



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2026-240
IN CITY COUNCIL
September 14, 2026

To the Honorable, the City Council:

Please see attached a response to Awaiting Report 26-15 from Megan Bayer, City Solicitor, regarding hiring of former Federal immigration enforcement agents by the Cambridge Police Department.

Very truly yours,

Yi-An Huang
City Manager



Megan B. Bayer
City Solicitor

Elliott J. Veloso
Deputy City Solicitor

Kate M. Kleimola
First Assistant City Solicitor



CITY OF CAMBRIDGE

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September 14, 2026

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Awaiting Report No. 26-15 of 2/9/26, requesting that the City Manager direct staff to examine if and how the City may prevent the hiring by the Cambridge Police Department of any sworn officer who was employed by the United States Immigration and Customs Enforcement, Homeland Security Investigations, or Customs and Border Patrol*

Dear Mr. Huang:

I write in response to the above-referenced City Council order that requests that staff examine whether the City may use employment history with Immigration and Customs Enforcement or Homeland Security Investigations (hereafter, collectively referred to as "ICE"), or Customs and Border Patrol ("CBP"), as a basis to not hire an applicant for a law enforcement officer position with the Cambridge Police Department. Police officers are a position that is subject to the Civil Service Law. Under the Civil Service Law, it is not permissible to deny an applicant employment solely on the basis of an applicant's employment history with ICE/CBP. However, if an applicant committed misconduct while employed by ICE, or engaged in activity that raises legitimate concerns about the applicant's character or fitness for duty while employed by ICE/CBP, the City may have a basis to bypass, which means to not hire, individual applicants.

The purpose of the Civil Service Law is to make hiring decisions on the basis of "relative ability, knowledge and skills" and not on the basis of political affiliation or bias, and to protect employees from coercion for political purposes. G.L. c.31, §1; City of Cambridge v. Civil Service Commission, 43 Mass.App.Ct. 300 (1997). The Civil Service Law was first enacted in 1884 and has gone through reforms and amendments.

In general, for positions that are governed by the Civil Service Law, appointing authorities must hire from the eligible list provided by the Massachusetts Human Resources Division ("HRD"), in the order of ranking. HRD ranks the eligible list of candidates by exam scores and certain preferences which are enumerated by statute. These preferences are established by the Civil Service Law pursuant to G.L. c.31 and the Personnel Administration Rules. The preferences are for disabled veterans, veterans, the spouse or single parent of veterans killed in action, children of police officers and fire officers, and then all others. G.L. c.31, §26. It is also possible to break a tie in equal scores of applicants for police and fire positions by requesting residency information from HRD and giving a preference to a resident. G.L. c.31, 58. The only other way to obtain a different eligible list from HRD is through the Personnel Administration Rules, Rule 10, which allows HRD to issue a special certification based on race, color, national origin, or sex if an appointing authority meets certain prerequisites, including filling a position included in an affirmative action plan. Taking Sections 26 and 58 of Chapter 31 together with Rule 10, there is no method to exclude a class of applicants based on their prior employment history with ICE/CBP from an eligible list.¹

That notwithstanding, there is a process to bypass a certified candidate from an eligible list. As stated, while the appointing authority must hire from the eligible list provided by HRD, if the appointing authority is going to bypass any specific candidate, they must provide a reasonable justification supported by credible evidence. However, bypassing a specific candidate based on their employment history with a federal agency may pose difficulty if the appointing authority fails to demonstrate that the decision bears on a legitimate concern about the candidate's fitness for appointment. However, that does not prevent appointing authorities from bypassing candidates when there is a reasonable justification related to character, fitness or criminal conduct. City of Cambridge v. Civil Service Commission, *supra*; Town of Burlington v. McCarthy, 60 Mass.App.Ct. 914 (2004).

Therefore, even though the City is unable to exclude applicants with an employment history with ICE/CBP on that basis, if an applicant engaged in misconduct or performed their job with ICE/CBP in a way that makes them unfit to be a Cambridge Police Officer, there would be a basis for the City to bypass the applicant. Courts will uphold bypasses when the appointing authority demonstrates through credible evidence that character deficiencies or past misconduct raise legitimate concerns about the candidate's fitness for police work. The department must conduct an independent, impartial, and reasonably thorough investigation, and the reasons must be sufficiently supported by documentation and testimony rather than based on speculation or bias. This provides the City with the ability to not hire an applicant who took part in illegal and violent immigration enforcement efforts, even though the City cannot exclude all former ICE/CBP employees from being considered for employment with the Police Department.

¹ There may be options available such as filing a Home Rule Amendment to receive Special Legislation that changes the preferences for Cambridge or excludes a category of applicants from consideration. We would need to review those options further. Additionally, the City could remove certain positions from Civil Service or could consider opting out of Civil Service entirely.

Very truly yours,

A handwritten signature in blue ink that reads "Megan B. Bayer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Megan B. Bayer
City Solicitor