

# COMMONWEALTH OF MASSACHUSETTS

## CIVIL SERVICE COMMISSION

100 Cambridge Street; Suite 200  
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**TIANNA TAYLOR-ROSENEY,**  
*Appellant*

v.

**BOSTON POLICE DEPARTMENT,**  
*Respondent*

Docket Number: G1-24-081

Appearance for Appellant: Tianna Taylor-Roseney, *Pro se*

Appearance for Respondent: Joseph McClellan, Esq.  
Boston Police Department  
Office of the Legal Advisor  
One Schroeder Plaza  
Boston, MA 02120

Commissioner: Shawn C. Dooley<sup>1</sup>

## SUMMARY OF DECISION

The Commission affirmed the decision of the Boston Police Department (BPD) to bypass a candidate for appointment as a police officer based on the candidate's poor judgment related to a recent incident which resulted in criminal charges against her.

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<sup>1</sup> The Commission acknowledges the assistance of intern Gretchen Wang with the preparation of this decision.

## DECISION

On June 4, 2024, the Appellant, Tianna Taylor-Roseney (Appellant), filed a timely appeal to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 2 (b) challenging the Boston Police Department's decision to bypass her for appointment as a police officer. On July 9, 2024, the Commission held a remote pre-hearing conference. On September 10, 2024, I conducted an in-person full hearing at the offices of the Commission in Boston. The hearing was recorded via the Webex videoconferencing platform, and copies of the recording were provided to both parties.<sup>2</sup> The Appellant and the BPD both filed proposed decisions. For the reasons set forth below, the Appellant's appeal is denied.

## FINDINGS OF FACT

The Appellant submitted into evidence ten exhibits (A.Ex.1-10). The Respondent submitted into evidence eight exhibits (R.Ex.1-8). Based on the documents submitted and the testimony of the following witnesses:

*Called by BPD:*

- Detective Kenisha Benjamin, Recruit Investigation Unit, Boston Police Department
- Natasha Gumbs-Levarity, Director of Human Resources, Boston Police Department

*Called by the Appellant:*

- Father of the Appellant's children

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<sup>2</sup> A link to the audio/video recording was provided to the parties. If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, the recording provided to the parties should be used to transcribe the hearing.

- Daughter of the Appellant
- Tianna Taylor-Roseney, Appellant

and taking administrative notice of all matters filed in this case, pertinent law and reasonable inferences from other credible evidence, a preponderance of the evidence establishes the following facts:

*Appellant's Background:*

1. The Appellant is a 38-year-old woman who resides in Boston, Massachusetts. (*Testimony of the Appellant*)
2. In her youth, the Appellant was listed in several police reports, some in which she was the victim in domestic disturbances and others in which she was the alleged offender in altercations with a family member. (*R.Ex 2*)
3. In 2019, the Appellant was terminated from her job at a security company as a security officer for "Failing to Control Access at Loading Dock." Her file reported that she had 7 disciplinary issues, was late to work 29 times, used 19 sick days, and had 2 unexcused absences. (*R.Ex 1-2*)
4. In 2019, the Appellant was enrolled in the Boston Police Academy, but left the academy for non-disciplinary, health-related reasons. (*R.Ex 2*)
5. In 2021, the father of the Appellant's two children (the father) twice sought emergency restraining orders against the Appellant. The cases were not extended but dismissed on the return date as the Appellant provided evidence that she had not been near the applicant's home. (*Testimony of the Appellant; R.Ex 2*)

6. In 2021, the Appellant was a candidate to become a Boston Police Officer but was bypassed because, unbeknownst to her, the school from which she received her high school diploma was not accredited with the Board of Education. (*R.Ex 2*)
7. On December 16, 2021, the BPD entered into a settlement agreement with the Appellant, in which the parties agreed that the Appellant would be reconsidered for appointment should she obtain a GED within a two-year time frame. The Appellant completed an accredited GED program a few months later, and the Civil Service Commission, pursuant to the agreement between the parties, ordered relief to facilitate her reconsideration on April 13, 2022. (*Respondent Proposed Decision; Respondent's opening statement*)
8. On June 22, 2023, HRD established an eligible list for Boston Police Officer. (*Stipulated Fact*)
9. On March 18, 2024, HRD issued Certification No. 09948 to the BPD upon which the Appellant was ranked near the top due to the relief referenced above. (*Stipulated Fact*)

*Appellant's history with AP:*

10. AP<sup>3</sup> and her four-year-old daughter G were the alleged victims in a 2023 Assault and Battery charge against the Appellant. Their locations are currently unknown. (*Testimony of the Appellant*)
11. When the Appellant was fifteen years old, she was hired to babysit AP, who was then an infant. (*Testimony of the Appellant*)
12. The Appellant lost contact with AP until 2017, when AP's mother drove her from Delaware to Boston to live with the Appellant, in hopes that the Appellant would be able

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<sup>3</sup> In accordance with protocol, the Commission is using a pseudonym for this young woman and her daughter, to protect their privacy.

to help her. *(Testimony of the Appellant's daughter)*

13. The Appellant was traveling abroad during much of AP's time in Boston. *(Testimony of the father of the Appellant's children and the Appellant's daughter)*

14. While the Appellant was still abroad, at AP's request, AP's mother picked her up from Boston and took her back to Delaware. *(Testimony of the father of the Appellant's children)*

15. The Appellant had been concerned at this decision as she had heard troubling things about AP's quality of life in Delaware. *(Testimony of the father of the Appellant's children)*

16. The Appellant then lost contact with AP until 2022. *(Testimony of the father of the Appellant's children; A.Ex 1)*

17. In 2022, the Appellant discovered that AP was homeless and living in a car with her daughter and her 18-year-old boyfriend. *(Testimony of the father of the Appellant's children; A.Ex 1)*

18. The Appellant learned of AP's situation through social media and reached out, sending her money and offering to support her in Boston. *(Testimony of the father of the Appellant's children; A.Ex 1)*

19. AP accepted, and the Appellant purchased a train ticket for AP and her daughter to travel to Boston to live with her. *(Testimony of the father of the Appellant's children, A.Ex 1)*

20. The Appellant helped AP get a job, finish high school, and enroll G into the federally-funded early education program HeadStart. *(Testimony of the father of the Appellant's children)*

21. During her stay, the Appellant would often disagree with AP over AP's parenting skills.

*(Testimony of the father of the Appellant's children)*

22. Prior to the February 2023 incident that is the subject of this appeal, AP had left the house with G, intending to move out. She had called the BPD and they helped her look for a shelter, but as she was ultimately unsuccessful in getting into a shelter she returned to the Appellant's residence. *(Testimony of the Appellant's daughter)*

*Incident on February 22, 2023:*

23. As a condition of living with her, the Appellant told AP that she (the Appellant) expected AP and her daughter to awake each morning by a certain time. *(Testimony of Appellant)*

24. On the morning of the incident, the Appellant, who was at the home of her own children's father, called her daughter and realized that AP and her daughter were not awake. Upon learning this, the Appellant drove to her home to confront AP. *(Testimony of the Appellant's daughter)*

25. While the Appellant was en route home, AP packed some of her and her daughter's belongings. *(Testimony of the Appellant's daughter)*

26. Upon the Appellant's return, AP confronted the Appellant regarding her rules about G's sleep schedule and informed her she intended to leave. *(Testimony of the Appellant's daughter)*

27. The Appellant did not want G to leave the house with AP, as they knew nobody else in the state and had nowhere to go. *(Testimony of the Appellant's daughter; Testimony of the Appellant)*

28. The confrontation escalated after AP accused the Appellant of threatening to “beat [her] the fuck up” when she got home.<sup>4</sup> (*R.Ex 7; Testimony of Det. Benjamin*)
29. The Appellant stated that she had said this in a phone call with her daughter and AP either overheard the conversation or was informed of the conversation. (*Testimony of the Appellant*)
30. When AP threatened to call the police, the Appellant forcibly took her phone. (*R.Ex 4*)
31. Taking one’s phone was a common disciplinary practice in the Appellant’s household that AP was familiar with. (*R.Ex 2; Testimony of the father of the Appellant’s children*)
32. An audio recording exists of the confrontation but does not include the moment the Appellant took AP’s phone. (*R.Ex 7*)
33. In the audio recording, the Appellant can be heard asking AP to give her the phone, as the Appellant was going to “call my family and set this straight.” (*R.Ex 7*)
34. After the Appellant successfully confiscated AP’s phone, AP took the Appellant’s daughter’s phone from her pocket and called 911. (*Testimony of the Appellant’s daughter*)
35. During this confrontation, G (AP’s daughter) was standing between AP and the Appellant. When AP spoke on the phone with the 911 operator, the Appellant attempted to lift G up to move her into another room. (*Testimony of the Appellant*)
36. AP tackled the Appellant, they fell to the floor (including G), and AP bit the Appellant’s arm. (*Testimony of the Appellant; A.Ex 4*)
37. AP screamed that the Appellant was choking G, which was captured on the 911 recording. (*Testimony of the Appellant*)

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<sup>4</sup> The Appellant denied making this statement directly to the Appellant, but did not deny saying it at all.

38. After AP got off the Appellant, the Appellant ran out the back door of the home. AP and G left the house. When the Appellant returned, she confirmed that AP and G had left, and then locked the doors of the house. *(Testimony of the Appellant's daughter; R.Ex 2)*
39. When the police arrived, AP and G were found on the sidewalk in front of the property and the police report described AP to be "distraught." *(Testimony of Det. Benjamin)*
40. AP reported to officers that when she attempted to call the police, the Appellant had pulled her cellphone from her hand, causing the phone and/or the Appellant's hand to hit AP on the chin. *(R.Ex 4)*
41. The Appellant was placed under arrest for Assault and Battery on a family/household member. After it was revealed that AP was not a family member, the charges were amended to Assault and Battery. *(R.Ex 4)*
42. AP refused to testify against the Appellant and left the state. On November 23, 2023, the Appellant last appeared in court for the February 22 incident. The charge of Assault and Battery was Dismissed for Want of Prosecution Without Prejudice. *(Appellant's Testimony; R.Ex 2)*

#### *BPD's Decision to Bypass the Appellant*

43. Detective Kenisha Benjamin was the detective assigned to complete the Appellant's background check for this cycle. *(Testimony of Det. Benjamin)*
44. As the Appellant had complete background checks from previous cycles, Det. Benjamin only investigated new additions to the Appellant's record. *(Testimony of Det. Benjamin)*
45. When interviewed by Det. Benjamin, neighbors and personal references all spoke highly of the Appellant. *(Testimony of Det. Benjamin)*



46. Det. Benjamin reviewed the report of the February 22, 2023, incident and reached out to the detective assigned to the investigation, who provided her with the audio recording. *(Testimony of Det. Benjamin)*
47. Det. Benjamin reviewed the audio recording along with bodycam footage from the officers who had responded to AP's 911 call. *(Testimony of Det. Benjamin)*
48. Det. Benjamin attempted to contact AP through the phone number recorded on the police report but was unsuccessful. *(Testimony of Det. Benjamin)*
49. During the course of the investigation, Det. Benjamin held a discretionary interview with the Appellant to clarify questions that had come up in the process of her background investigation. *(Testimony of Det. Benjamin; R.Ex 8)*
50. During the interview, the Appellant admitted that she had not wanted AP to call the police as the Appellant was anticipating entering the Boston Police Academy in a month. *(R.Ex 2; Testimony of the Appellant's daughter)*
51. Det. Benjamin noted inconsistencies between the Appellant's description of the incident in the interview and the audio recording and bodycam footage. She particularly noted the Appellant's portrayal of AP as the aggressor when the Appellant appeared to raise her voice first in the recording. *(Testimony of Det. Benjamin)*
52. Det. Benjamin ultimately concluded that she had no reason to doubt AP's account of the events. *(Testimony of Det. Benjamin)*

#### *Roundtable Deliberations*

53. On December 7, 2023, Det. Benjamin presented a Privileged and Confidential Memorandum (PCM), which contained a summary of her investigation of the Appellant's

background, to a BPD roundtable. Det. Benjamin had no part in the final decision.

*(Testimony of Det. Benjamin)*

54. The roundtable panel, which consists of the Director or Deputy Director of BPD's Human Resources and a senior Officer in BPD's Internal Affairs Division, often only reviews the detective's PCM prior to the roundtable, then takes the detective's presentation into consideration in the decision-making process. *(Testimony of Dir. Gumbs-Levarity)*

55. The roundtable committee voted unanimously to bypass the Appellant. *(Testimony of Director Gumbs-Levarity)*

56. BPD Director of Human Resources Natasha Gumbs-Levarity, who was not present for the roundtable during which the Appellant was bypassed, authored the bypass letter. *(Testimony of Dir. Gumbs-Levarity)*

57. Director Gumbs-Levarity found the circumstances of the February 22<sup>nd</sup> incident to be particularly troubling as it involved a child, and saw the Appellant's "poor judgment," specifically in choosing to engage in a shouting match with AP and failing to successfully "de-escalate," as too much of a risk to allow her to be part of BPD. The fact that the criminal charges were dismissed did not factor into BPD's decision. *(Testimony of Dir. Gumbs-Levarity)*

58. When making their decision, BPD also considered the recency of the February 22<sup>nd</sup> incident, as it had occurred less than a year before BPD's decision and after the Appellant had already received a conditional offer of employment from BPD in a previous hiring cycle. *(Testimony of Dir. Gumbs-Levarity)*

59. In a letter dated May 15, 2024, BPD informed the Appellant that she had been bypassed due to significant concern with her conduct and judgment during the February 22<sup>nd</sup>

incident; this letter also cited the Appellant's past appearances in police reports and her termination from her previous job as a security guard as reasons for bypassing the Appellant. (*R.Ex 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).

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., 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**

To her considerable credit, the Appellant has many positive attributes. She is the mother of two children who, upon learning that a former acquaintance and her daughter were homeless, offered to provide assistance without hesitation. Specifically, the Appellant selflessly opened her home to AP and her young daughter and helped AP get her daughter enrolled in Head Start. The Appellant is also committed to being a role model for her own children, as evidenced by her perseverance to become a police officer. After learning that the high school diploma she received was from an unaccredited school, she, quite remarkably, completed her GED within a matter of *months* and took advantage of an offer by the BPD to be reconsidered for appointment. In reaching my decision here, I have not overlooked any of these positive attributes. However, for the reasons discussed below, I have concluded that the BPD was reasonably justified in bypassing the Appellant for appointment.

The BPD has shown by a preponderance of evidence that it was reasonably justified to bypass the Appellant for appointment as a police officer based on her conduct and poor judgment during an incident in February 2023 in which the Appellant escalated a volatile situation and sought to prevent an individual from calling 911.

The February 22<sup>nd</sup> incident and arrest took place less than a year before the roundtable at which BPD made their decision, and she last appeared in court for the incident's Assault and Battery charge on November 27 of the same year, 11 days before the roundtable. Though the charges were dismissed, the BPD was justified in considering the Appellant's underlying conduct and judgment during the incident. Police officers are vested with considerable authority and must conduct themselves in a manner consistent with the laws that they are sworn to enforce to avoid an abuse of power by law enforcement officials. After a careful review of the testimony and exhibits in the record, I have concluded that the Appellant engaged in misconduct by physically grabbing AP's phone in an attempt to prevent her from calling 911, believing that such a call would harm her employment prospects with the BPD. A preponderance of the evidence shows that the Appellant was the aggressor that morning, resulting in a physical interaction that could have easily resulted in the injury of a young child.

Further, it was reasonable for the BPD to consider that the Appellant was unable to de-escalate this situation, a core skillset required of police officers. At the time of the incident, the Appellant had already received a conditional offer of employment. However, at such a crucial time in her career, she allowed a domestic verbal argument to escalate to the point where Boston Police became involved, and she was arrested. Her attempts to prevent the police from being called by forcibly seizing AP's phone and restricting AP's ability to call for help rather than to peaceably resolve the matter provided the BPD with valid concerns about her judgment and abilities.

BPD also voiced concerns with the Appellant's inconsistent recounting of the incident. During the discretionary interview, the Appellant described AP as the aggressor, and described key details of the incident inconsistently, such as her own response to AP's accusation that the

Appellant had threatened her. However, the audio recording and bodycam footage indicated that the Appellant was the aggressor. Additionally, the portrayal of events in the recording and footage seemed more consistent with AP's account of events found in the police report. The Appellant also admitted to seizing AP's phone to prevent her from calling the police, though the Appellant had initially justified it as a common disciplinary action of her household. With these inconsistencies, BPD was also justified in being apprehensive of the Appellant's account of events.

It is undeniable that the Appellant did a compassionate deed in taking in and supporting AP and G. However, BPD is not unreasonable in considering her recent criminal involvement and poor judgment in assessing and handling a volatile situation as too risky for her to be hired as a Police Officer.

## CONCLUSION

For the above reasons, BPD's decision to bypass Tianna Taylor-Roseney for the position of Police Officer is affirmed. The appeal filed under Docket No. G1-24-081 is hereby *denied*.

Civil Service Commission

/s/ Shawn C. Dooley

Shawn C. Dooley

Commissioner

By a vote of the Civil Service Commission (Bowman, Chair, Dooley, Markey, McConney, and Stein, Commissioners) on January 23, 2025

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

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate

as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

Tianna Taylor-Roseney (Appellant)

Joseph McClellan, Esq. (for Respondent)