

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

In the Matter of)	Case No. 23-006-SU
)	(SU-2023-02-15-001; PI-2023-03-16-003)
)	MPTC User ID No. 9999-9076
Kevin Johnson)	

SUSPENSION ORDER

The Respondent Kevin Johnson has entered into a Voluntary Suspension Agreement (“Agreement”) under which he has agreed to the suspension of his certification as a law enforcement officer in the Commonwealth of Massachusetts for a period of two years, beginning on the date of the approval of the Agreement, and certain conditions outlined in the Agreement during the period of the two-year suspension. See M.G.L. c. 6E, §§ 3(a), 10(b)(i), 10(c), 10(f); M.G.L. c. 30A, § 10. Further terms of the Agreement include that, upon applying for reinstatement of his certification, the Respondent must comply with the standards and procedures the Peace Officer Standards and Training Commission (“Commission”) may at that time impose upon him and provide the Commission with such additional information that it may at that time require, including, but not limited to, evaluations from his treatment providers and other evidence of his suitability to hold a certification. Failure to abide by the terms of the Agreement may result in the initiation of adjudicatory proceedings and/or discipline by the Commission. The Respondent has waived all rights to contest, in this or any other administrative or judicial proceeding to which the Commission is or may be a party, the terms and conditions contained in the Agreement.

Accordingly, it is hereby ORDERED that, for the reasons stated in the Agreement:

- (a) The Respondent’s certification is hereby suspended for a period of two years, subject to the agreed-upon conditions;
- (b) As a condition of reinstating his law enforcement certification at the conclusion of his suspension, the Respondent shall comply with the standards, procedures and requirements imposed upon him by the Commission;
- (c) The Executive Director shall characterize this action as a “Voluntary Suspension”; and
- (d) The Executive Director shall take the necessary steps to publish the Respondent’s name and suspension status in any publicly available lists and database published by the Commission.

By vote of the Commission on September 14, 2023.

Notice: Gary G. Nolan, Esq. (Respondent Attorney)
Hudson Police Department (Agency)
Collective Bargaining Unit

6. [REDACTED]

7. On May 31, 2023, the Respondent voluntarily met with members of the Division of Police Standards. The Respondent continued to make statements which were consistent with his prior statements to the police, which tended to minimize or deny his involvement in the [REDACTED], incident.

8. On June 8, 2023, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on June 15, 2023, the Commission voted to authorize the initiation of disciplinary proceedings against the Respondent.

9. Prior to working at the Hudson Police Department, the Respondent served in the United States Army from 2009 to 2012, including a tour in Afghanistan from 2010 to 2011. The Respondent took part in over 200 missions and experienced combat on multiple occasions.
[REDACTED]

10. According to information received during the Division's investigation, the Respondent was a well-liked, productive member of the Hudson Police Department, who had never been disciplined prior to the above-described events. He received multiple commendations, including for his work in the investigation of an armed robbery and for his actions in removing a civilian from a vehicle engulfed in flames, for which he was later awarded a Life Saving Medal.

Conclusions of Law

11. Pursuant to M.G.L. c. 6E, § 3(a):

The [C]ommission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) act as the primary civil enforcement agency for violations of [chapter 6E]; . . .
- (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A; . . .

12. Pursuant to M.G.L. c. 6E, § 10(b)(i), “[t]he [C]ommission may, after a hearing, suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that . . . the officer is convicted of a misdemeanor.”

13. The Respondent’s [REDACTED] [REDACTED] pursuant to M.G.L. c. 6E, § 1, which defines a “conviction” to include “an admission to sufficient facts, a continuance without a finding or probation.”

14. Pursuant to M.G.L. c. 6E, § 10(b)(iii), “[t]he [C]ommission may [...] suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer [...] has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.”

15. [REDACTED], and the pattern of untruthful and/or misleading statements he made to investigators, constitute a pattern of unprofessional police conduct which may escalate.

16. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition on the alleged misconduct.

Resolution

In view of the foregoing violations of M.G.L. c. 6E, § 10(b), the Commission has determined that the public interest would best be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions which have been agreed to by the Respondent:

17. The Respondent agrees to the suspension of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E §§ 3(a) and 10(b)(i), for a period of two years, beginning on the date this agreement is approved by the Commission.

18. The Respondent, as a pre-condition to application for certification pursuant to Par. 19 below, agrees that, during the period of this suspension, he:

- a. shall not seek nor hold employment by any law enforcement agency in any capacity;
- b. shall be ineligible for admission to police schools or academies;
- c. shall not seek renewal of his law enforcement officer certification;

- d. shall not commit additional criminal offenses;
- e. shall comply with all conditions of his probation and any treatment plan that he may be assigned.

19. After the period of suspension has ended, and as a condition of reinstating his law enforcement officer certification, the Respondent may apply for certification pursuant to such standards and procedures the Commission may at that time impose upon him. The Respondent shall further provide the Commission with such additional information as it may at that time require; such information may include, but not be limited to, evaluations from his treatment providers and other evidence of his suitability to hold a certification. Should the Respondent abide by the terms of this agreement and not engage in further misconduct, he shall be eligible for certification.

20. The Respondent agrees that, if he should fail to abide by any of the terms and conditions of this agreement during his suspension, this agreement shall become void, and the Division may, without prior notice to the Respondent, take the following steps:

- a. initiate adjudicatory proceedings against the Respondent;
- b. seek discipline against the Respondent based on any ground supported by the evidence in its preliminary inquiry, including grounds beyond those covered by this agreement; and
- c. seek any level of discipline supported by the evidence, up to and including the revocation of the Respondent's certification and the entry of his information onto the National Decertification Index.

21. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this agreement in any administrative or judicial forum to which the Commission is or may be a party.

22. The Respondent acknowledges that, once this Agreement and any Order of Suspension issued by the POST Commission are executed, they will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, the status of the Respondent's certification will be publicly available on certain lists and databases published by the Commission.

23. This Agreement shall be effective as of the date it is approved by the Commission.

09/15/2023

Date

Respondent



9/18/2023

Date

Margaret R. Hinkle, Chair

Margaret R. Hinkle