly.

(R. Exhibit 13)

52. The Department selected 19 candidates for original appointment, 18 of whom ranked below Ms. DePina. (R. Exhibit 15)

53. On March 4, 2024, Ms. DePina filed an appeal with the Commission. (A. Exhibit 1)

### ***Applicable Civil Service Law***

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills” and “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). 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.

The Commission’s role is 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).

“Reasonable justification . . . means ‘done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law’”. *Brackett v. Civil Service Comm'n*, 447 Mass. 233, 543 (2006); *Commissioners of Civil Service v. Municipal Ct.*, 359 Mass. 211, 214 (1971) and cases cited. See also *Mayor of Revere v. Civil Service Comm'n*, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons “more probably than not sound and sufficient”).

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**

The Department has shown, by a preponderance of the evidence, that it had reasonable justification to bypass Ms. DePina for original appointment as permanent full-time police officer. After reviewing Det. Almeida’s process and adherence to procedure, I find that he conducted a reasonably thorough and detailed investigation.

In its February 1, 2023 notification, the Department cited six reasons for bypass. Five of those six reasons concerned failure to disclose or the withholding of information during the background investigation process, despite the fact that Ms. DePina had signed forms attesting that she understood she had to be truthful. (Findings of Fact 12 and 13) When Det. Almeida

learned the extent of Ms. DePina's untruthfulness and violations of CJIS and Department rules and regulations, the Department withdrew its conditional offer.

The Commission has long held that truthfulness is an integral quality for those seeking employment with a public safety agency. Public safety officers are vested with considerable power and discretion and must be held to a higher standard of conduct. *See, e.g., Falmouth v. Civil Serv. Comm'n.*, 61 Mass. App. Ct. 796, 801 (2004). It can be inferred that a candidate who is untruthful at the application stage of the process in order to obtain a job will continue to be untruthful on the job as well. *See O'Brien v. Somerville*, 25 MCSR 292, 294 (2012).

I now examine the six proffered reasons for bypass.

*Bypass Reason 1: Failure to disclose previous relationships*

During the September 26, 2023 initial interview, Det. Almeida drew Ms. DePina's attention to the fact that she had not responded to the questions about present and past "significant others" on the Initial Application. After Det. Almeida explained that significant other(s) also referred to boyfriend(s), Ms. DePina said that she was single. She also said that her past significant other was limited to her "baby daddy."

Det. Almeida learned of the existence of Mr. A, a past boyfriend, from another police officer. Mr. A. was "well known" to the Brockton Police, having been the subject of numerous narcotics arrests and investigations.

Disclosure of a candidate's significant others allows the Department to conduct a background investigation and receive a fuller picture of the candidate. It is not for a candidate to determine the extent of the Department's background investigation. Ms. DePina's omissions and untruthfulness hid serious relationships from her background investigator, and called into question her judgment, maturity and decision making.

The Department had a right to know of Ms. DePina's willingness to associate with criminals. The Department had a right to decide if this behavior evidenced a pattern of immaturity and poor decision-making. See, e.g., *Nayr Pina v. Boston Police Dep't*, 36 MCSR 184 (2023).

*Bypass Reason 2: Failure to disclose present relationship*

On September 28, 2023, Ms. DePina submitted a Corrected Application, again leaving the section regarding current relationships blank.

After the Department extended its conditional offer, Det. Almeida learned from Facebook posts that Ms. DePina was in a relationship with Mr. J., an individual "well known" to the Brockton Police. In fact, Det. Almeida had investigated him for the offenses of robbery and assault.

When Ms. DePina was later confronted with evidence of her current boyfriend, she said that she had not disclosed him because of the fear that his criminal record would reflect negatively on her application.

Ms. DePina was well aware of Mr. J.'s criminal background because she later accessed his CORI information in violation of the CJIS and Department rules and regulations. (Bypass Reason 5) Again, the Department had the right to know of Ms. DePina's willingness to association with criminals.

*Bypass Reason 3: Failure to maintain residency in the City of Brockton*

*Bypass Reason 4: Living outside the city is a violation of the city ordinances and the CBA*

At some point in the application process, Ms. DePina began living with Mr. J. in Middleborough, in violation of the Revised Ordinances of the City of Brockton, and the CBA

requiring Department employees to live in Brockton for a period of seven years. (Ms. DePina became a dispatcher in April 2022.)

Ms. DePina may not have been in violation of the CBA when Det. Almeida commenced the background investigation. She gave the detective a Brockton address and stated that she lived with her son and her mother there. But by December of 2023, she had moved to Middleborough to live with Mr. J without informing the Department. While Ms. DePina first claimed this was due to a fire at her home, she later admitted that she had moved her belongings to Middleborough and was sleeping there most nights before the fire. When Det. Almeida asked where she was currently living, she lied and stated that she was living in a new apartment in Brockton with her mother and son.

*Bypass Reason 5: Ms. DePina accessed the CJIS and IMC systems for personal searches*

Criminal justice agencies are granted access to information that is highly confidential and subject to strict privacy protection laws. This access includes criminal justice information and criminal offender record information (CORI) contained in the Criminal Justice Information Systems (CJIS)<sup>3</sup>. Importantly, “CJIS shall not be accessed or used for any purpose other than an authorized criminal justice purpose.” 803 CMR 7.09; *see also* G.L. c. 6, §§ 172(b) and 178. As a Department dispatcher, Ms. DePina had access to criminal justice information through CJIS.

When she was hired as a dispatcher, Ms. DePina completed CJIS training and signed multiple statements attesting that she understood the laws surrounding CJIS as well as the

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<sup>3</sup> CJIS is defined as: “Local, state, regional, interstate, and/or federal information systems, including databases, computer applications, and data networks, used by any criminal justice agency for collecting, storing, sharing, or providing any law enforcement intelligence or any identification or locating information of any individual for criminal justice purposes. Criminal Justice Information System (CJIS) *specifically includes, but is not limited to*, public safety information systems such as CJISWeb, NCIC, and *any law enforcement intelligence database*.” 803 CMR 7.02 (emphasis added).

penalties for violations. Ms. DePina signed a CORI Non-Disclosure Agreement that stated in relevant part: “Unauthorized access to...criminal offender record information is punishable by a fine...or imprisonment in jail or house of correction... .” (Exhibit 19)

Ms. DePina also signed a CJIS Certification acknowledging that she would not access the CJIS system for improper purposes, and that such violation would subject her to administrative and criminal penalties.

Ms. DePina testified that she used the Department’s CJIS to query Mr. A, Mr. B, Mr. J. and his ex-girlfriend (whose identity she discovered from searching Mr. J.’s domestic violence records). An individual willing to abuse their access to individual’s sensitive and private information is undoubtedly unfit to hold the role of police officer, where such information must be kept highly guarded.

Ms. DePina’s CJIS violations are so severe that in addition to revocation of her conditional offer, the Department opened an investigation into her conduct and placed her on administrative leave pending the results. She was granted access to highly sensitive information and used it to vet boyfriends and their exes. She may be subject to criminal and civil penalties as a result of these violations. An individual willing to abuse their access to individual’s sensitive and private information is undoubtedly unfit to hold the role of police officer, where such information must be kept highly guarded.

*Bypass Reason 6: Ms. DePina was untruthful during the January 25, 2024 interview*

During the background investigation process, Ms. DePina signed an acknowledgment that she could be rejected for the role of police officer for being untruthful. She also signed statements attesting that her answers were complete and accurate. Yet, she was untruthful on the



Initial Application, the Corrected Application, and in her interviews with Det. Almeida. She squandered opportunities for correction in order to reiterate mistruths.

Det. Almeida scheduled the January 25, 2024 Follow-Up Interview to discuss newly discovered information.

First, Ms. DePina denied that anything in her application packet had changed. When questioned about Mr. J., she said that they were just friends before admitting to a romantic relationship. She said that she had not mentioned him in case they broke up. When questioned about Mr. A., she admitted that they had been in a five-year relationship.

When asked about her current address, Ms. DePina provided a Brockton address and said that she lived there with her mother and son. When presented with the surveillance evidence, she admitted to living in Middleborough with Mr. J.

Det. Almeida concluded the Follow-Up interview by asking Ms. DePina if there was anything else she wanted to disclose. She then admitted that she smoked marijuana on a regular basis.

## **CONCLUSION**

Each of the six bypass reasons cited by the appointing authority may serve as a reason for bypass on its own. Viewed together, they more than provide reasonable justification for bypass.

*See Virginia Hussey v. Somerville*, 35 MCSR 393 (2022).

Ms. DePina's conduct before and during the application process demonstrates that she lacks the level of responsibility, maturity and accountability required to be a police officer.

Where there already exists a pattern of irresponsible behavior, the appointing authority cannot assume the risk of such a candidate. *Roger Desrochers III v. Somerville*, 28 MCSR 33 (2015)

citing *Attleboro v. Massachusetts Civ. Serv. Comm'n et al.*, No. 2011-734 (Bristol Sup. Ct., Nov. 5, 2012).

For all the reasons discussed above, the appeal of Vera De Pina filed under Docket No. G1-24-030 is hereby denied.

Civil Service Commission

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

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on December 19, 2024.

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 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:

Kenneth H. Anderson, Esq.  
Kayla J. Venckauskas, Esq.  
Karen A. Fisher, Esq.