

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

IN THE MATTER OF
GERALD FITZGERALD, JR.

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Case No. 2025-060

DECERTIFICATION ORDER

The Respondent Gerald Fitzgerald, Jr. 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) and 10; M.G.L. c. 30A, §§ 10 and 13. As further conditions of the Agreement, the Respondent has agreed that, if this matter were to proceed to an adjudicatory hearing, the allegations described above, if proven by clear and convincing evidence, would permit the Commission to impose significant discipline, up to and including his decertification as a law enforcement officer in the Commonwealth of Massachusetts; and 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 material factual findings and conclusions of law set forth in the Agreement are hereby adopted;
- (b) The Agreement is approved;
- (c) The Respondent’s law enforcement certification is hereby permanently revoked; and
- (d) The Executive Director shall take the necessary steps to publish the Agreement and this Order on the Commission’s website; to submit all decertification information, including the Agreement and this Order, for inclusion in the NDI; and to publish the Respondent’s decertification in any publicly available lists and databases published by the Commission.

By vote of the Commission on December 18, 2025.

Margaret R. Hinkle

Hon. Margaret R. Hinkle (Ret.)

Notice: Gerald Fitzgerald, Jr., Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Peabody Police Department, Law Enforcement Agency
Collective Bargaining Unit
Essex County District Attorney's Office

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

In the matter of Gerald Fitzgerald, Jr.
MPTC ID: 9997-9120

Case No. 2025-060

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, Gerald Fitzgerald, Jr. and the Commission hereby enter into this Decertification Agreement:

Factual Findings

1. The Respondent was employed by the Peabody Police Department from October 18, 1998, to October 30, 2024.
2. On July 1, 2021, the Respondent was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. On July 1, 2022, 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, and his certification expired on June 30, 2025.
3. On November 10, 2023, the Respondent was on duty and responded to a restaurant in Peabody where the report of an alleged armed robbery and physical assault had just occurred. The reporting parties described that one male and one female suspect had both taken part in the incident, and the female suspect was arrested nearby soon after police responded, while the male suspect was not arrested until a later date.
4. On November 11, 2023, the Respondent authored an incident report, based on the accounts of the reporting parties, which alleged that the female suspect participated in the robbery of the restaurant, standing beside the male suspect and reaching her hands into the area of the cash register, and which alleged that the female suspect physically assaulted two of the reporting parties. The Respondent's report described that the female suspect would be charged with two counts of Assault and Battery, Attempted Robbery, Obstruction of Justice, and Possession of a Class C Substance (for an alazopram tablet she possessed when arrested, which is actually a Class B substance).

5. Upon review of the incident report by a supervisor of the Respondent, the supervisor found the report to be vague and instructed the Respondent to return to the incident location to view available surveillance video and include exactly what it showed in the Respondent's incident report, in order to include details necessary to support the listed charges. The Respondent then reported to his supervisor that he did review the available video surveillance, that it did confirm the charges against the female suspect, and he added details to his incident report.

6. The resulting charges against the female suspect were two counts of Assault and Battery, Armed Assault to Murder, Armed Assault to Rob, and Possession of a Class B Substance, and she was arraigned on these charges on Monday, November 13, 2023, after being held in custody all weekend pending arraignment. Due in part to the severity of the charges and their potential penalty, the female suspect was further held in custody pending a Dangerousness Hearing.

7. A detective assigned to follow up on the robbery investigation viewed the same available surveillance video that the Respondent was ordered to view, and he found that the allegations underlying the violent charges against the female suspect were false. The female suspect was released on November 15, 2023, once a *nolle prosequi* was filed for those false charges. The remaining drug possession charge was dismissed at a later date.

8. The Respondent later admitted that, contrary to what he had told his supervisor, he did not actually view the available video surveillance in its entirety before confirming the charges and amending his original report.

9. The Respondent has the following history of sustained complaints and discipline at Peabody Police Department:

- a. On August 31, 2015, the Respondent received a two-day suspension for missing court dates on July 27, 2015, and July 29, 2015. The Respondent received the proper notification via his departmental email, and he provided a written statement that he had simply forgotten to attend the dates in July of 2015.
- b. On March 16, 2016, the Respondent received a two-day suspension and four hours of community service for the Respondent's failure to complete required in-service training for 2016-2017. The Respondent had also missed 2014-2015 trainings, and was behind in his 2015-2016 trainings.
- c. On December 26, 2017, the Respondent received a five-day suspension, with three days to serve and two held in abeyance, for failing to appear at Peabody District Court, on July 13, 2017, July 19, 2017, September 5, 2017, and September 20, 2017, after having been properly notified to do so and with no valid excuse.

- d. On January 22, 2019, the Respondent received four days unpaid suspension, an additional four days unpaid suspension held in abeyance for one year, and 60 hours of community service for reporting for duty under the influence of intoxicating liquor, as well as for being rude, impolite, contemptuous or insolent to a fellow officer. These sustained allegations occurred on December 11, 2018, when the Respondent attended a firearms training at the Manchester by the Sea firing range with the smell of alcohol on his breath. The Respondent had denied drinking that day, but admitted to drinking the night before, and a portable breath test read 0.063% blood alcohol content. The Respondent was required to comply with a structured Employee Assistance Program for one year, which was to be monitored by the Chief on a monthly basis.

10. During an internal affairs investigation initiated to investigate the incident described in paragraphs 3 through 8 above, the Respondent resigned from the Peabody Police Department on October 29, 2024. Thereafter, the Peabody Police Department discontinued their investigation and made no findings.

11. On December 19, 2024, the Commission, pursuant to M.G.L. c. 6E, [REDACTED] and 555 C.M.R. [REDACTED] authorized the Division to conduct a preliminary inquiry into the allegations of misconduct described in paragraphs 3 through 8 above. Subsequently, on June 26, 2025, the Commission voted to initiate disciplinary proceedings against the Respondent.

Legal Conclusions

12. 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; . . .

13. 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 the officer [...] has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.”

14. Pursuant to M.G.L. c. 6E, § 10(b)(iv), “[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 [...] was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed.”

15. 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.”

16. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition on the alleged misconduct.

17. Pursuant to M.G.L. c. 30A, § 10, “[u]nless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default.”

18. The allegations described above demonstrate a pattern of unprofessional police misconduct that may escalate. § 10(b)(iii).

19. The allegations described above demonstrate that the Respondent was suspended several times by his appointing agency for disciplinary reasons, as well as that he had several sustained complaints against him, underlying said discipline, the same or different offenses. § 10(b)(iv) and (v).

Resolution

In view of the foregoing, 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:

20. The Respondent agrees that, if this matter were to proceed to an adjudicatory hearing, the allegations described above, if proven by clear and convincing evidence, would permit the Commission to impose significant discipline, up to and including his decertification as a law enforcement officer in the Commonwealth of Massachusetts.

21. The Respondent, in lieu of further enforcement proceedings, 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), and 10(b)(iii)-(v).

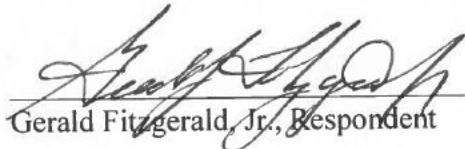
22. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this Agreement, as well as any Order of the Commission contemplated by this Agreement, in any administrative or judicial forum to which the Commission is or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

23. 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.

24. 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. The Commission shall report that the Respondent's certification has been revoked for cause, on the basis of the aforementioned misconduct.

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

11-18-25
Date


Gerald Fitzgerald, Jr., Respondent

12/18/2025
Date

Margaret R. Hinkle
Margaret R. Hinkle, Chair