

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

IN THE MATTER OF
JAMES MCCALL

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Case No. 2024-048-P

FINAL DECISION

In December 2024, the Division of Police Standards (“Division”) ordered James McCall (“Respondent”) to show cause why the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should not revoke or otherwise take action against his certification as a law enforcement officer if it finds that he is not fit for duty as an officer and is dangerous to the public, that he has a pattern of unprofessional police conduct that may escalate, and that he has repeated sustained internal affairs complaints for the same or different offenses. The Respondent answered the Order to Show Cause and requested a hearing to address the allegations contained therein.

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. Judith A. Cowin (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 April 8, 2025, and concluded on the same day. At the hearing, two witnesses testified, and twenty-four exhibits were admitted into evidence, three of which were submitted by the Respondent. Initial Decision, p. 2.

The Hearing Officer issued her Initial Decision, pursuant to M.G.L. c. 30A, § 11(7) and 11(8), and 555 CMR 1.10(4)(e)2., on May 27, 2025, finding by clear and convincing evidence that the Respondent is not fit for duty as an officer and is dangerous to the public, that he has a pattern of unprofessional police conduct that may escalate, and that he has repeated sustained internal affairs complaints for the same or different offenses. The Hearing Officer then recommended that the Commission revoke the Respondent’s certification as a law enforcement officer or impose such other discipline as the Commission may find warranted, pursuant to M.G.L. c. 6E, § 10(a)(xvi), 10(b)(iii), and 10(b)(v), and order the provision of all revocation information to the National Decertification Index (“NDI”), pursuant to M.G.L. c. 6E, § 10(g).

The Respondent filed objections to the Initial Decision on June 19, 2025, and he subsequently filed a brief on June 30, 2025, pursuant to the briefing schedule established by the Commission. The Division filed a response on July 18, 2025, stating that “[n]one of the issues the Respondent raised in his Objections should undermine the Commission’s confidence in the Initial Decision,” and, therefore, “the Commission should affirm and adopt the Initial Decision and revoke the Respondent’s certification”

In his brief, the Respondent argued that the Initial Decision was arbitrary and capricious, lacked substantial evidence, and was “[w]ithout physical evidence or witness testimony.” The evidence cited in the Initial Decision included a screenshot of a communication between the Respondent and a juvenile, three internal affairs reports concerning the Respondent’s misconduct and sexual harassment, the Respondent’s 2023 settlement agreement with his appointing agency and letter

of resignation, a copy of a sexually explicit meme that the Respondent admitted he publicly posted online, recordings of interviews that the Respondent participated in with his appointing agency and the Division, a last-chance agreement between the Respondent and his appointing agency, and photographs of an area where an instance of misconduct purportedly occurred. Initial Decision at pp. 3-9. The Respondent claimed that the Initial Decision lacked concrete and credible evidence that he is a danger to his community. However, in the Initial Decision, the Hearing Officer cited multiple exhibits that pertain to the Respondent's history of sexual harassment and misconduct. Initial Decision at pp. 3-9. For similar reasons, the Respondent's argument that the Initial Decision subjectively interprets a 2023 internal affairs investigation and did not consider contradictory witness behavior, also fails. As stated by the Hearing Officer, she found "both [of the] witnesses credible and base[d] [her] findings on their testimony as well as on exhibits introduced at the hearing." Initial Decision at p. 3. The Hearing Officer's credibility determinations are given deference. See 555 CMR 1.10(4)(e)2.b. Under the governing regulation, "[t]he commission shall review . . . 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." Id.

The Respondent also argued that the Initial Decision improperly considers an internal affairs investigation that occurred prior to the Commission's creation. That argument is unpersuasive because disciplinary proceedings such as the Commission's are not subject to the ex post facto doctrine. See Arthurs v. Bd. of Registration in Med., 383 Mass. 299, 314 (1981) (the Supreme Judicial Court concluded that the ex post facto doctrine did not apply to disciplinary proceedings); Hawker v. New York, 170 U.S. 189, 196-97 (1898) (State may bar convicted felon from practice of medicine pursuant to legislation enacted after the individual's conviction as the State "is not seeking to further punish a criminal, but only to protect its citizens from physicians of bad character"); see also Doe v. Sex Offender Registry Bd., 472 Mass. 492, 496, n.4 (2015) (noting that, "[e]ven if the [sex-offender] registration statute did have a retroactive effect as to Doe, that statute 'is generally regulatory rather than punitive'").

The Respondent also contended that the Hearing Officer should not have considered a last-chance agreement because the Commission was not a party to the agreement. However, the Commission need not be a party to an agreement for it to be accorded evidentiary weight. See M.G.L. c. 30A, § 11(2) ("Evidence may be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs."); see also 555 CMR 1.10(4)(b)2. Here, given that the applicable legal standards for discipline partially concerned a "pattern of unprofessional police conduct that . . . may escalate" and "repeated sustained internal affairs complaints," and given that the agreement pertained to the Respondent's disciplinary history, it was reasonable for the Hearing Officer to consider the agreement. M.G.L. c. 6E, § 10(b)(iii), 10(b)(v).

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 is not fit for duty as an officer and is dangerous to the public. See M.G.L. c. 6E, § 10(a)(xvi). The Commission also finds by clear and convincing evidence that the Respondent has a pattern of unprofessional police conduct that may escalate and that he has repeated sustained internal

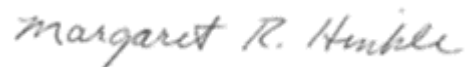
affairs complaints for the same or different offenses. See M.G.L. c. 6E, § 10(b)(iii), 10(b)(v). **The Respondent's certification is hereby revoked based on M.G.L. c. 6E, § 10(a)(xvi), 10(b)(iii), and 10(b)(v).**

The Executive Director shall take the necessary steps to publish the Respondent's decertification in the NDI. 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 August 14, 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).

A handwritten signature in cursive script that reads "Margaret R. Hinkle".

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

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

IN THE MATTER OF
JAMES MCCALL

)
)

Case No. 2024-048-P

INITIAL DECISION

Introduction

On December 31, 2020, Governor Charles D. Baker signed into law An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. St. 2020, c. 253, § 102 (“the Act”). In 2021, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) was established to certify and decertify all law enforcement officers in Massachusetts. The Commission was also authorized to revoke or suspend an officer’s certification or to order retraining for an officer. See M.G.L. c. 6E, § 3.

On July 1, 2021, pursuant to the Act, the Respondent James McCall (“Respondent” or “Mr. McCall”) was automatically certified as a law enforcement officer in Massachusetts. The Respondent’s certification expired on July 1, 2023, and his application for recertification was denied by the Commission in September, 2023. Throughout the duration of the allegations at issue here, the Respondent was a certified law enforcement officer employed by the Fitchburg Police Department (“FPD”).

The Respondent was employed as a law enforcement officer at the FPD from November 1, 2004, until his resignation, effective August 31, 2023. At the time of his resignation, the Respondent was the subject of multiple internal investigations that resulted in sustained findings and discipline.

On April 18, 2024, the Commission directed its Division of Police Standards (“Division”) to open a preliminary inquiry to investigate the allegations against the Respondent. On or about April 22, 2024, Mr. McCall received notice of the Division’s preliminary inquiry in this matter.

On September 24, 2024, the Commission approved the initiation of adjudicatory proceedings against the Respondent.

Background

Proceedings were conducted before the Honorable Judith A. Cowin, retired Massachusetts Supreme Court Justice, a Hearing Officer appointed by the Commission. The Hearing Officer (“T”) presided over two remote pre-hearing conferences on February 10, 2025 and March 31, 2025, and an in-person hearing on April 8, 2025.¹ All proceedings were recorded and open to the public, except for a section of the in-person hearing, which was closed to the public to protect the privacy interests of one of the complaining witnesses pursuant to a Protective Order and pursuant to my Order on Division’s Request to Close the Hearing.²

Two witnesses testified at the hearing: Complaining Witness (“C.W.”),³ an employee of the FPD and Chief Steven Giannini, Chief of Police of the FPD. The Respondent made a closing statement. The Division submitted twenty-one exhibits labeled Division Exhibit A through Division Exhibit U, at the hearing. The Respondent submitted three exhibits, labeled Respondent Exhibit A through Respondent Exhibit C.

Based on the evidence and the applicable statutes and regulations, I recommend that the Respondent’s police certification be revoked and that all revocation information be provided to the National Decertification Index (“NDI”).

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 (Formal Rules), generally apply to adjudications before the Commission, with M.G.L. c. 6E or any Commission rules taking precedence. 555 CMR 1.10(4) (Conduct of Hearings).

² See 555 CMR 1.10(4)(a)2. (“An adjudicatory hearing conducted under 555 CMR 1.10 . . . shall be public except where the [P]residing [O]fficer . . . determine[s] that closure is necessary to protect privacy interests and will not be contrary to the public interest.”).

³ At the hearing C.W. was called by other initials. For privacy reasons, it has been necessary to change her initials to C.W. C.W. stands for Complaining Witness.

Findings of Fact

As indicated above, two witnesses testified at the hearing: C.W., an employee of the FPD and Steven Giannini, Chief of Police of the FPD. I find both these witnesses credible and base my findings on their testimony as well as on exhibits introduced at the hearing.

A. March, 2016 Investigation

In March, 2016, the FPD sustained multiple allegations against the Respondent for engaging, while on duty as a FPD officer, in a consensual, sexual relationship with a female citizen. (Div. Ex. O; Div. Ex. P; Giannini T.) The Respondent admitted that he had had sexual relations with this woman while he was on duty. (Div. Ex. O; Div. Ex. P; Giannini T.) During the investigation into these allegations, the Respondent also admitted that, approximately seven years earlier, again while he was on duty, he had engaged in sexual relations with another woman. (Div. Ex. O; Giannini T.)

As a result of the sustained findings of misconduct, the Respondent entered into a Last Chance Agreement with the City of Fitchburg and the Fitchburg Police Union. (Div. Ex. P; Giannini T.) All parties agreed that the Respondent would receive a three-week suspension without pay, complete thirty tours of punishment duty, and that “if at any time in the future Officer McCall engages in any misconduct the City will have just cause . . . to discipline . . . up to and including discharge” (emphasis in original). (Div. Ex. P) The Respondent was represented by a union representative during this disciplinary process. (Div. Ex. P; Giannini T.)

B. C.W. Incident in 2020

C.W., [REDACTED] (who had worked in the Department [REDACTED] and who had known the Respondent all during that period), was [REDACTED] in the fall of 2020. (C.W. T.) One day that fall she passed the Respondent on a top floor hallway in the FPD. (C.W.

T.) The two spoke in a friendly manner, but then the Respondent pushed C.W. up against a wall and put his hands on her waist. (C.W. T.) She put her hands up and “felt really uncomfortable.” (C.W. T.) He was within six inches of her and she feared that he was going to kiss her. (C.W. T.) But when she put up her hands he stopped and apologized and said he did not mean it and “was sorry.” (C.W. T.)

C.W. had always had a good work relationship with the Respondent, but this incident made her “uncomfortable.” (C.W. T.) Accordingly, shortly after the incident C.W. went downstairs to “clear the air.” (C.W. T.) She told the Respondent that she “thought . . . we’re friends.” (C.W. T.) He apologized again. (C.W. T.) C.W. did not report the incident to anyone because she believed she had “taken care of it.” (C.W. T.) She thought that the conversation with the Respondent would suffice and she knew that they would continue to be work colleagues. (C.W. T.)

C. General Workplace Sexual Harassment and Misconduct

Chief Giannini joined the FPD in 2001 as a patrolman and worked his way up through the ranks to Chief. (Giannini T.) He was appointed as Chief in February, 2025. (Giannini T.) He has known the Respondent since the Respondent began working at the FPD (approximately 2004). (Giannini T.) They have been friendly, even socializing on occasion, although they are not close friends. (Giannini T.)

While he was a Captain in the FPD, Chief Giannini worked in Internal Affairs (“IA”) and investigated many, many cases for IA. (Giannini T.) In 2023, a female employee of the FPD complained to then-Captain Giannini that she was the victim of a sexually inappropriate act by the Respondent and that she believed that many other female employees had been similarly victimized during the course of several years. (Div. Ex. L; Giannini T.) As a result of this

allegation, then-Captain Giannini was assigned to investigate whether the Respondent had committed a pattern of sexually inappropriate acts towards multiple female employees of the FPD. (Div. Ex. L; Giannini T.) The investigation took place in 2023. (Div. Ex. L; Giannini T.) Because of the nature of the original complaint, then-Captain Giannini decided to interview all female employees of the FPD. (Giannini T.) Chief Giannini testified to the contents of this investigation and I summarize his testimony below. (Giannini T.) In addition, a comprehensive report of the investigation was admitted as Exhibit L. I find the contents of the report (as well as the Chief's testimony) credible and thorough.

In 2009, while the Respondent was a patrolman, he sent a photograph of his genitals in a text message to a female [REDACTED] at the FPD. (Div. Ex. L; Giannini T.) The Respondent asked the [REDACTED] to send a picture of her breasts; she refused to do so. (Div. Ex. L; Giannini T.)

In approximately 2012, again while the Respondent was a patrolman, he made sexual advances towards a teenage [REDACTED], telling her she was "beautiful," "sexy" and "hot." (Div. Ex. L; Giannini T.) He asked her to come to his house while his wife was not home. (Div. Ex. L; Giannini T.) She knew the Respondent was a Fitchburg police officer and she looked up to him because she was considering a law enforcement career. (Div. Ex. L; Giannini T.) This woman did in fact later become a FPD employee; she reported the past conduct during the investigation. (Div. Ex. L; Giannini T.)

While the Respondent was a sergeant he made repeated inappropriate sexual comments to a female civilian dispatcher about her buttocks and told her he would send pictures of his genitals to her. (Div. Ex. L; Giannini T.) She told him not to send such pictures and she deleted him from her Snapchat application. (Div. Ex. L; Giannini T.)

Also while he was a sergeant, the Respondent made several sexually-charged comments such as the following to another FPD employee who was a patrol officer. These comments always occurred while they were alone at work: “damn . . ., you’re looking good today;” “you’re gonna get me in trouble today;” “your pants are looking tight;” and “your ass looks great.” (Div. Ex. L; Giannini T.) The comments occurred about five different times. (Div. Ex. L; Giannini T.) He made similarly inappropriate remarks to this woman outside of work as well, via social media and text messages. (Div. Ex. L; Giannini T.) Examples of these messages include: “how do you like sex?” and “what kind of dick do you like?” (Div. Ex. L; Giannini T.) This woman said that his actions made her uncomfortable because he was her boss. (Div. Ex. L; Giannini T.)

The Respondent sent sexual unsolicited text messages to a FPD patrol officer many times. (Div. Ex. L; Giannini T.) He would “come onto her,” send her inappropriate sexual messages and indicate what sexual acts he would like to perform with her. (Div. Ex. L; Giannini T.) The woman asked him to stop sending these communications but he refused to do so. (Div. Ex. L; Giannini T.) Once he did stop sending such messages, he began to harass her in person while they were alone at the FPD and the Respondent was the officer-in-charge. (Div. Ex. L; Giannini T.) Dozens of times, the Respondent made sexually inappropriate comments to her, such as mentioning her buttocks. (Div. Ex. L; Giannini T.) He would often say: “you’re gonna me in trouble.” (Div. Ex. L; Giannini T.)

In 2022, at a Christmas party with co-workers, the Respondent, then a sergeant, asked a FPD dispatcher if she and another female employee had “ever hooked up” and that he “want(s) to be there” if they do. (Div. Ex. L; Giannini T.)

Another female co-worker of the Respondent heard him on multiple occasions make inappropriate sexual comments at the police station. (Div. Ex. L; Giannini T.) He also regularly mentioned his sexual exploits and his sexual preferences. (Div. Ex. L; Giannini T.)

It was reported that while he was employed by the FPD, the Respondent publicly posted an unprofessional and sexually explicit meme on Instagram, stating “Tag someone who deserves a glass of wine and unproblematic dick.” (Div. Ex. L; Div. Ex. M; Giannini T.) He tagged a female co-worker in this public post. (Div. Ex. L; Div. Ex. M; Giannini T.)

C.W. was also interviewed as part of this investigation and she reported the incident discussed above in Section B. (Div. Ex. L; Giannini T.)

D. February, 2023, Snapchat Incident Involving a Juvenile

Then-Captain Giannini also investigated another incident involving the Respondent and a juvenile. (Div. Ex. I; Giannini T.) I find as facts his statements regarding this incident and the exhibits introduced at the hearing, as described below.

On February 14, 2023, the Respondent, while on duty and in uniform at the Fitchburg High School (“FHS”), met a juvenile whom he knew. (Div. Ex. I; Giannini T.) She was a junior at the school. (Div. Ex. I; Giannini T.) She and the Respondent had communicated via Snapchat for some months. (Div. Ex. I; Div. Ex. Q; Div. Ex. S; Giannini T.) The juvenile later left the school alone to drive to get lunch at a nearby McDonald’s. (Div. Ex. I; Giannini T.) The Respondent left the school in his fully-marked police cruiser at about the same time. (Div. Ex. I; Giannini T.) On the road, the juvenile’s vehicle was directly behind the Respondent’s cruiser. (Div. Ex. I; Giannini T.) The Respondent communicated with the juvenile by Snapchat: He said: “You following me, lol.” (Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.) She replied with four laughing emoji faces and a photo of the McDonald’s drive-thru taken from her vehicle.

(Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.) He messaged: “Yummy... the food that is! Lol.” (Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.) She answered: “yasss [. . .] i was hungry [. . .] and didn’t want to eat at school.” (Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.)

The juvenile then drove across the street and parked in a parking lot to eat her food. (Div. Ex. I; Giannini T.) The Respondent, still on duty, parked his cruiser in the same lot, about 100 feet from where she was parked. (Div. Ex. I; Div. Ex. U; Giannini T.) He sent her another Snapchat message: “Well you’re yummy too! Lol.” (Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.)

This latter message upset the juvenile and she began to cry. (Div. Ex. I; Giannini T.) She didn’t know what to do and was worried that the Respondent would approach her. (Div. Ex. I; Giannini T.) She sat in her car and received another message about five minutes later in which the Respondent stated: “My bad I shouldn’t have said that!” (Resp. Ex. A; Div. Ex. H; Div. Ex. I; Giannini T.)

Despite having communicated with the juvenile on Snapchat for some time prior to this date, the Respondent immediately deleted the juvenile from his Snapchat account, thereby permanently expunging the content of all past communications between the two of them. (Div. Ex. I; Div. Ex. Q; Div. Ex. S; Giannini T.)

E. Disciplinary Results of Incidents

On July 11, 2023, the FPD issued an internal investigation report relating to the above Snapchat incident (described in Section D) sustaining the allegations and finding the Respondent to have engaged in conduct unbecoming an officer. (Div. Ex. I; Giannini T.) After a disciplinary hearing, the City of Fitchburg (“City”) adopted the hearing officer’s report in full, including his findings that (1) the Respondent’s misconduct constituted just cause to terminate his employment

and (2) he violated the 2016 Last Chance Agreement (described above). (Div. Ex. J; Giannini T.) Accordingly, the Respondent's employment with the FPD was terminated by the City on August 31, 2023. (Div. Ex. J; Giannini T.) The Respondent filed an appeal of his termination with the Civil Service Commission ("CSC"). (Div. Ex. K; Giannini T.)

On November 28, 2023, the FPD issued an internal investigation report regarding the allegations of sexual harassment and misconduct described in Sections B and C above. (Div. Ex. L) Investigators sustained six rule violations, finding that the Respondent engaged in conduct unbecoming an officer and sexually harassed several of his co-workers. (Div. Ex. L)

Finally, the Respondent and the City entered into a Settlement Agreement in December, 2023. (Div. Ex. K) The Settlement Agreement included the following terms: (a) the City agreed to rescind its termination notice issued on August 31, 2023 and allowed the Respondent to resign effective August 31, 2023; (b) the Respondent agreed to withdraw his CSC appeal with prejudice; (c) the Respondent agreed that he shall not seek employment or reinstatement with the City in any capacity; and (d) the Agreement did not constitute an admission of wrongdoing by the Respondent. (Div. Ex. K)

Applicable Legal Standard and Relevant Law

The Act provided for certain individuals to be automatically certified as officers for a period of time. St. 2020, c. 253, § 102.

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 [C]ommission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A; . . .

M.G.L. c. 6E, § 10(a)(xvi):

The [C]ommission shall, after a hearing, 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.

M.G.L. c. 6E, § 10(b)(iii):

The [C]ommission may, after a hearing, suspend or revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that the officer: . . . has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.

M.G.L. c. 6E, § 10(b)(v):

The [C]ommission may, after a hearing, 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.

M.G.L. c. 6E, § 10(g):

The [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.

M.G.L. c. 6E, § 10(h):

An appointing agency shall complete an internal affairs investigation into officer misconduct and issue a final disposition within one year of receiving a complaint or notice from the [C]ommission of the complaint being filed. . . . The [C]ommission shall not institute a revocation or suspension hearing pursuant to this section until the officer's appointing agency has issued a final disposition or 1 year has elapsed since the incident was reported to the [C]ommission, whichever is sooner.

Analysis/Summary of Fact Findings

Based on the above findings, it has been established by clear and convincing evidence that the Respondent has made numerous inappropriate and harassing sexual comments to females, primarily ones who have worked at the FPD in positions subordinate to him. It has similarly been proven by clear and convincing evidence that he physically touched a female

employee in a sexually offensive manner and that he sent offensive and inappropriate social media messages to numerous females, including one juvenile. Obviously, he is either unable or unwilling to refrain from these highly inappropriate and extremely offensive sexual actions towards females.

I conclude that it has been shown by clear and convincing evidence that the Respondent has a pattern of unprofessional police conduct that may escalate. See M.G.L. c. 6E, § 10(b)(iii). Additionally, there is clear and convincing evidence that the Respondent has repeated sustained internal affairs complaints for the same or different offenses. See M.G.L. c. 6E, § 10(b)(v).

Accordingly, I find that the Respondent is not fit for duty as an officer and is dangerous to the public; that he has a pattern of unprofessional police conduct that may escalate and that he has repeated sustained internal affairs complaints for the same or different offenses. See M.G.L. c. 6E, § 10(a)(xvi), (b)(iii), (b)(v).

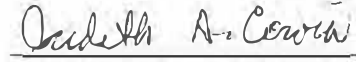
Recommendation

Based on the evidence and the applicable statutes and regulations, I recommend that the Commission issue and publish an order revoking the Respondent's police certification or impose such other discipline as the Commission may find warranted. Additionally, I recommend that the Commission order the provision of all revocation information to the NDI.

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 [P]residing [O]fficer's initial decision, if there is objection by the officer in writing to the [E]xecutive [D]irector regarding the [P]residing [O]fficer'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 [P]residing [O]fficer, giving deference to the [P]residing [O]fficer's evaluation of the credibility of the testimony and other evidence presented at the hearing. Failure by the officer to object to the [P]residing [O]fficer'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. Judith A. Cowin (Ret.)
Hearing Officer

Date: May 27, 2025