

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

IN THE MATTER OF
MICHAEL RICHARD

)
)

Case No. 2025-025

ORDER OF THE SINGLE COMMISSIONER

Introduction

On April 17, 2025, the Peace Officer Standards and Training Commission (“Commission”) issued a suspension order, suspending the law enforcement officer certification of Michael Richard (“Richard”) pursuant to M.G.L. c. 6E, § [REDACTED], which states as follows:

The commission may, [REDACTED] . . . , suspend the certification of any officer if the commission determines by a preponderance of the evidence that the suspension is in the best interest of the health, safety or welfare of the public.

Richard requested a stay of the suspension and requested a hearing before a single commissioner on the matter pursuant to M.G.L. c. 6E, § 9(d) and 555 CMR 1.09. The Chair of the Commission assigned me to preside over the hearing as the single commissioner, in accordance with 555 CMR 1.09(4).

On May 2, 2025, a hearing was held on the matter. Attorney Colin Confoey, Esq., represented Richard. Attorney Tara L. Chisolm, Esq., served as Enforcement Counsel on behalf of the Commission’s Division of Police Standards (“Division”).

Both parties opposed opening the hearing to the public. I determined that closure of the hearing was necessary to protect privacy interests and would not be contrary to the public interest in keeping with 555 CMR 1.09(6)(c). Therefore, I ordered that the hearing be closed. The Commission recorded the hearing, and a copy of the recording can be made available upon request.¹

At the hearing, prior to the start of the evidence, Attorney Confoey requested that Joseph Benevento be allowed to remain for the entirety of the hearing. Benevento is the President and Business Agent for Teamsters Local 42, the union that represents Richard. Richard had intended to call Benevento as a witness during the hearing. Attorney Chisolm objected to Benevento’s presence during the hearing and requested that all witnesses be sequestered. After hearing argument from both counsel, I denied Attorney Confoey’s request and ordered that the witnesses be sequestered.

¹ If there is a judicial appeal of this decision, the appellant in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he wishes to challenge the decision as unsupported by the substantial evidence, arbitrary or capricious, or an abuse of discretion. See Mass. Super. Ct. Standing Order 1-96. If such an appeal is filed, the Commission can provide the recording to the appellant to transcribe the hearing.

All twenty-seven of the parties' exhibits were admitted into evidence by agreement of the parties. Richard called three witnesses, including himself, to testify at the hearing.

The findings of fact and conclusions of law in this Decision are based on consideration of all pleadings filed in the case, the parties' Joint Memorandum, the evidence presented to the Commission and provided by the officer, and testimony at the hearing.

The suspension of an officer must be affirmed "unless the single commissioner determines by a preponderance of the evidence presented to the [C]ommission and additional evidence provided by the officer, [that] the suspension is not warranted." See 555 CMR 1.09(6)(a).

After careful review of the evidence, I have determined that Richard has failed to demonstrate by a preponderance of the evidence that his suspension here was not warranted.

Findings of Fact

Based on the information properly before me, I make the following findings:

1. Richard has served as a law enforcement officer with the Manchester-by-the-Sea Police Department ("MSPD") since September 2010. (Joint Memorandum; Richard Testimony.)
2. Especially in 2021 and before, Richard received awards and commendations for his service with the MSPD. (Exs. 4-13; Richard Testimony.)
3. Richard was married in 2016 and divorced in 2025. (Richard Testimony.)
4. In 2021, Richard [REDACTED] (Richard Testimony.) I take judicial notice that [REDACTED] describes [REDACTED]
5. In September 2023, while intoxicated, Richard contacted an on-duty female officer in his police department and made inappropriate comments to her. (Richard Testimony.)
6. In November 2023, while intoxicated, he contacted an alleged victim and suspect in a case involving allegations of domestic violence. He also contacted the regional dispatch center. Richard's actions jeopardized the safety of the alleged victim. (Richard Testimony.)
7. In January 2024, while intoxicated, he inserted himself into a firearms investigation. Richard's actions jeopardized the safety of the police and the community. (Richard Testimony; Ex. I.)
8. In February 2025, Methuen police were called twice to the residence where Richard was living. Richard was intoxicated on both occasions. On the second occasion, before the arrival of the police, [REDACTED] On that day, Richard's [REDACTED] while speaking about [REDACTED], told

- the police that she feared for Richard's safety, his fellow officers' safety, and the public that he works with. (Richard Testimony; Rizzuti Testimony; Ex. B.)
9. On February 28, 2025, Richard [REDACTED] On March 27, 2025, [REDACTED]. (Richard Testimony; Rizzuti Testimony; Ex. 2A.)
10. On March 27, 2025, Richard's union and the Town of Manchester-by-the-Sea entered into a Last Chance Agreement. (Richard Testimony; Benevento Testimony; Ex. 1A.)
11. On April 9, 2025, [REDACTED] after an examination of Richard, issued a [REDACTED] report. (Richard Testimony; Benevento Testimony; Ex. 3A.) His report states, among other things, that [REDACTED] (Ex. 3A.) His report further states [REDACTED]
12. On April 17, 2025, the Commission voted to [REDACTED] suspend Richard's law-enforcement certification [REDACTED]. (Joint Memorandum.)
13. Richard's actions, even when off-duty, are still the actions of a police officer who is licensed to carry a firearm.² As a police officer, Richard has been able to influence, and undermine, ongoing criminal investigations and place victims and the public at risk in ways that he would not have been able to do if he were not a certified law-enforcement officer.
14. By his own admission, his off-duty actions in 2023, when he contacted the alleged perpetrator of domestic abuse while intoxicated and off-duty, placed the victim in danger. (Richard Testimony.) I agree with that assessment.

² Richard's attorney has argued that I should not consider actions that occurred off-duty, that were non-criminal, or that did not result in physical harm to another. The applicable statute and regulation, however, impose no such restrictions. See M.G.L. c. 6E, § [REDACTED]; 555 CMR [REDACTED]. Furthermore, regulations elsewhere in the Commission's regulatory scheme provide that an assessment of an officer's fitness for duty "shall take into account on-duty and off-duty conduct." 555 CMR 7.05(1); see also 555 CMR 9.07(1)(a)6. ("Any assessment of whether an applicant possesses good character and fitness for employment . . . [s]hall involve due consideration of . . . [t]he applicant's on-duty and off-duty conduct."). It would be odd, indeed, to require an assessment of off-duty conduct in those situations but prohibit such an assessment here. Indeed, such a prohibition would run counter to the plain intention of the statutory and regulatory scheme, which, among other things, aims to protect the public from threats to the health, safety, and welfare of the public through an assessment of a wide variety of factors. See e.g. M.G.L. c. 6E; 555 CMR 7.05; 555 CMR 7.06; 555 CMR 9.07; 555 CMR 9.08; see also Commonwealth v. Buccella, 434 Mass. 473, 481 (2001) (refusing to interpret regulation in a manner that "would be utterly absurd and . . . clearly not what [the authoring agency] intended."). I decline to adopt the limitations proposed by Richard's attorney.

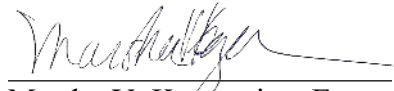
15. Similarly, his supervising officer concluded that his inserting himself, unauthorized, into a firearms investigation while Richard was intoxicated and off-duty “could have put the Police Department and the Town of Manchester-by-the-Sea at risk.” (Ex. I; see also Richard Testimony.) I agree with that assessment as well.
16. Finally, threats [REDACTED], which are made by an intoxicated police officer licensed to carry a firearm and vested with the authority to use it, pose a legitimate concern for the safety, health, and welfare of the public and fellow police officers.
17. Although Richard received a [REDACTED] on April 9, 2025, this is not the first time Richard has received [REDACTED] and then violated it by demonstrating that he was, in reality, not truly [REDACTED]. [REDACTED] has contingencies. [REDACTED] which is no easy feat. (Ex. 3A.) Indeed, [REDACTED] (Richard Testimony.) [REDACTED] (Ex. 3A.)
- Although I do hope that Richard is able to maintain [REDACTED] in perpetuity, less than two months [REDACTED] is insufficient to persuade me that the Commission’s decision to suspend his certification on April 17, 2025 was unfounded.
18. Richard inserted himself repeatedly into criminal investigations in ways that risked the safety of the public and the police, subjected a fellow officer to harassment, and demonstrated a level of instability and [REDACTED] that could lead a reasonable person to fear that he may very well do harm to others [REDACTED], especially as a certified law-enforcement officer authorized to carry a firearm.
19. I find that Richard has not demonstrated by a preponderance of the evidence that the suspension of his certification here was unwarranted.
20. Richard’s actions—the multiple ways in which he harmed people and placed people at risk—damaged the trust that the public had placed in him. Some types of damage are unfixable; others can be fixed with time and effort. I make no prediction about whether or how the damage here may be fixed. I do acknowledge, however, that Richard has been making genuine efforts to rebuild that trust. He has a new home, a supportive family, and a network of counselors. He recently attended and completed a thirty-day inpatient rehabilitation program. He no longer is in a failing marriage. He is taking better care of himself physically and has resolved to remain [REDACTED]. (Richard Testimony.) Those are all positive, hopeful signs.

ORDER

For the reasons stated above, the Petitioner’s request for a stay of the suspension of his certification is denied. The suspension imposed on April 17, 2025 shall remain in effect until issuance of the final decision of the Commission or until the suspension is revoked by the Commission.

The Executive Director shall publish the Petitioner’s name in the list of suspended officers unless the suspension of the Petitioner’s certification is either revoked by the full Commission pursuant to a request by the Petitioner or is revoked by a final decision of the full Commission, whichever comes first.

This is the final decision of the Single Commissioner. M.G.L. c. 30A, § 11(8); 555 CMR 1.09(6)(d). A party aggrieved by this Order may commence an appeal to the Superior Court within thirty days in accordance with M.G.L. c. 30A, § 14. After initiating proceedings for judicial review in Superior Court, the appellant, or his 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 in the manner prescribed by Mass. R. Civ. P. 4(d).



Marsha V. Kazarosian, Esq.
Single Commissioner

Date: 5/20/2025

Notice: Colin R. Confoey, Esq., Respondent's Counsel
Tara L. Chisholm, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Manchester-by-the-Sea Police Department, Law Enforcement Agency
Collective Bargaining Unit