

5. In August 2022 the Stoughton Police Department sustained allegations that the Respondent engaged in conduct unbecoming of an officer, was incompetent, was untruthful, and failed to display the proper attention and devotion to his duty. Those same allegations were the subject of this disciplinary action.

6. On November 22, 2022, the Commission, pursuant to 555 C.M.R. §§ 1.02(3) and (4), authorized the Division to conduct a preliminary inquiry into the allegations of misconduct against the Respondent described above. On June 30, 2023, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on July 12, 2023, the Commission voted to initiate disciplinary proceedings against the Respondent.

Conclusions of Law

7. 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;

8. Pursuant to M.G.L. c. 6E, § 10(a)(xvi), “[t]he [C]ommission shall [...] revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer [...] is not fit for duty as an officer and the officer is dangerous to the public, as determined by the [C]ommission.”

9. 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.”

10. Pursuant to M.G.L. c. 6E, § 10(g), “[t]he [C]ommission shall publish any revocation order and findings. The [C]ommission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer’s certification has been revoked pursuant to this section.”

11. 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 the alleged misconduct or one year has elapsed since the allegations were reported to the commission, whichever is sooner.

12. “Unless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default.” M.G.L. c. 30A § 10.

13. The Respondent’s alleged conduct described above, if proven by clear and convincing evidence, would demonstrate that he is not fit for duty as an officer and that he is dangerous to the public and would justify discipline against the Respondent pursuant to § 10(a)(xvi).

14. The Respondent’s alleged conduct described above, if proven by clear and convincing evidence, would constitute a pattern of police misconduct that may escalate and would justify discipline against the Respondent pursuant to § 10(b)(iii).

Resolution

In view of the foregoing alleged violations of M.G.L. c. 6E §§ 10(a)(xvi) and (b)(iii), 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:

15. The Respondent agrees that, if this matter were to proceed to an adjudicatory hearing, the allegations described above, if proven by clear and convincing evidence, would permit the Commission to impose significant discipline, up to and including his decertification as a law enforcement officer in the Commonwealth of Massachusetts.

16. The Respondent, without admitting the truth of any allegations made against him, agrees to the permanent revocation of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E §§ 3(a), 10(a)(xvi), and 10(b)(iii).

17. The Respondent, without admitting the truth of any allegations made against him, voluntarily waives any right he may have to appeal, upgrade, or otherwise challenge his current status of “Not Certified,” including but not limited to any appeal or challenge to the October 10, 2022, decision of the Commission denying the Stoughton Police Department’s application for renewal of the Respondent’s law enforcement certification.

18. The Respondent waives all rights to contest the allegations described above in any administrative or judicial forum to which the Commission is or may be a party.

19. The Respondent, without admitting the truth of any allegations made against him, 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.

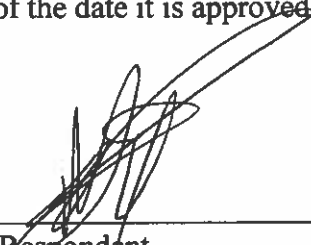
20. The Respondent acknowledges that, once this Agreement and any Order of Decertification issued by the POST Commission are executed, they will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, the status of the Respondent's certification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

21. The Respondent understands and acknowledges that, as required under M.G.L. c. 6E, § 10(g), the Commission will submit all public revocation information, including a copy of this agreement and any Order of Decertification, for inclusion in the National Decertification Index.

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

2/29/2024

Date



Respondent

3/21/2024

Date

Margaret R. Hinkle

Margaret R. Hinkle, Chair