

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200

Boston, MA 02114

(617) 979-1900

KATERIN ROMAN,

Appellant

v.

BOSTON POLICE DEPARTMENT,

Respondent

Docket Number:

G1-25-027

Counsel for Appellant:

James Gilden, Esq.

173 North Main St.

Sharon, MA, 02067-1230

Counsel for Respondent:

Jennifer Cipolletti, Esq.

Boston Police Department

Office of the Legal Advisor

One Schroeder Plaza

Boston, MA 02120

Commissioner:

Shawn Dooley¹

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 her history of poor judgment and certain inconsistencies set forth in her application.

¹ The Commission acknowledges the assistance of Law Clerk Jason Walker, in the drafting of this decision.

DECISION

On January 24, 2025, the Appellant, Katerin Roman (Appellant), filed a timely appeal with the Civil Service Commission (Commission) pursuant to G.L. c. 31, § 2(b), challenging the decision of the Boston Police Department (BPD) to bypass her for appointment as a police officer. The Commission held a remote pre-hearing conference on March 4, 2025. On April 29, 2025, I conducted an evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston, Massachusetts.² I recorded the hearing via the Webex platform and forwarded a link to this recording to both parties.³ Both parties filed proposed decisions. For the reasons set forth below, the Appellant's appeal is *denied*.

FINDINGS OF FACT

The Appellant entered into evidence one exhibit (App. Exh. 1) and the BPD entered into evidence nine exhibits (Resp. Exhs. 1-9). Based upon the documents entered into evidence and the testimony of the following witnesses:

Called by the BPD:

- Teori Shaw-Boyce, Deputy Director of Human Resources, Boston Police Department
- Detective Michael Rockwell, Recruit Investigations Unit, Boston Police Department

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 Should there be 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 they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and 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.

Called by the Appellant

- Katerin Roman, Appellant

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, case law and policies, and reasonable inferences therefrom, a preponderance of the evidence establishes the following findings of fact.

Background of Appellant

1. The Appellant is a resident of Boston and a graduate of a Boston high school. *(Testimony of Appellant)*
2. The Appellant holds a dual bachelor's degree in criminology and sociology. *(Testimony of Appellant)*

Civil Service Process

3. The Appellant took the written examination for police officer on March 16, 2024. *(Stipulated Facts)*
4. The Appellant was added to the eligible list on June 1, 2024. *(Stipulated Facts)*
5. On June 28, 2024, Certification 09999 was issued to the BPD. *(Stipulated Facts)*
6. The Appellant was ranked 71st on the Certification. *(Stipulated Facts)*
7. The Appellant was not offered a position as a police officer, and 26 candidates who ranked below her on the Certification were appointed. *(Stipulated Facts)*
8. A bypass letter dated January 13, 2025, was mailed to the Appellant informing her that she had been bypassed. *(Resp. Exh. 8)*
9. The bypass letter cited concerns about the Appellant's judgment, criminal history, and truthfulness. The letter made specific references to:

- a. An alleged 2020 incident in which the Walpole Police Department reported the Appellant as a suspect for shoplifting;
- b. An alleged 2019 incident where an unsecured firearm in the Appellant's possession was confiscated during a police search of her home for drug activity unrelated to the Appellant;
- c. An alleged 2018 incident where the Appellant drove drunk, got in a traffic accident, attempted to flee the scene, and was ultimately arrested (although the Appellant was found not guilty);
- d. An alleged 2013 incident where the Appellant stole \$5,800 from her employer and was terminated; and
- e. Several alleged instances of untruthfulness in the Appellant's police officer application, including lying about being employed as a public safety agent and having been terminated in previous employment. (*Resp. Exh. 8*)

Background Investigation

- 10. Detective Michael Rockwell of the BPD was assigned to the Recruit Investigation Unit and tasked with performing the background investigation on the Appellant. (*Testimony of Det. Rockwell*)
- 11. Detective Rockwell completed a full background investigation, including reviewing BPD databases, criminal histories, and driving histories as well as speaking with employers, references, and neighbors. (*Testimony of Det. Rockwell*)
- 12. The detective compiled the results of his investigation results into the "Privileged and Confidential Memorandum" document, or "PCM". (*Testimony of Det. Rockwell*)

13. The PCM is given to the hiring roundtable, which is a group comprised of a representative from BPD Human Resources, the Superintendent or Deputy from BPD's Internal Affairs Division (IAD), and a representative from BPD's Office of the Legal Advisor. *(Testimony of Det. Rockwell and Ms. Shaw-Boyce)*
14. The roundtable discusses the applicants, and the Human Resources representative and the Internal Affairs representative make the ultimate hiring decisions. *(Testimony of Ms. Shaw-Boyce)*

2018 Traffic Accident Incident

15. In July 2018, the Appellant and a female companion attended a pool party at a nightclub. *(Testimony of Appellant; Resp. Exhs. 1, 5)*
16. At the party, the female companion became so drunk that she could not stand. The Appellant had two drinks. The Appellant drove the two of them home in her companion's car (the car). *(Testimony of Appellant; Resp. Exh. 5)*
17. On the way out of the party, the Appellant crashed into a black pickup truck that was stopped at a red light at the intersection of Pleasant St. and Central St. *(Testimony of Appellant; Resp. Exhs. 1, 5)*
18. On her application, the Appellant indicated that she had not been "involved in a motor vehicle accident after consuming alcohol" on page 38 of her BPD application. However, she did clarify that response on page 47 of the application and gave a narrative for a 2018 incident where she was operating a motor vehicle and had an accident after consuming alcohol. *(Resp. Exh. 1)*
19. The Appellant's disclosure of the incident on her BPD application alleges: that she tried to stop at the light, but the brakes did not work at all; the car crashed into the truck, whereupon

the car came to a complete stop; the truck moved off to the side of the road; the Appellant followed the truck off to the side of the road; and the brakes in the car were still not working so the Appellant had to deploy the emergency brake to stop the car, which set off the airbags.

(Resp. Exh. 1)

20. The police report alleges a different version of the incident: the officer found the car four blocks away from the intersection where the accident took place; the Appellant drove those four blocks in an attempt to flee the scene; the car was blocked in by the damaged black truck and a second, gray truck to keep the Appellant from fleeing; the Appellant claimed to the responding officer that the brakes were not working and the car rolled the four blocks on its own; and the Appellant initially claimed to have not had alcohol that night, but later admitted to having had two drinks. *(Resp. Exh. 5)*

21. The police report continues, consistent with the Appellant's disclosure on her BPD application, that the Appellant agreed to take a field sobriety test. She was arrested after the test for operating a vehicle under the influence. At the police station she consented to a breath test, but after a third failed attempt at taking the test, the police determined that it was a refusal.⁴ She later took a chemical breath test (a different kind of machine than a breathalyzer, but similar in that you just blow into it and it analyzes your breath), which

⁴ A breathalyzer needs a certain amount of breath to analyze the sample. A taker can try to cheat by not blowing enough air into the breathalyzer. The device is smart enough to detect this and mark the attempt as incomplete. If the test is incomplete three times, then the police officer records this as a refusal to take the test, under the assumption that the candidate is trying to cheat the test. However, candidates with lung injuries, etc., can also legitimately fail to blow enough breath into the device. The police report alleges that the Appellant "would give light breaths into the breathalyzer, blow air out of the side of her mouth and suck in" and that "by doing these things [she] was causing an insufficient sample to be provided to the breathalyzer." *(Testimony of Det. Rockwell; Resp. Exh. 5)*

showed her blood alcohol content at 0.179. (*Testimony of Det. Rockwell; Resp. Exhs. 1, 5*)

22. As a result of refusing the breathalyzer test, the Appellant's license was temporarily suspended. She was later found not guilty for OUI and negligent operation but responsible for leaving the scene of property damage. (*Resp. Exhs. 3, 5*)

2019 Confiscated Firearm Incident

23. In February 2019, Boston police executed a judicial search warrant at the Appellant's then-residence. The search warrant was for a drug investigation into the Appellant's two co-inhabitants. The drug investigation and the search warrant were unrelated to the Appellant. (*Resp. Exh. 7*)
24. Det. Rockwell found a narrative of the incident in BPD Incident Report #192008586. (*Resp. Exh. 3*)
25. The police report alleges that the police searched the Appellant's room, which was locked. Inside the room they found two firearms: one that was properly secured inside a safe, and another that was improperly stored inside a black bag. (*Resp. Exh. 7*)
26. The police report makes no mention of a second safe. It also states that the Appellant, when later questioned, said that "she usually stores her firearm in her safe, but she had to rush out of the house, to which she thought she locked the firearm in the safe." (*Resp. Exh. 7*)
27. No charges were filed against the Appellant, but the improperly stored firearm was confiscated. (*Testimony of Appellant; Resp. Exh. 3*)
28. The Appellant disclosed the incident on her BPD application, stating that the "firearm was retrieved because it was improperly stored ... in my locked bedroom inside a safe that at the moment was inside my closet, since it was not secured to the ground the police retrieved it." (*Resp. Exh. 1*)

29. There is no indication in the BPD application or the police report that the firearm was owned by anyone other than the Appellant. (*Resp. Exhs. 1, 7*)

Applicable Legal Standard

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). The role of the Civil Service Commission in a bypass appeal is to determine whether “on the basis of the evidence before it, the appointing authority has sustained its burden of proving that there was reasonable justification for the action taken by appointing authority.” Cambridge v. Civil Serv. Comm’n, 43 Mass. App. Ct. 300, 304 (1997); see Watertown v. Arria, 16 Mass. App. Ct. 331 (1983); McIsaac v. Civil Serv. Comm’n, 38 Mass. App. Ct. 411 (2000); Police Dep’t of Boston v. Collins, 48 Mass. App. Ct. 411 (2000); Leominster v. Stratton, 58 Mass. App. Ct. 726, 728 (2003).

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 civil service “eligible list,” using what is called the 2n+1 formula. G.L. c. 31, §§ 6 – 11; 16 – 27; Personnel Administration Rules, PAR.09. An appointing authority must provide specific written

reasons, consistent with basic merit principles, when choosing to bypass a higher ranked candidate in favor of a lower ranked one. G.L. c. 31, § 27; PAR.08(4).

In its review of bypass decisions, the Commission must determine whether the appointing authority has shown, by a preponderance of the evidence, that it had “reasonable justification” for the bypass, after conducting 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); Boston Police Dep’t 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). An action to bypass a candidate is justified when it is “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.” Cambridge, 43 Mass. App. Ct. at 304, quoting Selectmen of Wakefield v. Judge of First Dist. Court of Eastern Middlesex, 262 Mass. 477, 482 (1928); Commissioners of Civil Serv. v. Municipal Court of the City of Boston, 359 Mass. 211, 214 (1971). Cambridge further states: “In the task of selecting employees of skill and integrity, appointing authorities are invested with broad discretion.” Cambridge, 43 Mass. App. Ct. at 304.

The Commission’s role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority’s actions. Falmouth v. Civil Serv. Comm’n, 447 Mass. 814, 824-26 (2006). 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.” Arria, 16 Mass. App. Ct. at 334; see Commissioners of Civil Serv. v.

Municipal Ct. of Boston, 369 Mass. 84, 86 (1975); Leominster v. Stratton, 58 Mass. App. Ct. at 727-28. The Commission owes substantial deference to the appointing authority's exercise of judgment in determining whether there was “reasonable justification” shown.

Public safety officers are vested with considerable power and discretion and therefore 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, supra, 43 Mass. App. Ct. at 303-305; Police Comm’r v. Civil Serv. Comm’n, 22 Mass. App. Ct. 364, 371, rev. den. 398 Mass. 1103 (1986).

Analysis

By a preponderance of the evidence, the BPD has shown that it had reasonable justification to bypass the Appellant for the position of full-time police officer. First, the contradictions between the Appellant’s application, the police records, and her own testimony support BPD’s conclusion that she failed to be fully forthright in her BPD application. Second, the Appellant’s history supports the BPD’s conclusion that she failed to show sound judgment. I base this conclusion on the *2018 Traffic Accident* and the *2019 Confiscated Firearm Incident*, but I decline to make any factual or legal conclusions on the other issues cited in the bypass letter.

The 2018 Traffic Accident

In her BPD application, the Appellant indicated that her car came to a complete stop during the crash; that she and the driver of the vehicle she struck both drove a short distance to a grassy patch off of the road, where they stopped; and that she had to use the emergency brake to bring the car to a complete stop, but she did stop the car. According to the police report, the Appellant left the scene and her vehicle eventually stopped four blocks away from the crash—

only after it was boxed in by two trucks after fleeing the scene of the accident. At the hearing before the Commission, the Appellant confirmed that the police report's account was accurate. This is at odds with her written account in her BPD application. At the hearing, the Appellant testified that the car rolled four blocks from the accident, eventually turning a corner into a parking lot; that the brakes did not work; and that she did not once press the gas pedal on the car after the accident. Not only is this very implausible, but it also contradicts her own written account of the event, wherein the car came to a complete stop during the accident and she accelerated to exit the street. I also note that in her own testimony she admitted to having had two drinks before driving the vehicle, which matches the police report's account but is in stark contrast to her blood alcohol level of 0.179 (more than twice the legal limit) registered by the chemical breathalyzer.

I also note several places across her submissions where the Appellant was not sufficiently forthcoming. In both her written account and her testimony, the Appellant denied attempting to leave the scene of the accident, despite the implausibility of the scenario that she described. When questioned as to the discrepancy of her statements that the car rolled a few feet after striking the other vehicle as opposed to the reality that she drove over four blocks before being forced to stop, she was unable to provide a reasonable explanation. In her written account, she writes: "There was a witness who saw the events unfold, and I can see how from their perspective [although] it didn't turn out as planned, it appeared as though I had hit a car in the back and tried to escape the scene." Had she been more frank and more open, then she would have shown the accountability and trustworthiness that might have supported her appointment to the BPD.

The Appellant in her proposed decision analyzes whether this event should be a factor in considering the Appellant's driving history. It is the case, however, that a poor driving history can be a factor in police officer hirings, because driving is an important aspect of the job. See Olsen v. Town of Marshfield, 28 MCSR 447, 464 (2015). While she was found not guilty of driving under the influence, the multiple versions and attempts to minimize the event certainly call into question her overall judgment as well as her truthfulness, both characteristics that are essential for a police officer to possess.

The 2019 Confiscated Firearm Incident

The two disputed facts about the *2019 Confiscated Firearm Incident* are: (1) where the gun was found, and (2) where the gun was regularly stored. First, both the police report and the Appellant's testimony agree that the gun was found, admittedly in a locked room, unsecured in a bag. However, the Appellant's written BPD application states that the gun was "stored in my locked bedroom inside a safe that at the moment was inside my closet, [and] since it was not secured to the ground the police retrieved it." I do not credit the veracity of this statement. I do credit that the gun was found inside a handbag / purse as was noted in the original police report and note that this contradicts the Appellant's written application to BPD. Second, the Appellant did claim under cross examination that she normally stored the gun in a second safe. However, she did not mention the second safe during direct questioning or initially during cross examination. The police report for the incident states that she told them that both guns were usually stored in the same safe. Ultimately, I don't find evidence supporting any conclusion about where the unsecured firearm was regularly stored and the multiple explanations surrounding this incident further adds to the Appellant's lack of credibility.

Public Safety Employment

The Appellant's indication she had not held any "public safety" employment was reasonable. This does not indicate any untrustworthiness. First, the phrase "public safety" is not defined on the form. Similar to how a "public school teacher" means a teacher employed by a *public* school, it is reasonable that the Appellant believed "public safety employment" meant being employed for safety by the public. Second, the form explicitly asks for a city/town/agency employer. Because the Appellant was employed by a private security company, even one contracted by a city/town/agency, it is hard to know what she should have written in response. Third, the Appellant listed her private security officer employment just a few pages later, so clearly she was not trying to hide this information from the BPD.

Conclusion

The main complication in this case is the lack of evidence supporting the various police records cited in the PCM. None of these events were supported with any testimony (besides the Appellant's own), and the Appellant was never convicted of any crime. For these reasons, I do not find that her "criminal history" is a stand-alone justification for her bypass. While I decline to draw any factual or legal findings about the alleged 2013 or 2020 incidents, when viewed with the Appellant's lack of candor associated with other incidents discussed above, I cannot discount them in their entirety.

Lack of complete disclosure and/or creating a narrative that is not fully accurate in order to gain employment is a valid reason to bypass a police officer candidate. See Town Of Falmouth v. Civ. Serv. Comm'n, 61 Mass. App. Ct. 796, 801 (2004) (upholding disciplinary action against police officer who lied about own conduct in investigation because standards of truthfulness are paramount); Tchakote v. Mass. Bay Transp. Auth., 27 MCSR 432, 434 (2014) (upholding bypass

of police officer candidate, in part because of omission of past domestic abuse incidents and other police job rejections on application). Giving the police report reasonable weight, plus looking at the Appellant's own statements, I find that the Appellant displayed a consistent lack of accountability and indeed fabricated outright several parts of her narratives. The BPD was reasonably justified in bypassing the Appellant on this basis.

Poor judgment is also a valid reason to bypass a police officer candidate. See Encarnacion-Peguero v. Salem Police Dep't, 37 MCSR 315, 322 (2024) (upholding police officer bypass because restraining order incident and troubling social media posts demonstrated poor judgment). Based solely on her own testimony, the Appellant chose to drive herself and a companion home under the influence of alcohol. She also left a firearm unsecured while she took a trip to another state. It cannot be gainsaid that these are lapses in judgment in matters central to police work. Coupled with multiple narratives attempting to minimize or deflect responsibility, it is impossible to discount these events. I find that these failures in judgment and lack of accountability constituted reasonable justification to bypass the Appellant.

With that said, despite her inconsistencies, the Appellant would have been in a worse position had she chosen to omit these events from her application entirely. That would have demonstrated a complete disregard for public accountability, which would have certainly disqualified her from joining the police force. The Appellant seems to be legitimately trying to better herself and her community, for her own sake and her children's. My hope is that she takes this decision as an invitation to continue down that path, and to know that one does not have to hide past mistakes to be forgiven for them. With a more forthcoming explanation of her past mistakes and an acceptance of personal responsibility, coupled with the passage of more time

without additional incidents, it is possible that a future roundtable might be able to move forward with hiring her to become a Boston Police Officer.

CONCLUSION

For all the above-stated reasons, the appeal of Katerin Roman, filed under docket number G1-25-027, is hereby *denied*.

Civil Service Commission

/s/ Shawn C. Dooley
Shawn C. Dooley
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, & Stein, Commissioners) on September 4, 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 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 to:

James Gilden, Esq. (for Appellant)

Jennifer Cipolletti, Esq. (for Respondent)