

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

IN THE MATTER OF
KIRK MERRICKS

)
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Case No. 2025-004

DECERTIFICATION ORDER

The Respondent Kirk Merricks has entered into a Decertification Agreement (“Agreement”) under which he has agreed to the permanent revocation of his certification (also known as decertification) as a law enforcement officer in the Commonwealth of Massachusetts, beginning on the date of approval of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and the entry of his decertification in the National Decertification Index (“NDI”). See M.G.L. c. 6E, §§ 3(a), 10(a)(xvi), 10(b)(iii), 10(b)(v), and 10(g); M.G.L. c. 30A, §§ 10 and 13. As further conditions of the Agreement, 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, as well as any Order of the Commission contemplated by the Agreement.

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

- (a) The factual findings and conclusions of law set forth in the Agreement are hereby adopted;
- (b) The Respondent’s law enforcement certification is hereby permanently revoked; and
- (c) The Executive Director shall take the necessary steps to publish the Respondent’s decertification in the NDI and any publicly available lists and database published by the Commission.

By vote of the Commission on May 15, 2025.



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

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

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IN THE MATTER OF)	Commission Adjudicatory
)	Case No. 2025-004
KIRK MERRICKS)	
MPTC ID: 0088-1008)	
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DECERTIFICATION 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, Kirk Merricks, and the Commission hereby enter into this Decertification Agreement:

Factual Findings

1. The Respondent was employed as a police officer by the Boston Police Department from approximately November 22, 1989, to January 31, 2025.
2. On July 1, 2021, the Respondent was automatically certified as a law enforcement officer in Massachusetts pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. On July 1, 2023, the Respondent was recertified by the Commission pursuant to M.G.L. 6E, §§ 3(a)(3) and 4 and 555 C.M.R. §§ 9.01-9.12. His certification remained active until the Commission voted to suspend it on January 16, 2025, pursuant to M.G.L. c. 6E, § 9(a)(4) and 555 CMR 1.06(2).
3. It was alleged that on [REDACTED], during an argument in the driveway outside of [REDACTED], the Respondent shoved [REDACTED] and grabbed [REDACTED] neck with sufficient force to impede [REDACTED] ability to breathe. The Respondent allegedly started and placed his vehicle in drive while [REDACTED] was standing on the running board of the vehicle, holding onto the steering wheel through the open driver's side door. The Respondent then drove the vehicle forward while [REDACTED] hung on to the end of their driveway. The incident was recorded on video surveillance cameras on [REDACTED] [REDACTED] [REDACTED], and the Respondent was [REDACTED]

4. On [REDACTED], based on the [REDACTED] allegations described above, the Respondent was [REDACTED]
[REDACTED] was entered on his behalf at that time.

5. On [REDACTED], a [REDACTED] application for [REDACTED] after a [REDACTED] at [REDACTED]. Among other things, [REDACTED] required that the Respondent immediately leave and stay away from [REDACTED]. Given the open [REDACTED], the Respondent chose [REDACTED].

6. On [REDACTED], after his [REDACTED], the Respondent traveled to his and [REDACTED], in an alleged violation of the [REDACTED] that had just been granted and in violation of his conditions [REDACTED] a copy of which the Respondent had just signed in acknowledgment that he understood them. [REDACTED] called 911 when [REDACTED] and saw the Respondent outside. Police responded and created an incident report but did not arrest or charge the Respondent for [REDACTED]. The Respondent informed the officers that he was there to pick up his belongings. The Respondent told police at the time that he [REDACTED], and [REDACTED]
[REDACTED]

7. On [REDACTED], stemming from the [REDACTED] incident, the Respondent was [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED]
[REDACTED]

8. On [REDACTED]
[REDACTED]

9. On April 18, 2024, Boston Police Department sustained two counts of conduct unbecoming a police officer due to the Respondent's alleged [REDACTED] conduct [REDACTED] described above. The Respondent retired in lieu of discipline on January 31, 2025.

10. Including the above-described sustained violations, the Respondent has a history of approximately thirteen sustained rules violations during his employment at the Boston Police Department. These sustained violations include the following:

- a. On July 18, 2003, one count of Neglect of Duty/Unreasonable Judgment and one count of Conduct Unbecoming. It was alleged that on various dates, the Respondent unnecessarily interfered in [REDACTED], including on June 15, 2002, when the Respondent appeared at Boston's Logan Airport in uniform after having worked an overnight shift and during one such [REDACTED], and his appearance may have conveyed to airline personnel and a Mass State Police trooper, with whom he interacted related to the [REDACTED], that the Respondent was on duty and was performing official police business. The Respondent denied trying to convey the appearance that he was on duty.
- b. On February 23, 2006, it was alleged that the Respondent was in violation of one count of Conformance to Laws and one count of Criminal Complaints (failing to report a criminal complaint against the Respondent to his commanding officer). The Respondent attempted to pay for a rubbish removal service with a check that did not clear for insufficient funds. After he learned that the check bounced, the Respondent did not make the service provider whole until several months later, after he was given an opportunity at a clerk magistrate's hearing to make payment by a certain deadline and after a criminal complaint for felony larceny then issued on December 13, 2005, against the Respondent when he still had not made payment by the deadline. The Respondent did not notify a commanding officer of the resulting criminal complaint as required. The Respondent made the service provider whole and the complaint was later dismissed.
- c. On August 10, 2006, one count of Directives and Order. The Respondent failed to comply, twice, with an order to complete an incident report related to his response to a stabbing victim and his pursuit of a suspect vehicle on April 15, 2006. The Respondent had not been at the location of the victim for the entirety of police involvement, and he independently determined that he should not be the one to author a report as he did not know all of the facts. The Respondent spoke with his union representative and then complied by completing a report to the best of his ability.
- d. On January 29, 2014, one count of Conduct Unbecoming for the Respondent's argument with his [REDACTED] on May 31, 2013, in which it was alleged that the Respondent yelled and kicked in and damaged a bathroom door. Police became involved and [REDACTED] against the Respondent on June 4, 2013. [REDACTED].
- e. On April 12, 2024, two counts of Conduct Unbecoming for the misconduct alleged in paragraphs 3 and 6 above.

11. On August 16, 2024, the Commission, pursuant to M.G.L. c. 6E, §§ [REDACTED] and (c)(2) and 555 CMR 1.02(2), [REDACTED], and 1.02(4), authorized the Division to conduct a

preliminary inquiry into the Respondent's alleged [REDACTED] conduct and allegations of a history of internal affairs complaints.

12. On January 9, 2025, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on January 16, 2025, the Commission voted to initiate disciplinary proceedings against the Respondent. The Commission suspended the Respondent's certification on that same date.

Conclusions of Law

13. 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; . . .

14. Pursuant to M.G.L. c. 6E, § 10(a)(xvi), "[t]he [C]ommission shall [...] revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that [...] the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the [C]ommission."

15. 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 [...] has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate."

16. 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."

17. Pursuant to M.G.L. c. 6E, § 10(g), "[t]he [C]ommission shall publish any revocation order and findings. The [C]ommission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section."

18. "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.

19. Based on conduct described above, the Respondent is not fit for duty as an officer and is dangerous to the public, pursuant to § 10(a)(xvi).

20. The Respondent's alleged conduct described above indicates a pattern of unprofessional police conduct that may escalate, pursuant to § 10(b)(iii).

21. The Respondent's alleged internal affairs history indicates a history of repeated, sustained internal affairs complaints, pursuant to § 10(b)(v).

Resolution

In view of the foregoing violations of M.G.L. c. 6E, §§ 10(a)(xvi), (b)(iii), and (b)(v), 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:

22. The Respondent hereby agrees to the permanent revocation of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E, §§ 3(a), 10(a)(xvi), 10(b)(iii), and (b)(v).

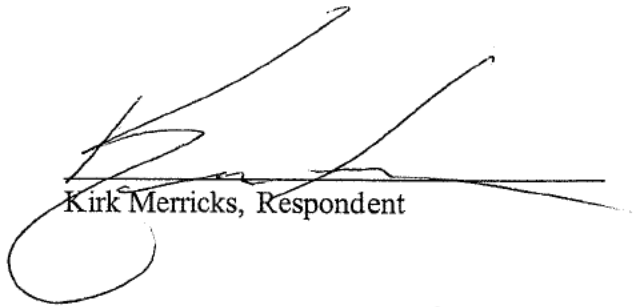
23. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this Agreement, as well as any Order of the Commission contemplated by this Agreement, in any administrative or judicial forum to which the Commission is or may be a party.

24. The Respondent acknowledges that, once this Agreement is executed, the Commission will issue an Order of Decertification, and said Order will adopt the factual findings and the conclusions of law set forth in this Agreement. Both this Agreement and the Order of Decertification 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.

25. The Respondent understands and acknowledges that, as required under M.G.L. c. 6E, § 10(g), the Commission will submit all revocation information, including a copy of this Agreement and any Order of Decertification, for inclusion in the National Decertification Index.

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

4/28/2025
Date


Kirk Merricks, Respondent

May 15, 2025
Date

Margaret R. Hinkle
Margaret R. Hinkle, Chair