

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

IN THE MATTER OF
ROBERT DEVINE

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Case No. 2024-003-P

ORDER

Pursuant to 555 CMR 1.10(4)(a)2., “[a]n adjudicatory hearing conducted under 555 CMR 1.10 . . . shall be public except where the presiding officer . . . determine[s] that closure is necessary to protect privacy interests and will not be contrary to the public interest.” Furthermore, “the [P]residing [O]fficer and [C]ommission shall make all reasonable efforts to protect the confidentiality of any documents submitted or considered during the course of an adjudicatory hearing, to the extent permitted by law and as described in 555 CMR 1.10(4)(a)1.”

A protective order and supplemental protective order have been entered in this matter to protect confidential discovery materials and the identity of an individual. Many of these same materials are being offered as exhibits at the adjudicatory hearing scheduled for June 5 and 6, 2025. Moreover, the contents of these exhibits, the identity of the individual whose name remains confidential, and other information that is confidential under the protective orders, will be the subject of testimony presented at the adjudicatory hearing.

On May 27, 2025, the Hearing Officer notified the Parties that due to the protective orders entered in this case, portions of the arguments and evidence presented at the hearing scheduled for June 5 and 6, 2025, must be protected from disclosure to the public. The Hearing Officer has been considering the feasibility of structuring the presentation of evidence to enable an efficient proceeding between the closed, and, if any, open portions of the hearing. The Parties were instructed to confer and provide suggestions on the potential for structuring the hearing to accomplish this goal.

The Parties have advised the Hearing Officer that “it is likely that the entirety of the hearing will include interspersed discussions of the confidential exhibits covered by the protective order . . . [and that] all witness testimony, opening statements, and closing arguments will include analysis of those exhibits.” The Division of Police Standards further stated that “it’s unlikely that any testimony regarding the substance of the allegations would cover topics outside of the protected evidence.”

The Hearing Officer concurs that there is no reasonable method for opening any portions of this hearing to the public without a substantial risk of disclosing confidential evidence. Accordingly, it is hereby **ORDERED** that the adjudicatory hearing in this matter, to be held on June 5 and 6, 2025, be **CLOSED** to the public. To further protect the closed proceeding, it is hereby **ORDERED** that any witnesses to be called at the proceeding must appear and testify in person. Witnesses will not be permitted to testify over Zoom or any other electronic method.



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

Date: May 30, 2025

Notice: Robert W. Stowe, Esq., Respondent's Counsel
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards