

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

In the Matter of

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Case No. PI-2023-09-14-003

Aaron Souza

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SUSPENSION ORDER

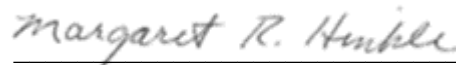
The Respondent Aaron Souza has entered into a Voluntary Suspension Agreement (“Agreement”) under which he has agreed to the suspension of his certification as a law enforcement officer in the Commonwealth of Massachusetts for a period of one year, beginning on the date of execution of the Agreement by 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)(i), 10(b)(v), 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 12 months, beginning on July 18, 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, shall be ineligible for admission to police schools or academies, shall not seek renewal of his law enforcement officer certification, and shall not commit additional criminal offenses or engage in conduct otherwise prohibited by the Commission; 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 July 18, 2024.



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

Notice: Alan H. Shapiro, Esq. Respondent Counsel
Shaun Martinez, Esq., Commission Enforcement Counsel
Fall River Police Department, Agency
Collective Bargaining Unit
Bristol County District Attorney's Office

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PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

In the matter of Aaron Souza)
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) Case No. PI-2023-09-14-003
_____)

VOLUNTARY SUSPENSION 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, Aaron Souza, and the Commission hereby enter into this Voluntary Disposition Agreement:

Factual Findings

1. The Respondent has been employed as a police officer for the City of Fall River, Massachusetts, since 2017.
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. His certification remains active.
3. On December 3, 2022, the Respondent was involved in a physical altercation at the Foxwoods Resort Casino in Mashantucket, Connecticut. During the altercation, the Respondent, without physical provocation, struck another individual about the head and upper body approximately six times with a closed fist, causing that individual to suffer pain and soreness in his neck and shoulders, and swelling, bruising, and lacerations to his face. The Respondent also threw a second individual to the ground, again without physical provocation.
4. As a result of his above-described conduct on December 3, 2022, the Respondent was charged in Connecticut District Court with two misdemeanor counts of Assault in the Third Degree, in violation of Conn. Gen. Stat. § 53a-6. On July 13, 2023, the Respondent resolved his criminal case when he agreed to abide by the conditions of Connecticut’s Accelerated Rehabilitation Program. The Respondent was placed on probation for a period of two years and, among other conditions of probation, is required to complete 100 hours of community service, pay restitution, and complete an anger management program.
5. At the conclusion of the Fall River Police Department’s internal investigation of the December 3, 2022, incident, investigators sustained allegations of conduct unbecoming of an officer and a failure to obey laws and regulations. In addition, internal investigators previously sustained other, unrelated allegations against the Respondent for complaints received in March

2018 and April 2020.

6. On September 14, 2023, the Commission, pursuant to M.G.L. c. 6E, §§ 8(c)(1) and (2) and 555 C.M.R. §§ 1.02(3) and (4), authorized the Division to conduct a preliminary inquiry into allegations of misconduct against the Respondent regarding the December 3, 2022, incident. On June 14, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on June 20, 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)(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 . . . has been convicted of any misdemeanor.”

9. Pursuant to M.G.L. c. 6E, § 1, a “conviction” constitutes “any outcome except wherein the matter is dismissed or the accused is found to be not guilty, including, but not limited, to . . . probation.”

10. The adjudication of the Respondent’s Connecticut criminal case, wherein he was assigned to probation related to two misdemeanor counts of Assault in the Third Degree, constitutes a “conviction” of a misdemeanor as that term is defined under the Commission’s enabling statute, thus supporting discipline pursuant to § 10(b)(i).

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

12. 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.

13. 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.”

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 law enforcement officer certification in the Commonwealth of Massachusetts, based on the above factual findings and pursuant to M.G.L. c. 6E, §§ 3, 10(b)(i), and 10(b)(v), for a period of one year, beginning on the date this agreement is executed by the Commission.

15. The Respondent agrees that, during the period of this suspension, he:

- a. shall not perform police duties or functions on behalf of any law enforcement agency;
- b. shall be ineligible for admission to police schools or academies;
- c. shall not seek renewal of his law enforcement officer certification; and
- d. shall not commit additional criminal offenses or engage in conduct otherwise prohibited by the Commission.

16. After the period of suspension has ended, the Respondent may apply for reinstatement pursuant to such standards and procedures the Commission may at that time impose upon him. The Respondent shall provide the Commission with such additional information as it may at that time require, including proof of his compliance with the terms of this agreement or his probation conditions.

17. 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

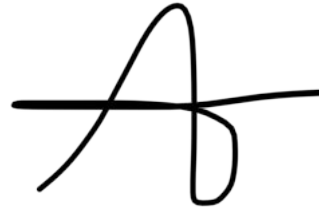
- c. seek any level of discipline supported by the evidence, up to and including the revocation of the Respondent's certification and the entry of his information onto the National Decertification Index.

18. 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.

19. 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.

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

07/11/2024
Date



Respondent

7/18/2024
Date

Margaret R. Hinkle
Margaret R. Hinkle, Chair