

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

IN THE MATTER OF )  
MILA DEPINA-COOLEY )

Case No. 2023-004

**FINAL DECISION**

In accordance with 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Peace Officer Standards and Training Commission (“Commission”). The Division of Police Standards (“Division”) filed a Motion for Default, or, in the Alternative, Summary Decision (“Motion”) on the grounds that there was no genuine issue of material fact that would warrant an evidentiary hearing because there was no dispute that Respondent Mila Depina-Cooley [REDACTED]

[REDACTED] On September 10, 2024, the parties argued the Motion before the Hearing Officer.

Pursuant to M.G.L. c. 30A, §§ 11(7) and (8) and 555 CMR 1.10(4)(e)(2), the Hearing Officer issued an Order, which is the Initial Decision, granting the Motion as to the request for summary decision filed by the Division. With regard to the Respondent’s argument that [REDACTED] and therefore more time was required, [REDACTED]

[REDACTED] The Hearing Officer concluded that “[REDACTED] does not provide a basis for either delaying resolution of this case by the Commission or holding a hearing [on the merits] in circumstances such as present here where the statutory mandate to revoke the officer’s certification clearly applies.” See Initial Decision. The Respondent had thirty (30) days to provide written objections to the Commission. No objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer.

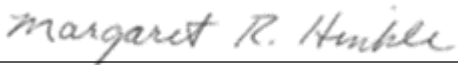
For the above reasons, the Motion filed by the Division of Police Standards is hereby **granted**. See 555 CMR 1.10(4). The Respondent was afforded the opportunity for a full and fair hearing, to the extent required by law. See M.G.L. c. 30A § 13 (providing that, “[e]xcept as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [§§ 10, 11, and 12],” but “[t]his section shall not apply” “[w]here the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a court conviction or judgment . . .”), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

The Commission finds, by clear and convincing evidence, that the Respondent [REDACTED] [REDACTED] And, where material facts are not in dispute and the statutory mandate to revoke the officer's certification clearly applies, the Commission is not required to conduct a hearing on the merits that would be meaningless. See Kobrin v. Board of Registration in Med., 444 Mass. 837, 846 (2005) (“[N]either the statute nor due process required the board to hold a hearing to take evidence concerning undisputed facts. Such a hearing would be a meaningless exercise.”); Massachusetts Outdoor Advertising Council v. Outdoor Advertising Bd., 9 Mass. App. Ct. 775, 789 (1980) (“[T]he Board’s summary disposition procedures . . . are structured in a fashion which does not offend the hearing requirements of [M.G.L. c. 30A, § 13], because they deprive applicants only of meaningless hearings and, therefore, do not deprive them of meaningful ones.”).

The Respondent’s certification is hereby revoked. The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. M.G.L. c. 6E, §§ 10(g), 13(b). This is the final decision of the Commission. M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e).

By vote of the Commission on November 21, 2024.

In accordance with M.G.L. c. 30A, § 14 and M.G.L. c. 6E, § 10(f), the Respondent may commence an appeal to the Superior Court within thirty (30) days to the extent allowed by law. After initiating proceedings for judicial review in Superior Court, the Respondent, or the Respondent’s attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Commission, in the time and manner prescribed by Mass. R. Civ. P. 4(d).

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

Date: November 21, 2024

Notice: William T. Broderick, Esq., Respondent’s Counsel  
Timothy D. Harnett, Esq., Commission Enforcement Counsel  
Boston Police Department, Agency  
Suffolk County District Attorney’s Office

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PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

IN THE MATTER OF )  
MILA DEPINA-COOLEY )

Case No. 2023-004

**ORDER ON DIVISION’S MOTION FOR SUMMARY DECISION**

The Peace Officer Standards and Training Commission (“Commission”) Division of Police Standards (“Division”) has filed a Motion for Summary Decision on the grounds that there is no genuine issue of disputed fact that would warrant an evidentiary hearing.

**Procedural History**

On July 1, 2021, Mila Depina-Cooley (“Respondent”) was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth. On September 15, 2022, the Boston Police Department submitted its historical disciplinary records to the Commission, where it was noted that the Respondent was assigned to its “suspended” unit. On March 28, 2023, the Commission suspended the Respondent’s certification. [REDACTED]

[REDACTED] On November 22, 2023, the Division served the Respondent with an Order to Show Cause.

On April 18, 2024, the Division filed a Motion for Default and Final Decision or, in the Alternative, Summary Decision. The Hearing Officer provided the Respondent additional time to respond, and, on June 3, 2024, the Respondent filed an Opposition to the Division’s Motion. A pre-hearing conference was held on July 22, 2024, at which the parties expressed mutual belief that an agreement would be made without further adjudication. The Division withdrew their section of the motion pertaining to the default while indicating it intended to only seek a Summary Decision. On July 30, 2024, the parties informed the Hearing Officer that negotiations had stalled. On September 10, 2024, a second pre-hearing conference was held, at which both parties argued the merits of the Motion for Summary Decision.

**Discussion**

The Division maintains that pursuant to 801 CMR 1.01(7)(h), a summary decision is warranted in this case because there is no genuine issue of material fact relating to its claim or any defense raised by the Respondent, and that it is entitled to prevail as a matter of law. Specifically, the Division relies on [REDACTED] which mandates that the Commission “revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that . . . [REDACTED]” The Respondent does not dispute that [REDACTED].

Rather, the Respondent claims that [REDACTED]

[REDACTED] The Respondent argues that a hearing by the Commission, at which the alleged wrongdoing of the police investigator could be determined and exposed, would be consistent with the goals and purpose of the establishment of the Commission. [REDACTED]

[REDACTED] Accordingly, [REDACTED] does not provide a basis for either delaying resolution of this case by the Commission or holding a hearing in circumstances such as present here where the statutory mandate to revoke the officer's certification clearly applies. Moreover, if there is police misconduct by the investigating officer which warrants the attention of the Commission, it would more appropriately be addressed in a separate inquiry involving that officer.

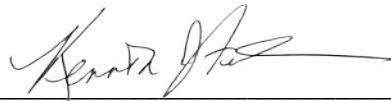
### **Recommendation**

Based on the evidence and the applicable statutes and regulations, the Hearing Officer finds by clear and convincing evidence that the Respondent [REDACTED] Pursuant to [REDACTED]

[REDACTED] Accordingly, the Hearing Officer recommends that the Motion for Summary Decision be **GRANTED**, and recommends that the Commission issue a final decision revoking the Respondent's certification. 555 CMR 1.08(4). Pursuant to M.G.L. c. 6E, § 10(g), the Commission shall publish any revocation order and findings and shall provide all revocation information to the National Decertification Index.

### **NOTICE OF 30-DAY RIGHT FOR REVIEW BY THE COMMISSION**

Pursuant to 555 CMR 1.10(4)(e)(2)(b), "[u]pon receipt of the presiding officer's initial decision, if there is an objection by the officer in writing to the [E]xecutive [D]irector regarding the presiding officer's findings and recommendations, the [C]ommission shall set dates for submission of briefs and for any further hearing which the [C]ommission in its discretion deems necessary. The [C]ommission shall review, and may revise, the findings of fact, conclusions of law and recommendation of the presiding officer, giving deference to the presiding officer's evaluation of the credibility of the testimony and other evidence presented at the hearing. Failure by the officer to object to the presiding officer's initial decision within 30 days shall constitute a waiver of the officer's right to appeal under M.G.L. c. 30A § 14."



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Hon. Kenneth J. Fishman (Ret.)  
Hearing Officer

Date: October 1, 2024

Notice: William T. Broderick, Esq., Respondent's Counsel  
Timothy D. Harnett, Esq., Enforcement Counsel  
Boston Police Department, Agency  
Suffolk County District Attorney's Office