

Moore v. Civil Service Commission and Boston Police Department
Suffolk Superior Court No. 2484-CV-02253

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Decision and Order on Cross-Motions for Judgment on the Pleadings (Nos. 9 and 14)

OFFICE OF THE ATTORNEY GENERAL
CONSTITUTIONAL & ADMINISTRATIVE LAW DIV.

Plaintiff Chavez Moore ("Moore") challenges a decision of the Civil Service Commission ("Commission") affirming the decision of the Boston Police Department ("BPD") to bypass him for appointment as a police officer, based on his driving record. He seeks an order that the matter be remanded to the Commission to consider how, as he contends, the disproportionate rate of police stops of black motorists affects his driving record, and to evaluate him based on "unbiased" evidence of his driving history.¹

However, the Commission did consider the issue of over-enforcement of traffic laws in neighborhoods such as the one in which Moore lives, and concluded that the issue was irrelevant to his specific circumstances, such that Moore's driving record created reasonable justification for the BPD's bypass determination. This conclusion was supported by substantial evidence and did not suffer any deficiency that might justify reversal under G.L. c. 30A. Thus, Moore's Motion for Judgment on the Pleadings is denied, and the defendants' Cross-Motion for Judgment on the Pleadings is allowed.

More specifically, the Commission, in a thoughtful, 13-page decision, observed that an appointing authority must afford an applicant the opportunity to address his driving record; must consider an applicant's driving history in "proper context" to determine if there is a nexus between that history and the applicant's ability to perform police duties; and consider whether an applicant's past driving violations were due to socioeconomic factors and thus have no bearing on the applicant's qualifications as a police officer. More directly, the Commission observed that "when the bypass, as here, involves a person of color, appointing authorities must consider ... racial disparity in traffic stops." Decision, p.9-10.

The Commission then applied these principles when evaluating whether Moore's driving record justified the bypass. In particular, the Commission considered that the BPD did provide Moore an opportunity to address his record during an interview; took note that he was found to be "honest and forthright" about his record and "has taken responsibility for his actions;" and, contrary to plaintiff's contention, considered his RMV records, which he claims are a more neutral reflection of his driving history than the BPD records. Decision, p.5 (§16).

But the Commission ultimately concluded that Moore's attribution of his poor driving record to "over-enforcement based on the neighborhood where he lives or his race," was unconvincing, given that his record includes four surchargeable accidents between 2008 and 2016 and two driver re-training programs in 2015 and 2017. As plaintiff's responsibility for the accidents was determined by the insurance company, and his completion of driver re-training was mandated by state law (due to the number of surchargeable accidents), over-enforcement by police could not be at the root of his problematic record.

¹ In his Complaint, Moore requested, *inter alia*, that the bypass be vacated and he be placed atop the next list of eligible candidates for appointment to the BPD. In his Motion for Judgment on the Pleadings and at hearing on the motion, he requested the remand.

Moore points to the fact that the Commission also considered the warnings that appear on his record, which he contends do reflect over-enforcement of traffic laws. However, the Commission was careful to note that it was the sheer number of warnings – 12 between 2018 and 2022 – that merited consideration, and even then, only “in combination with” the record of accidents. Decision, p.12.²

These conclusions were supported by substantial evidence, not arbitrary and capricious, and did not contain any error of law.

The plaintiff’s contention that the Commission did not fairly consider the impact of over-enforcement on his driving record derives from its final comment, which noted that:

The BPD should not view this decision as a ringing endorsement of its review process, particularly when it pertains to reviewing a candidate’s driving history. While sufficient in this appeal, it would behoove the BPD to establish a more robust review process that explicitly outlines what steps are taken to ensure that a candidate’s race, residence, or other socioeconomic factors do not result in impermissible barriers to entry or an unfair comparison of candidates for appointment.

Contrary to plaintiff’s contentions, the statement is not an indictment of the BPD’s evaluation process with respect to his application, or an indication that plaintiff’s application should be reconsidered to take into account his concerns about the impact of over-enforcement on his driving record. While the Commission urged the BPD to take steps to neutralize any effect of over-enforcement on its application process generally, the Commission was also careful to point out that the BPD’s review process was “sufficient in this appeal.” As stated above, the Commission’s determination in this regard was sound.

As to plaintiff’s related claim that he was bypassed in favor of white officers who have worse driving records than he, the Commission also considered the records of the comparators and found that “not one of them is comparable to [plaintiff’s] long and problematic driving history.” Given that the comparators have fewer surchargeable accidents and many fewer moving violations than the plaintiff, this finding was not arbitrary or capricious.³

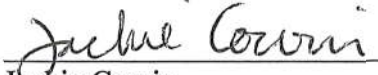
² There appears to be no dispute that a poor driving record is a justifiable basis to bypass a person for appointment as a police officer. The Commission cited several of its past decisions holding as such.

³ The Commission noted that, should his driving record improve over time, nothing prevents plaintiff, who was 32 at the time of the bypass, from reapplying for appointment. His driving record appears to be the only grounds for his bypass.

ORDER

Accordingly, the plaintiff's Motion for Judgment on the Pleadings is denied, and the defendants' Cross-Motion for Judgment on the Pleadings is allowed. The decision of the Civil Service Commission is affirmed.

Date: September 19, 2025



Jackie Cowin
Justice of the Superior Court