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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
NO. 2584CV00416-C

TIANNA TAYLOR-ROSENEY

v.

CIVIL SERVICE COMMISSION and
BOSTON POLICE DEPARTMENT

Noted Sum
3/11/26
JM
DTG
TTR

**MEMORANDUM OF DECISION AND ORDER ON
CROSS-MOTIONS FOR JUDGMENT ON THE PLEADINGS**

Presented for decision are cross-motions for judgment on the pleadings, each arising out of Plaintiff Tianna Taylor-Roseney’s (“Taylor-Roseney” or the “Plaintiff”) administrative appeal of a decision of the Civil Service Commission (the “Commission”) affirming a decision of the Boston Police Department (the “BPD”) to bypass Taylor-Roseney’s candidacy for employment. For the reasons which follow, the Plaintiff’s Motion for Judgment on the Pleadings shall be **DENIED**, and the Defendants’ Cross-Motion for Judgment on the Pleadings shall be **ALLOWED**.

PROCEDURAL HISTORY

Taylor-Roseney originally applied to be a police officer with the BPD in 2020, but was bypassed due to a defect in the high school credentialing reflected in her application. In accordance with a settlement agreement that allowed her to re-apply for BPD employment if she obtained a satisfactory GED within two years, Taylor-Roseney sought a newly requisitioned

position as a police officer in September, 2021. Taylor-Roseney was thereupon placed at the top of the candidate list for consideration pursuant to an order of the Commission.

On February 22, 2023, while her job application was pending and under consideration by the BPD, Taylor-Roseney was arrested and charged with crimes arising out of a physical altercation with a member of her household. As a result of this arrest, the BPD again bypassed Taylor-Roseney for appointment as a police officer. Taylor-Roseney appealed this bypass to the Commission in December, 2023, but voluntarily withdrew this appeal one month later.

In its May, 2024 hiring cycle, the BPD bypassed Taylor-Roseney for police officer appointment again, citing concerns with her judgment related to the circumstances surrounding her arrest. Taylor-Roseney filed another appeal with the Commission in June, 2024, and the Commission held a one-day evidentiary hearing on September 10, 2024. On January 23, 2025, the Commission issued a unanimous decision, upholding BPD's bypass of Taylor-Roseney for police officer employment. Taylor-Roseney moved for reconsideration of this decision, which the Commission denied on March 6, 2025. The instant appeal, brought pursuant to G.L. c. 30A, followed.

RELEVANT FACTS¹

Taylor-Roseney invited a 21-year old single mother and family friend ("A.P."), together with A.P.'s four-year old daughter ("G") to reside with her after learning that the two had fallen on hard times. Although Taylor-Roseney attempted to treat A.P. maternally, conflicts related to their co-habitation developed. During one particularly heated confrontation on February 22, 2022, A.P. created an audio-recording in which Taylor-Roseney could be heard screaming and refusing to allow A.P. to leave the apartment.

¹ Plaintiff did not produce a transcription of the administrative proceedings below. The Court, therefore, has reviewed a video-link of the Commission's evidentiary hearing for its factual summary.

A.P. attempted to call 911 for assistance. Evidently fearing that such a call might jeopardize her pending application for employment with the BPD, Taylor-Roseney tackled A.P. and tried to wrest the cell-phone from her. Taylor-Roseney then attempted to lift G and move her to another room. This prompted A.P. to tackle Taylor-Roseney to the floor, and to bite her forearm. On the recorded 911 call, A.P. could be heard screaming that Taylor-Roseney was choking G.

Not long after this altercation, BPD officers responded to Taylor-Roseney's home. After speaking with both adult parties and assessing what had occurred, the police placed Taylor-Roseney under arrest. The arrest was captured in contemporaneous body-camera footage. Taylor-Roseney was charged with Assault and Battery on a Household Member, Assault and Battery on a Child, and Witness Intimidation (charges that were ultimately dismissed some nine months later). Following this incident, Taylor-Roseney submitted to an interview with the BPD's Recruit Investigations Unit. During this interview, Taylor-Roseney admitted that she took A.P.'s cell-phone for the sole purpose of preventing her from calling police authorities and thereby harming her prospects of becoming a law enforcement officer.

In or around December, 2023, a detective submitted a Privileged and Confidential Memorandum to the BPD panel evaluating Taylor-Roseney's candidacy. The memorandum summarized the investigation of Taylor-Roseney's confrontation with A.P. The BPD panel then reviewed the evidence gathered, and voted unanimously to bypass Taylor-Roseney's application for employment based on her poor judgment and conduct in connection with this incident. The BPD notified Taylor-Roseney of its decision in May, 2024, and Plaintiff's appeal to the Commission followed.

DISCUSSION

I. STANDARD OF REVIEW

The standard for review of an agency's administrative decision challenged under G.L. c. 30A is well known. In such a review, the Court will uphold the decision "unless it is based on an error of law, unsupported by substantial evidence, unwarranted by facts found on the record as submitted, arbitrary [or] capricious, an abuse of discretion, or otherwise not in accordance with law." Energy Express, Inc. v. Department of Pub. Utils., 477 Mass. 571, 575 (2017) (alteration in original) (citations omitted). However, "[a] court should not reverse an agency decision unless the alleged errors have prejudiced the substantial rights of a party." Wilson v. Department of Soc. Servs., 65 Mass. App. Ct. 739, 748 (2006), quoting Boston v. Massachusetts Comm'n Against Discrimination, 47 Mass. App. Ct. 816, 819-20 n.6 (1999).

Chapter 30A review is "highly deferential," and the Court must accord "due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it." Ten Local Citizen Grp. v. New England Wind, LLC, 457 Mass. 222, 228 (2010) (internal quotations omitted), citing G.L. c. 30A, § 14 (7). In particular, a reviewing court must accord "substantial deference" to an agency's interpretation of the statutes and regulations it enforces. See City Council of Agawam v. Energy Facilities Siting Bd., 437 Mass. 821, 828 (2002); Navy Yard Four Assocs. v. Department of Env't. Prot., 88 Mass. App. Ct. 213, 223 (2015). This required deference means that courts will "not intrude lightly within the agency's area of expertise." Friends & Fishers of Edgartown Great Pond, Inc. v. Department of Env't. Prot., 446 Mass. 830, 837 (2006). Review is confined to the administrative record, G.L. c. 30A, § 14(5), and a party challenging an agency's administrative decision bears a "heavy" burden to demonstrate its invalidity. Fallon Cmty. Health Plan, Inc. v.

Acting Dir. of Dep't of Unemployment Assistance, 493 Mass. 591, 595 (2024).

II. **PLAINTIFF'S CHALLENGES TO HER BYPASS
BY THE BOSTON POLICE DEPARTMENT**

Plaintiff's principal challenge to the BPD's decision to bypass her for police employment rests upon the contention that A.P. was in fact the aggressor in their altercation, and that she (rather than A.P.) was the victim in this scuffle. The Commission, however, which conducted the hearing in this case and whose first-hand evaluation of the evidence is entitled to deference, concluded otherwise. The Commission's hearing officer thus found as follows:

“After a careful review of the testimony and exhibits in the record, I have concluded that the Appellant [Taylor-Roseney] engaged in misconduct by physically grabbing A.P.'s phone in an attempt to prevent her from calling 911, believing that such a call would harm her employment prospects with BPD. A preponderance of the evidence shows the Appellant was the aggressor that morning, resulting in a physical interaction that could easily have resulted in the injury of a young child.”

Plaintiff's filings with the Court do nothing to cast doubt on the Commission's conclusions, which drew on the hearing officer's review of body camera footage from the arresting officers, the audio recording of Taylor-Roseney's verbal conflict with A.P., and the statements of A.P. reflected in the police report.² Plaintiff is naturally free to dispute how the Commission chose to reconcile the competing narratives of what took place on this occasion; but it is not for the Court to disturb the factual determinations of an agency on such a basis. See McGovern v. State Ethics Comm'n, 96 Mass. App. Ct. 221, 231-32 (2019) (“[A] reviewing court may not displace an agency's deliberative choice between two fairly conflicting views of the record evidence. . . . [And] it is for the presiding officer and the commission, not the court, to make determinations of

² Plaintiff's insistence that the Department of Children and Families was never involved in this incident, and that she (rather than A.P.) was the only party with “visible injuries,” in no way undermines the conclusion that Taylor-Roseney was the aggressor in this episode.

witness credibility and to give whatever weight certain evidence is due.”); Desmond v. West
Bridgewater, No. SUCV20150074D, 2016 WL 3145954, at *3 (Mass. Super. Ct. Apr. 22, 2016)
(Wilkins, J.), aff’d, 94 Mass. App. Ct. 1122 (2019) (“[T]he Court has no power to substitute its
judgment for that of the agency if the record contains substantial evidence to support conflicting
propositions; nor may it second guess the agency’s judgment regarding credibility of witnesses
and the weight to be given to particular evidence.”). Inasmuch as the factual determinations of
the BPD and the Commission in this case rest upon “evidence [that] a reasonable mind might
accept as adequate to support a conclusion,” G.L. c. 30A, § 1(6), Plaintiff has not carried her
burden to demonstrate that such determinations are unsupported by substantial evidence. See
McGovern, 96 Mass. App. Ct. at 231. See also In re Segal, 430 Mass. 359, 363 (1999) (dismissal
of criminal charges does not preclude civil penalties based on the same facts, as the latter
requires a lower threshold of proof).

Plaintiff’s related argument that the decision to bypass her for police employment was
“arbitrary and capricious” plainly lacks merit. The evidence credited at hearing established that
Taylor-Roseney engaged in an aggressive confrontation with a housemate, and then escalated the
confrontation with a physicality that could easily have spilled over to injure a four-year old girl
in the immediate vicinity. Worse, and by her own admission, the violence of this episode
appeared to have originated with Plaintiff’s attempt to wrest A.P.’s cell-phone from her, an
action that Taylor-Roseney undertook with the specific intent to thwart A.P.’s efforts to seek
police protection. The BPD thus warrantably concluded that the job of a police officer, tasked
with exercising good judgment to control volatile situations and avoid physical conflicts, did not
seem to be one for which Plaintiff was well-suited. There was nothing arbitrary or capricious
about it.

Wholly apart from the merits, Plaintiff advances a scattershot of procedural arguments in support of her contention that the Commission decision sustaining the BPD's bypass of Taylor-Roseney for police employment was the product of errors of law. The Court does not agree. Plaintiff first suggests that the Commission's decision rests upon an "incomplete record." In this connection, Plaintiff alleges that the Commission failed to consider audio and visual evidence that would have been exonerating. This is demonstrably not so, as the Commission's decision explicitly references (and relies for its conclusions upon) both police body-camera footage and the cell-phone recording of Taylor-Roseney's altercation with A.P. Although it is true that, after providing all of this sensitive evidence to Plaintiff, the Commission's hearing officer reviewed the video footage *in camera* rather than enter it into the formal public record, both sides had this evidence available to them and both sides referenced it in their respective briefs to the Commission. Plaintiff was in no sense deprived of a fair hearing in this regard.

Plaintiff next suggests that the Commission refused to enforce hearing subpoenas. There is no evidence, however, that this was the case. Plaintiff appears to have disregarded instructions on how to serve subpoenas upon witnesses whom she wished to present at hearing. Plaintiff instead requested the Commission's hearing officer to do this for her – a matter the hearing officer stated he would consider only if he believed, after listening to the testimony of the witnesses present, that further evidence were needed. After listening to the evidence at hearing, however, the hearing officer determined that was not the case. (In point of fact, most of the individuals whom Plaintiff indicated she wished to call at hearing were not percipient witnesses to the events in issue. Most were prosecutors and police officers involved in the criminal case against Taylor-Roseney, and thus possessed no first-hand or otherwise exculpatory evidence

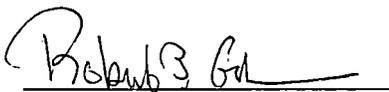
related to Plaintiff's claim.³ There was no error affecting any substantial right of Taylor-Roseney to a fair hearing.

Finally, Plaintiff protests the fact that the administrative record for her appeal includes no transcript of the hearing before the Commission. Superior Court Standing Order 1-96, however, makes clear that it is the responsibility of the party challenging an agency action under G.L. c. 30A, § 14(7) to request such a transcript. Plaintiff's failure to do so in this case furnishes no basis for disturbing the agency decision she challenges. Moreover, inasmuch as the Court has reviewed a video recording of the agency hearing, see fn.1, supra, Plaintiff has no claim that the absence of a transcript prejudiced her substantial rights.

CONCLUSION AND ORDER

For all the foregoing reasons, the Plaintiff's Motion for Judgment on the Pleadings shall be, and hereby is, **DENIED**; the Defendants' Cross-Motion for Judgment on the Pleadings is **ALLOWED**; and the decision of the Civil Service Commission upholding the Boston Police Department's bypass of Tianna Taylor-Roseney for appointment as a police officer is **AFFIRMED**.

SO ORDERED.


Robert B. Gordon
Justice of the Superior Court

Dated: March 11, 2026

³ The lone exception was A.P., an individual whose place of residence was known to neither Plaintiff nor the Commission. Inasmuch as no subpoena could have been enforced against a witness whose whereabouts were unknown, Plaintiff was not prejudiced by the Commission's failure to issue one in this case.