

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

In the Matter of) Case No. PI-2023-11-16-001
Timothy Brennan)

SUSPENSION ORDER

The Peace Officer Standards and Training Commission (“Commission”) hereby provides notice of the suspension of the law enforcement certification of Respondent Timothy Brennan, pursuant to M.G.L. c. 6E, § 3(a) and 555 CMR 1.08(2)(c). The Commission received evidence supporting the conclusion that the Respondent had knowledge, in 2017, of a school resource officer allegedly having committed an indecent assault and battery against a student in 2004, when she was 14 years old. Also, the Respondent became aware in August 2022 that the same school resource officer had allegedly raped the same student, also when she was 14. The Respondent did not report the alleged indecent assault and battery or the alleged rape until after the District Attorney’s office initiated an investigation later in August 2022. After a disciplinary hearing held by the Town of Hopkinton, the Respondent was terminated from service with the Hopkinton Police Department. Following his termination, he was hired in July 2024 by the Milford Police Department, which is his current place of employment. The Commission finds by a preponderance of the evidence that suspension of the Respondent’s certification is warranted and is in the best interest of the safety and welfare of the public. See M.G.L. c. 6E, § 3(a); 555 CMR 1.08(2)(c).

The Respondent’s suspension is effective immediately upon receipt of this order by either the Respondent or the head of the Respondent’s law enforcement agency, whichever is earlier. See M.G.L. c. 6E, § 10(e); 555 CMR 1.08(3). The Respondent and the agency must ensure that the Respondent surrenders, without delay, any agency-issued credentials and equipment that promote and support the performance of functions associated with service as a law enforcement officer, including but not limited to, any uniform, badge, firearm, assigned cruiser, and use-of-force instruments, such as tasers. See M.G.L. c. 6E, § 3(a); 501 CMR 15.05(1), (2)(f)-(g).

Pursuant to 555 CMR 1.08(4), “[a]ny suspension issued by the commission pursuant to 555 CMR 1.08 shall continue in effect until issuance of the final decision of the commission or until the suspension is revoked by the commission.”

By vote of the Commission on August 15, 2024.

Notice to: Daniel Fogarty, Esq., Respondent’s Counsel
Shaun Martinez, Esq., Commission Enforcement Counsel
Hopkinton Police Department
Milford Police Department
Collective Bargaining Unit
Middlesex County District Attorney’s Office

Notice of Right to a Suspension Hearing

You may request a hearing before:

- (1) The Single Commissioner to stay the suspension. See M.G.L. c. 6E, § 9(d); 555 CMR 1.09(1).
 - Absent a waiver, such a hearing would be held within 15 days of the effective date of the suspension.
 - Requests must be filed no later than five days after the effective date of the suspension and may include a request for an extension of time or a waiver of the right to have the hearing heard by the Single Commissioner within 15 days. See 555 CMR 1.09(2) and (3).
 - If the Single Commissioner determines by a preponderance of the evidence that the suspension is not warranted, that commissioner shall stay the suspension. See 555 CMR 1.09(6)(a).
 - Appeals of the Single Commissioner's decision are to the Superior Court. See M.G.L. c. 30A, § 14; 555 CMR 1.09(6)(d).

- (2) The full Commission to revoke the suspension before the issuance of a final Commission decision. See M.G.L. c. 6E, § 9(a)(5).
 - Requests are not subject to a time limit for filing. See generally M.G.L. c. 6E; 555 CMR 1.00.
 - A suspension order shall continue in effect until issuance of the final decision of the full Commission or until revoked by the full Commission. See also 555 CMR 1.08(4).
 - Appeals of the full Commission's decision are to the Superior Court. See M.G.L. c. 30A, § 14; 555 CMR 1.10.

If you wish to request a hearing, please email your request to POSTCReview@mass.gov, and include in the subject line your case name and number and type of hearing (full Commission or Single Commissioner). In your request, also include:

- (a) Your name;
- (b) Your employing agency as of the date of the Complaint (or Criminal Complaint/Indictment);
- (c) The head of the agency you identified in (b), above;
- (d) Your mailing and email addresses;
- (e) Your phone number;
- (f) If one has been assigned, your Commission identification number;
- (g) If applicable, your attorney/representative's name;
- (h) If applicable, your attorney/representative's email address and phone number;
- (i) A brief description of the basis for the request for the hearing; and
- (j) One of the following statements:

If this is an appeal to the Single Commissioner (stay of suspension):

- I invoke my right to a hearing within 15 days of the effective date of the suspension.
- I waive my right to a hearing within 15 days of the effective date of the suspension and consent to receiving a hearing after 15 days.

If this is an appeal to the full Commission (revocation of suspension):

- I would like to have a hearing before the full Commission at a date to be determined.

A request for a hearing is deemed filed on the date it is received by the Commission. After you have filed a timely request for a hearing, you will receive a notice from the Commission containing further information and instructions.