

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

IN THE MATTER OF
MATTHEW HUBBARD

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Case No. 2023-015

FINAL DECISION

In July 2023, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) suspended the certification of Matthew Hubbard (“Respondent”) based on credible information that he had been charged with one or more felonies.*

Thereafter, in September 2024, the Division of Police Standards (“Division”) ordered the Respondent to show cause why the Commission should not revoke his certification as a law enforcement officer if it finds that he obtained recertification by misrepresenting his medical history in connection with this application for recertification; falsified an employment document in order to retain his employment as a law enforcement officer and renew his certification; and has been convicted of a misdemeanor offense.

In accordance with and pursuant to M.G.L. c. 6E, § 3(a) and 555 CMR 1.10(1), the Chair of the Commission, Hon. Margaret R. Hinkle (Ret.), designated Hon. Charles J. Hely (Ret.) as the Hearing Officer. The hearing, which was held in conformance with M.G.L. c. 30A, §§ 10, 11, and 13; 801 CMR 1.00; and 555 CMR 1.10, commenced on January 15, 2025, and concluded on the same day.

The Hearing Officer issued his Initial Decision, pursuant to M.G.L. c. 30A, §§ 11(7) and 11(8), and 555 CMR 1.10(4)(e)2., on March 18, 2025, finding by clear and convincing evidence that the Respondent obtained his certification through misrepresentation or fraud and falsified a document in order to renew his certification. The Hearing Officer then recommended that the Commission revoke the Respondent’s certification as a law enforcement officer, pursuant to M.G.L. c. 6E, §§ 10(a)(iii) and (iv), based on those findings. The Hearing Officer also found, by clear and convincing evidence, that the Respondent had been convicted of three misdemeanors. The Hearing Officer “recommend[ed] . . . that the Commission consider the misdemeanors along with the certification revocation required by M.G.L. c. 6E, §§ 10(a)(iii) and (iv).”

On April 17, 2025, the Respondent filed objections to the Initial Decision. Pursuant to the briefing schedule established by the Commission, the Division filed a response on May 8, 2025, stating that “[n]othing in the Respondent’s Objections undermines the evidence presented at the hearing nor any of the findings or conclusion of the Initial Decision.”

* In September 2022, the Respondent was arrested and charged in the State of Connecticut, Superior Court, District of Hartford, with First-Degree Larceny-Defrauding a Public Community over \$2,000, Worker’s Compensation Fraud over \$2,000, and Perjury, all of which are felonies under Connecticut Law. See Connecticut v. Matthew Hubbard, Case No. H14HCR22-752734 (Conn. GA-14 Hartford Super. Ct. September 20, 2022); Conn. Gen. Stat. §§ 31-290c, 53a-122(a)(4), and 53a-156. In April 2024, as part of a plea agreement, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), the Respondent pled guilty to three (reduced) counts of Larceny in the Fourth Degree, which is a misdemeanor in Connecticut. See Connecticut v. Matthew Hubbard, Case No. H14HCR22-752734 (Conn. GA-14 Hartford Super. Ct. April 26, 2024); Conn. Gen. Stat. § 53-125.

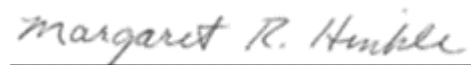
After careful consideration of the evidence presented in the hearing, the findings of fact and rulings of law in the Initial Decision, and the subsequent filings submitted by the Respondent and the Division, the Commission finds by clear and convincing evidence that the Respondent's certification was obtained through misrepresentation or fraud and that the Respondent falsified a document in order to obtain or renew his certification. See M.G.L. c. 6E, §§ 10(a)(iii) and 10(a)(iv). The Commission also finds by clear and convincing evidence that the Respondent has been convicted of three misdemeanors. See M.G.L. c. 6E, §10(b)(i). **The Respondent's certification is hereby revoked based on M.G.L. c. 6E, §§ 10(a)(iii), 10(a)(iv), and 10(b)(i).**

The Executive Director shall take the necessary steps to publish the Respondent's decertification in the National Decertification Index. See 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 May 15, 2025.

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).



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

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

IN THE MATTER OF
MATTHEW HUBBARD

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Case No. 2023-015

INITIAL DECISION

I. INTRODUCTION

The Respondent, Officer Matthew Hubbard, was a reserve police officer who worked part time for the Agawam Police Department for many years. On July 18, 2023, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) suspended Officer Hubbard’s police officer certification. The suspension was based on false statements made by Officer Hubbard in a written Initial-Hire Form used by the Agawam Police Department. In suspending Officer Hubbard’s certification, the Commission also considered Officer Hubbard’s guilty pleas to three Connecticut misdemeanor charges.

M.G.L. c. 6E, §10(a) states that the Commission “shall, after a hearing, revoke an officer’s certification if the commission finds by clear and convincing evidence that: . . . (iii) the certification was obtained through misrepresentation or fraud” or “(iv) the officer falsified any document in order to obtain or renew certification.”

Additionally, M.G.L. c. 6E, § 10(b) states that the Commission “may, after a hearing, suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer: (i) has been convicted of any misdemeanor. . . .”

On January 15, 2025, the Hearing Officer conducted an adjudicatory hearing to determine whether the Commission should revoke Officer Hubbard’s certification. Officer Hubbard was the only witness who testified at the hearing. Based on the evidence presented at the hearing and the Parties’ stipulations, the Hearing Officer finds that there is clear and convincing evidence

that Officer Hubbard's certification was obtained through misrepresentation or fraud and that he falsified the Initial-Hire Form in order to obtain or renew certification. The Hearing Officer recommends that the Commission revoke Officer Hubbard's certification as required by M.G.L. c. 6E, § 10(a)(iii) and (iv).

The Hearing Officer also finds by clear and convincing evidence that Officer Hubbard has been convicted of three misdemeanors.

II. FACT FINDINGS

A. False Written Statements

In their Joint Pre-Hearing Memorandum, the Parties stipulated to many of the important facts in this case. Officer Hubbard was the only witness who testified in the adjudicatory hearing.

For many years, Officer Hubbard worked full time as a corrections officer for the Connecticut Department of Corrections. (Exhibit M; Hubbard Testimony). For many years, Officer Hubbard also served as a reserve police officer working part-time for the Agawam Police Department. (Ex. A; Ex. M; Hubbard T.).

On August 7, 2020, Officer Hubbard injured his right Achilles tendon while on duty as a Connecticut corrections officer. (Ex. A; Ex. B; Ex. C; Ex. M; Hubbard T.). As a result of this injury, Officer Hubbard required and obtained various medical treatments over the course of several months. (Ex. A; Ex. C; Ex. M; Hubbard T.). Based on his injury and medical treatment, Officer Hubbard applied for and received temporary total disability benefits from the State of Connecticut from August 7, 2020, through July 5, 2022. (Ex. A; Ex. C; Ex. M).

On July 1, 2021, the Commission automatically certified Officer Hubbard for a one-year period. See St. 2020, c. 253, § 102.

On or about May 6, 2021, Officer Hubbard began driving to and participating in service trainings for the Agawam Police Department despite his continuing receipt of temporary total disability benefits from Connecticut. (Ex. C; Ex. M). The Connecticut benefits included compensation for round-trip transportation to medical appointments. (Ex. A; Ex C; Ex. M).

Prior to a recertification, Officer Hubbard was required by 555 CMR 7.06(3) to complete Bridge Academy training. In early 2022, Officer Hubbard attended the Bridge Academy training during a period in which he was receiving temporary total disability benefits from Connecticut for being completely unable to work as a corrections officer. (Ex. A; Ex. C; Ex. M).

Before attending the Bridge Academy, Officer Hubbard was required to undergo a medical examination and obtain a medical clearance from a physician. See 555 CMR 7.06(4). In connection with the pre-academy medical examination, Officer Hubbard was required to complete an “Initial-Hire Medical Standards Medical Examination Form.” The purpose of this Initial-Hire Form was, in part, to document pertinent details of Officer Hubbard’s medical history. A copy of Officer Hubbard’s Initial-Hire Form is Ex. F.

The Initial-Hire Form contained a provision entitled “Consent and Certification (Completed by Candidate)”. (Ex. F). This provision required Officer Hubbard to certify “that all the information given by me in connection with this examination will be correct and complete to the best of my knowledge and belief.” (Ex. F). On January 8, 2022, Officer Hubbard signed and dated the Initial-Hire Form on the signature and date lines beneath the Consent and Certification provision. (Ex. F).

The Initial-Hire Form contains a series of seventy-eight medical history questions. (Ex. F). The Form’s instructions instruct the signer: “Do you now have or have you ever had any of the following. (Check Yes or No).” (Ex. F). Next to each question here is a “Yes” box and a

“No” box for the signer to mark yes or no. (Ex. F). Officer Hubbard marked “No” as his answer for five medical history questions. (Ex. F). The Parties stipulated that several of Officer Hubbard’s statements on the form were materially false. The Parties stipulated that Officer Hubbard falsely denied having any history of:

15. “Injury or abnormality of the arms or legs”

66. “Occupational (work injuries)”

67. “Disability or compensation claim”

71. “Medical treatment in the past 12 months”

72. “CAT Scan, MRI, or other special tests”.

Joint Pre-Hearing Memorandum; see also Ex. F.

As noted earlier, Officer Hubbard completed and signed the Initial-Hire Form on January 8, 2022. Officer Hubbard admitted in his testimony that he made these false statements so that he could “seize the opportunity” to attend Bridge Academy Training and other required training and be eligible for recertification at the end of his one-year certification. In a video recorded interview with Commission representatives months before the adjudicatory hearing, Officer Hubbard said that he “was just trying to . . . maintain my certification.” (Ex. M).

B. Three Misdemeanor Convictions

On September 20, 2022, Officer Hubbard was arrested in Connecticut. (Ex. C; Ex. D). He was charged with three felonies: First Degree Larceny - Defrauding a Public Community of over \$2,000; Worker’s Compensation Fraud of over \$2,000; and Perjury. (Ex. C; Ex. D).

The Agawam Police Department conducted an internal affairs investigation after Officer Hubbard’s Connecticut arrest. (Ex. A). On September 27, 2023, the Agawam internal affairs

investigation concluded that Officer Hubbard had violated the Department's rules and regulations regarding "Conduct Unbecoming," "Criminal Conduct," and "Truthfulness." (Ex. A).

On April 26, 2024, as part of a guilty plea agreement in Connecticut, Officer Hubbard pleaded guilty to reduced charges of three misdemeanors. (Ex. C; Ex. D). The misdemeanors that Officer Hubbard pleaded guilty to were three counts of Larceny in the Fourth Degree. (Ex. C; Ex. D). Officer Hubbard's guilty pleas to these misdemeanors were part of an Alford plea whereby he entered guilty pleas to the three misdemeanors but denied the underlying facts asserted in the accusations. (Ex. C; Ex. D; Hubbard T.); see North Carolina v. Alford, 400 U.S. 25 (1970).

III. CONCLUSION

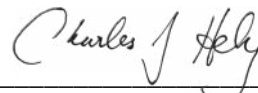
As noted in the Introduction above, M.G.L. c. 6E, § 10(a), states that the Commission "shall, after a hearing, revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that: . . . (iii) the certification was obtained through misrepresentation or fraud" or "(iv) the officer falsified any document in order obtain or renew certification." The Hearing Officer finds that there is clear and convincing evidence that Officer Hubbard's certification was obtained through misrepresentation or fraud. The Hearing Officer also finds from clear and convincing evidence that Officer Hubbard falsified the Initial-Hire Form in order renew his certification. The Hearing Officer recommends that the Commission revoke Officer Hubbard's certification as required by M.G.L. c. 6E, § 10(a)(iii) and (iv).

The Hearing Officer also finds by clear and convincing evidence that Officer Hubbard was convicted of three misdemeanors. Under M.G.L. c. 6E, § 10(b)(i), the Commission "may" after a hearing suspend or revoke an officer's certification based on clear and convincing

evidence of a misdemeanor conviction. In contrast with M.G.L. c. 6E, § 10(a), the Commission is not required to suspend or revoke an officer's certification based on the misdemeanor convictions. Because Officer Hubbard's certification "shall" be revoked under M.G.L. c. 6E, § 10(a)(iii) and (iv), the Hearing Officer recommends only that the Commission consider the misdemeanors along with the certification revocation required by M.G.L. c. 6E, § 10(a)(iii) and (iv).

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 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."



Hon. Charles J. Hely (Ret.)
Hearing Officer

Date: March 18, 2025