

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

IN THE MATTER OF
MICHAEL FAREWELL

)
)

Case No. 2025-003

RETRAINING ORDER

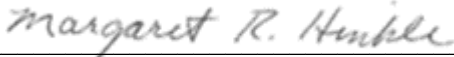
The Respondent Michael Farewell has entered into a Voluntary Disposition Agreement (“Agreement”), attached hereto and incorporated herein, under which he has agreed to undergo retraining and comply with certain conditions outlined in the Agreement. See M.G.L. c. 6E, §§ 3(a) and 10; M.G.L. c. 30A, §§ 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; and 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, up to and including the possible revocation of the Respondent’s certification and entry of his information into the National Decertification Index. 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 agrees to undergo retraining in a form to be approved by the Commission in consultation with the Municipal Police Training Committee; and
- (b) The Executive Director shall take the necessary steps to publish the Respondent’s name and retraining in any publicly available lists and database published by the Commission.

By vote of the Commission on January 16, 2025.



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

Notice: Michael Farewell, Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Division of Police Standards
Marblehead Police Department, Law Enforcement Agency

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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 M.G.L. c. 6E, §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01–1.10, the Respondent, Michael Farewell, and the Commission hereby enter into this Voluntary Disposition Agreement:

Factual Findings

1. On July 27, 2022, the Respondent was hired as a police officer by the Marblehead Police Department (“MPD”).
2. Effective March 10, 2023, the Commission issued a three-year certification to the Respondent, pursuant to M.G.L. 6E §§ 3(a), and 555 C.M.R. §§ 9.01–9.12. His certification is active and has remained active throughout the period covered by this Agreement.
3. On June 2, 2024, the Respondent was on duty when he responded to a motor vehicle crash on a public way in Marblehead.
4. As the Respondent neared the crash location, he observed a shirtless individual matching the description of the person suspected of operating the motor vehicle; the Respondent observed another individual chasing the suspect while wielding a golf club. This individual was later identified as the homeowner of the property the suspect’s vehicle had crashed into. The Respondent, in his cruiser, pursued the suspect with emergency lights and siren activated for several seconds as he verbally ordered the suspect to stop. The Respondent then exited his vehicle and pursued the suspect on foot for several more seconds. As he chased the suspect, the Respondent believed he observed multiple scratch marks on the suspect’s body.
5. The Respondent then deployed his taser in “probe mode,”¹ which caused the suspect to lock up and stop running. The Respondent took the suspect to the ground and placed him under arrest. The suspect was later charged with several criminal offenses related to the crash.

¹ The taser’s “probe mode” involves electronic probes launched from a distance to incapacitate, whereas “drive-stun mode” involves direct contact of the taser device to inflict pain.

6. In connection with MPD's subsequent investigation into the Respondent's actions, including his taser deployment, the Respondent informed investigators that his intent in deploying his taser was to prevent the suspect from engaging in a physical altercation with the homeowner. According to the Respondent, when he came upon the scene, he believed that a physical altercation had already taken place between them prior to his arrival, based on his observation of the homeowner chasing the suspect with a golf club, the suspect's behavior, and the Respondent's belief that he had seen scratch marks on the suspect's body.

7. Following its internal affairs investigation into the incident described above, MPD sustained a charge that the Respondent used excessive force. MPD determined that the Respondent did not have a reasonable justification to deploy his taser in "probe mode" according to MPD's established procedure and the Municipal Police Training Committee ("MPTC") guidance.

8. MPD's internal affairs investigation also resulted in several sustained charges related to untruthfulness. Specifically, MPD found that the Respondent was untruthful to its internal affairs investigator when the Respondent described his having seen the homeowner chase the suspect with a golf club; MPD determined that the Respondent was untruthful based on the statements given to investigators by the homeowner and other citizen witnesses. The Commission has independently reviewed MPD's records of all of the statements collected during MPD's internal affairs investigation and has concluded that there is insufficient evidence to support imposing discipline on the Respondent for untruthfulness. The Respondent served a five-day suspension for all sustained charges, and he resigned prior to a disciplinary hearing regarding these misconduct allegations.

9. On August 15, 2024, the Commission, pursuant to M.G.L. c. 6E, § 8(c)(1)(iii) and (c)(2) and 555 C.M.R. § 1.02(2) and (4), authorized the Division to conduct a preliminary inquiry into the allegations of misconduct sustained by MPD.

10. During the preliminary inquiry, the Division found that the Respondent's use of force on June 2, 2024, was not in compliance with established procedure and that it was excessive. The Commission has determined, and the Respondent agrees, that he would benefit in his job performance if retrained.

11. On December 12, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on December 19, 2024, the Commission authorized the initiation of disciplinary proceedings against the Respondent based on the allegation that he used excessive force. M.G.L. c. 6E, § 8(c)(1)(iii).

Legal Conclusions

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(d)(iii), “[t]he [C]ommission may, after a hearing, order retraining for any officer if the [C]ommission finds substantial evidence that the officer . . . used excessive force.”

14. Pursuant to M.G.L. c. 6E, § 10(d)(iv), “[t]he [C]ommission may [...] order retraining for any officer if the [C]ommission finds substantial evidence that the officer [...] failed to respond to an incident according to established procedure,”

15. Pursuant to M.G.L. c. 6E, § 10(d)(ix), “[t]he [C]ommission may, after a hearing, order retraining for any officer if the [C]ommission finds substantial evidence that the officer . . . would benefit from their job performance if retrained.”

16. 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.

17. 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.”

18. The Respondent used excessive force on June 2, 2024, when he deployed his taser in “probe mode” to arrest a suspect that was not assaultive. This use of excessive force was not in compliance with established procedure. The Respondent would benefit in his job performance if retrained.

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:

19. The Respondent agrees that, by deploying his taser against a subject that was not assaultive during the June 2, 2024, incident described above, he used excessive force and was not

in compliance with established procedure. The Respondent further agrees that he would benefit in his job performance by undergoing retraining. The Respondent therefore agrees to the entry of an order, by the Commission, directing him to undergo retraining in a form to be approved by the Commission in consultation with the MPTC, pursuant to M.G.L. c. 6E, §§ 3(a), and M.G.L. c. 6E, § 10(d)(iii), (iv), and (ix).

20. The Respondent agrees that, if he should fail to abide by any of the terms and conditions of this agreement, 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. The Respondent acknowledges that, once this Agreement is executed, it and any Order of Retraining issued by the Commission 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.

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

01/09/2025

Date



Respondent

1/16/2025

Date



Margaret R. Hinkle, Chair