

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

In the Matter of)
) Case No. 2023-018-S (PI-2023-01-12-004)
)
Tyler Russell)
)
)

SUSPENSION ORDER

The Respondent Tyler Russell has entered into a Voluntary Disposition Agreement under which he has agreed to the suspension of his law enforcement officer certification in the Commonwealth of Massachusetts for a period of six (6) months, beginning on the date of approval 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(c); M.G.L. c. 30A, § 10.

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 6 months, beginning on February 15, 2024, subject to the agreed-upon conditions;
- (b) During the period of his suspension, the Respondent shall not seek nor hold employment by any law enforcement agency in any capacity, shall be ineligible for admission to police schools or academies, and shall not seek renewal of his law enforcement officer certification; 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 February 15, 2024.

Notice: Andrew J. Gambaccini, Esq. (Respondent Attorney)
Timothy D. Hartnett, Esq. (Enforcement Counsel)
Acton Police Department (Agency)

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

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IN THE MATTER OF)		Commission Adjudicatory	
)		Case No. 2023-018-S	
TYLER RUSSELL)		(PI-2023-01-12-004)	
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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 G.L. c. 6E §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01–1.10, the Respondent, Tyler Russell, 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 Acton, Massachusetts.
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. On or about June 28, 2022, a third-party investigator hired by the Acton Police Department (“APD”) to investigate misconduct allegations against the Respondent submitted its internal investigation report to the APD. On July 6, 2023, the APD notified the Commission of the reports findings and conclusions.
4. As part of its investigation, the APD’s third-party investigator conducted a search of the Respondent’s work-issued cell phone.
5. As a result of the search described in paragraph 4 above, the APD’s third-party investigator discovered that on multiple occasions between June and August 2020, while employed by the APD and on-duty, the Respondent used his department-issued cell phone to take sexually explicit photos and videos.

6. As a result of the search described in paragraph 4 above, the APD's third-party investigator also discovered that on multiple occasions between June and August 2020, while employed by the APD, on-duty, and without any legitimate work-related purpose, the Respondent used his department-issued cell phone to send and receive sexually explicit photos and video, including the photos and video taken using his department-issued cell phone as described in paragraph 6 above.

7. As a result of the investigation and findings described in paragraphs 3 through 6 above, the APD concluded that the Respondent engaged in multiple acts of conduct unbecoming an officer and neglect of duty.

8. The Respondent resigned from his position with the APD on August 1, 2022.

9. On March 16, 2023, the Commission, pursuant to 555 C.M.R. §§ 1.02(2) and (4), authorized its Division of Police Standards ("Division") to conduct a preliminary inquiry into the allegations of misconduct against the Respondent described in paragraphs 3 through 6 above. On September 28, 2023, the Division submitted its preliminary inquiry report to the Commission. Subsequently, on October 24, 2023, the Commission voted to initiate disciplinary proceedings against the Respondent.

10. At the time of the misconduct described in paragraphs 5 and 6 above, the Respondent held the title of School Resource Officer for the Town of Acton, but the Respondent denies that he was assigned or working in that capacity at the time of the misconduct.

11. The Respondent was an officer with the APD from January 18, 2016 until his resignation on August 1, 2022, and has no other sustained misconduct allegations.

Conclusions of Law

12. 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; . . .

13. 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."

14. 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.

15. "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.

16. The Respondent's conduct described above paragraphs 3 through 6 above constitutes a pattern of police misconduct that may escalate, justifying discipline against the Respondent pursuant to § 10(b)(iii).

Resolution

In view of the foregoing alleged violations of M.G.L. c. 6E, § 10(b)(iii), and in view of the Respondent's having accepted responsibility for the misconduct described herein, 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 G.L. c. 6E §§ 3(a) and 10(b)(iii), for a period of **6 months**, beginning on the date this agreement is approved by the Commission.

18. The Respondent 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; and
- c. shall not seek renewal of his law enforcement officer certification.

19. The Respondent acknowledges that, on June 30, 2024, during the period of suspension contemplated herein, his law enforcement officer certification shall expire. After the period of suspension has ended, the Respondent may apply for recertification pursuant to such standards and procedures which 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. If and when the Respondent applies for certification as a law enforcement officer in Massachusetts, the Commission, its Executive Director, and/or its Division of Police Certifications may consider the misconduct described above paragraphs 3 through 6 above as part of their determination of the Respondent's "good character and fitness for employment" under M.G.L. c. 6E, § 4(f)(1) and 555 CMR 7.05. The Respondent agrees not to contest that the Commission may consider any of the misconduct described herein in any future determinations regarding his certification, including, but not limited to, determinations of good character and fitness for employment under 555 CMR 7.05.

23. 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.

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

2-8-24

Date



Respondent

2/20/2024

Date

Margaret R. Hinkle

Margaret R. Hinkle, Chair