

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

IN THE MATTER OF  
SHAWN MCKAY

)  
)

Case No. 2024-042

**SUSPENSION ORDER**


The Respondent Shawn McKay has entered into a Voluntary Disposition 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 months, beginning on the date of execution of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and certain conditions outlined in the Agreement. \* See M.G.L. c. 6E, §§ 3(a), 10(b)(iii), and 10(b)(v); M.G.L. c. 30A, §§ 10 and 13.

Failure of the Respondent to abide by the terms and conditions of the Agreement shall result in the Agreement becoming void and may result in the Commission initiating adjudicatory proceedings against the Respondent; seeking discipline against the Respondent based on any ground supported by the evidence obtained in a preliminary inquiry, whether or not it was covered in the Agreement; and revoking the Respondent’s certification and entering his information in the National Decertification Index, if such discipline is warranted and supported by the evidence. 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 factual findings, conclusions of law, terms and conditions, and other provisions contained in the Agreement.

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

- (a) The Respondent’s law enforcement certification is hereby suspended for a period of two months, beginning on October 17, 2024, subject to the agreed-upon conditions;
- (b) During the period of suspension, the Respondent shall not perform police duties or functions on behalf of any law enforcement agency. The Respondent shall also refrain from all conduct prohibited by the Commission during the period of suspension; and
- (c) 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 October 17, 2024.

  
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Hon. Margaret R. Hinkle (Ret.), Chair

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\* According to the information the Commission received from the Foxborough Police Department, the Respondent resigned from that agency in January 2023, pending the internal affairs investigation. See M.G.L. c. 6E, § 8(b)(4); 555 CMR 1.01(5).

Notice: Shawn McKay, Respondent  
Amy C. Parker, Esq., Commission Enforcement Counsel  
Foxborough Police Department, Agency  
Collective Bargaining Unit  
Norfolk County District Attorney's Office

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

In the matter of Shawn McKay )  
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Case No. [REDACTED]

**VOLUNTARY DISPOSITION AGREEMENT**

In the interest of resolving the above-captioned matter and consistent with the public interest and laws and regulations governing the Massachusetts Peace Officer Standards and Training Commission (“Commission”), including M.G.L. c. 6E, §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01–1.10, the Respondent, Shawn McKay, and the Commission hereby enter into this Voluntary Disposition Agreement:

**Factual Findings**

1. The Respondent was employed as a police officer for the Town of Foxborough, Massachusetts, from September 5, 2004, until January 31, 2023.
2. On July 1, 2021, the Respondent was automatically certified as a police officer in Massachusetts pursuant to St. 2020, c. 253 § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.
3. In 2009, the Respondent’s uncle and fellow Foxborough Police Department (“FPD”) patrol officer took custody of a rifle on behalf of Foxborough Police Department from a local resident who wished to surrender the rifle to FPD. The Respondent’s uncle transferred custody of the rifle to the Respondent, and allegedly offered assurances that this would be permissible to do. The Respondent did then take custody of the rifle without seeking permission from the Chief of FPD, as is required by FPD rules. The transfer of the rifle to the Respondent was documented in a contemporaneous police report, and the Respondent continued to possess the rifle until FPD discovered his possession during an unrelated inquiry. The Respondent then returned the rifle to FPD in 2022 when requested to do so. There is no evidence that the rifle was ever fired or misused in any manner by the Respondent. Furthermore, the Respondent has provided the Commission with evidence that, approximately at the time he acquired possession of the rifle, he took steps to register it with the Commonwealth Firearms Records Bureau, as required by state law.
4. The Respondent resigned from FPD on January 31, 2023, while the internal affairs investigation related to his improper acquisition and continued possession of the rifle was still pending. Following his resignation, FPD completed its internal affairs investigation, pursuant to 555 C.M.R. § 1.01(5), and determined that the Respondent’s conduct violated the following FPD rules: Rule 4.1 - Conduct Unbecoming an Officer; Rule 4.6 - Valuable Items –

Buying/ Receiving/Selling; Rule 4.16 - Unauthorized Transactions; and Rule 11.15 - Care and Custody of Property.

5. In addition to this incident described above, in August 2012 the Respondent received a letter of counseling for his inattentive driving that caused the Respondent to crash his department vehicle. Additionally, internal investigators have sustained the following allegations against the Respondent relating to his misconduct:

- a. February 2018: The Respondent received a written reprimand and a six-month restriction from motorcycle duty after he was involved in a motor vehicle accident when he responded in an unsafe manner to a non-emergency call for service. His conduct was in violation of FPD Rule 10.5 – Observing Policies and Procedures and Rule 11.10 Safe Keeping and Proper Use of Department Equipment.
- b. July 2020: The Respondent received a five-day suspension and an order to attend retraining for his involvement in an accident with a civilian motor vehicle when he operated a department motorcycle in the oncoming lane of travel while responding to an urgent call with his blue lights but no siren on. His conduct was in violation of FPD Policies and Procedures related to the Code of Conduct including Conduct Unbecoming, Response to Calls for Service, and Vehicle Use.

6. On November 16, 2023, the Commission, pursuant to M.G.L. c. 6E, §§ 8(c)(2) and 555 C.M.R. §§ 1.02(4), authorized the Division to conduct a preliminary inquiry into allegations of misconduct in 2009 against the Respondent. On April 10, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on April 18, 2024, the Commission authorized the initiation of disciplinary proceedings against the Respondent.

### **Applicable 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(b)(iii), “[t]he [C]ommission may, after hearing, 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.”

9. Pursuant to M.G.L. c. 6E, § 10(b)(v), “[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 repeated sustained internal affairs complaints, for the same or different offenses.

10. 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.

11. Pursuant to M.G.L. c. 30A, § 10, “[u]nless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default.”

12. The Respondent’s conduct described in paragraphs 2 through 5 above, constitutes a pattern of police misconduct that may escalate, justifying discipline against the Respondent pursuant to § 10(b)(iii).

13. The incidents described in paragraphs 4 and 5 above constitute repeated sustained internal affairs complaints against the Respondent, for the same or different offenses, justifying discipline against the Respondent pursuant to § 10(b)(v).

### **Resolution**

In view of the foregoing, 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:

14. The Respondent agrees to the suspension of his ability to hold a law enforcement officer certification in the Commonwealth of Massachusetts, based on the above factual findings and pursuant to M.G.L. c. 6E §§ 3(a), 10(b)(iii) and 10(b)(v) for a period of two months, beginning on the date this agreement is executed by the Commission. This disposition shall be, and reported by the Commission as, a “suspension” for purposes of discipline, pursuant to M.G.L. c. 6E §§ 3(a) and 10(b)(iii).

15. During the two-month suspension period, the Respondent shall not perform police duties or functions on behalf of any law enforcement agency. The Respondent shall also refrain from all conduct prohibited by the Commission during the period of suspension.

16. 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.

17. 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.

18. The Respondent acknowledges that, once this Agreement and any Order of Suspension issued by the 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.

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

9/19/2024  
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Date

  
\_\_\_\_\_  
Respondent

10/17/2024  
\_\_\_\_\_  
Date

Margaret R. Hinkle  
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Margaret R. Hinkle, Chair