

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

IN THE MATTER OF
ROBERT DEVINE

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Case No. 2024-003-P

FINAL DECISION

In January 2024, the Division of Police Standards (“Division”) ordered Robert Devine (“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 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. Kenneth J. Fishman (Ret.) as the Hearing Officer. Between March 2024 and May 2025, ten pre-hearing conferences were held principally to deal with the extensive discovery process relating to this matter. A Protective Order and Supplement were entered in March 2024 and January 2025, respectively, to protect certain material from public disclosure. 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, took place on June 5, June 6, July 14, and July 15, 2025. At the hearing, four witnesses testified, including the Respondent himself. The Division offered 14 exhibits, 12 of which were admitted; the Respondent submitted 19 exhibits, 8 of which were admitted. Initial Decision, p. 2.

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 October 10, 2025, finding by clear and convincing evidence that the Respondent had a pattern of unprofessional police conduct that may escalate and that he had repeated sustained internal affairs complaints, for the same or different offenses. The Hearing Officer also found that the Respondent had been untruthful, particularly when he lied to investigators about communicating with and meeting an individual who was identified as S.B. for a sexual encounter to protect himself and his reputation. 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(b)(iii) and (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 November 7, 2025, generally contending that the allegations surrounding his agency’s 2015 investigation did not establish a pattern of unprofessional police conduct that would repeat itself or escalate and that the Initial Decision was “not based on facts from which one could reason, by clear and convincing evidence, that he was communicating with S.B. via social media and met S.B. for a sexual encounter while on duty as a police officer.” He also disputed numerous isolated findings. The Respondent subsequently filed a brief on November 20, 2025, pursuant to the briefing schedule established by the Commission, arguing that his due process rights were violated. He criticized the Hearing Officer for relying on hearsay because he could not cross examine S.B. due to her

death, and on evidence that he contended was unreliable and insufficient.

The Division filed a response on December 1, 2025, stating, among other things, that the Hearing Officer properly found that the Respondent engaged in a pattern of unprofessional police conduct that may escalate and that he had repeated sustained internal affairs complaints for the same or different offenses. The Division addressed certain text messages with S.B. that were attributed to a “Marty Riggs.” According to the Division, the text messages entered into evidence, taken as a whole, supported a finding that the Respondent authored those messages. The Division observed that the username for the “Marty Riggs” account was “[REDACTED],” that the author of the text messages became a lawyer on the same date that the Respondent was admitted to the bar, and that the author had the same work schedule as Devine. The Division contended that the evidence of sustained allegations reflected more than two events and evinced a pattern of misconduct by the Respondent.

In the Initial Decision, the Hearing Officer considered, among other things, numerous exhibits and evidence that pertained to the Respondent’s pattern of unprofessional police misconduct and repeated sustained internal affairs complaints, including two sustained allegations against him in 2015, and three sustained allegations against him in 2022. Initial Decision at pp. 4-8, 28-29. The Hearing Officer found that the evidence established that the Respondent was communicating with S.B. by using the Facebook alias “Marty Riggs,” and that he had contact with her. *Id.* at p. 26. Based on, among other things, the evidence presented regarding the Respondent’s Facebook Messenger activity and his demeanor during his testimony, the Hearing Officer found that the Respondent lacked credibility in his denials of the relevant allegations against him. *Id.* at p. 5; see also *id.* at p. 25. The Hearing Officer’s credibility determinations are given deference. See 555 CMR 1.10(4)(e)2.b.

As noted above, four witnesses testified at the hearing. S.B. was deceased, unfortunately, and therefore could not testify. The right to cross-examine a witness is not absolute during administrative proceedings. “[A] showing that the proffered evidence bears substantial indicia of reliability and is substantially trustworthy is a showing of good cause obviating the need for confrontation.” *Commonwealth v. Durling*, 407 Mass. 108, 118 (1990). “If the Commonwealth has ‘good cause’ for not using a witness with personal knowledge, and instead offers reliable hearsay or other evidence, then the requirements of due process are satisfied.” *Id.* at 118-19; see also *Costa v. Fall River Hous. Auth.*, 453 Mass. 614, 625-27 (2009) (applying *Durling* to administrative hearings). The Respondent received a fair hearing, and the Hearing Officer did not violate his due process rights, as he was afforded the opportunity to make arguments and present evidence in his defense.

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 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), (v). The Commission need not reach a decision on the Hearing Officer’s finding of untruthfulness. **The Respondent’s certification is hereby revoked.**

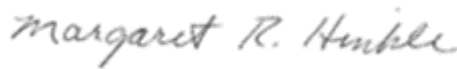
The Executive Director shall take the necessary steps to publish the Respondent's decertification in the NDI. See M.G.L. c. 6E, §§ 10(g), 13(b).

The terms of the Protective Order and Supplement to the Protective Order shall remain in effect unless and until the Commission shall enter a further order vacating or modifying the Protective Order and any supplements thereto.

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 December 18, 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, reading "Margaret R. Hinkle", written in dark ink.

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

Notice: Robert W. Stowe, Esq., Respondent's Counsel
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards
Stoughton Police Department, Law Enforcement Agency
Collective Bargaining Unit
Norfolk County District Attorney's Office

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

IN THE MATTER OF
ROBERT DEVINE

)
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Case No. 2024-003-P

INITIAL DECISION

Introduction

An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth was signed into law on December 31, 2020. 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 police 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 Robert Devine (“Respondent” or “Devine”) was automatically certified as a police officer in Massachusetts. On November 22, 2022, pursuant to 555 CMR 1.02(3) and (4), the Commission directed its Division of Police Standards (“Division”) to open a preliminary inquiry to investigate the above allegations against the Respondent. On January 16, 2024, the Division issued an Order to Show Cause (“OTSC”), ordering the Respondent to show cause why the Commission should not revoke or otherwise take action against the police certification of the Respondent based upon the allegations discussed below. On February 5, 2024, the Respondent answered the OTSC. Proceedings were conducted before the Honorable Kenneth J. Fishman, retired Massachusetts Superior Court Judge, and a Hearing Officer appointed by the Commission.

Procedural Background

Between March 2024 and May 2025, ten pre-hearing conferences were held principally to deal with the extensive discovery process relating to this matter. Due to the nature of certain

evidence and allegations, a Protective Order was entered on March 26, 2024. A Supplement to the Protective Order (“Supplement”) was signed on January 6, 2025, to extend the scope of the Protective Order to newly discovered material, and all future discovered material.

Following a Final Pre-Hearing Conference, the Hearing Officer issued a decision on the parties’ motions *in limine* relating to the admissibility of certain proposed exhibits. *See* Amended Decision on the Parties Motions *in Limine*, dated May 29, 2025. An evidentiary adjudicatory hearing was held on June 5 and 6, 2025, and on July 15 and 16, 2025.¹ All proceedings were recorded but closed to the public for the reason stated in Orders dated May 30, 2025, and June 4, 2025² which were issued pursuant to this matter’s Protective Order and Supplement.

Four witnesses testified at the hearing: Donna McNamara, Chief of Police of the Stoughton Police Department (“SPD”); Brian Holmes, Chief of Police of the Kingston Police Department; Hailey Hogan, former participant of SPD’s Explorers Program; and the Respondent himself. The Division offered 14 exhibits, 12 of which were admitted; the Respondent submitted 19 exhibits, 8 of which were admitted. (These exhibits are referred to herein as Division Exhibits 1 through 14, and Respondent Exhibits 1 through 19.) Both the Respondent and Division opted to submit closing memoranda in lieu of making closing arguments at the hearing. Pursuant to the order of the Hearing Officer, closing memoranda, including proposed findings of fact, were submitted by the parties on August 25, 2025.

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 (Formal Rules), generally apply to adjudications before the Commission, with chapter 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.”). Here, the Hearing Officer determined that closure was necessary to protect privacy interests and was not contrary to the public interest.

Allegations

The OTSC alleges that the Respondent engaged in 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), (v). As charged in the OTSC, the first set of allegations relate to the Respondent's 2015 suspension and demotion. It is claimed that Devine engaged in several instances of misconduct in late 2014. *See* Div.'s Ex. 3 (June 2015 SPD Internal Investigation Report). He is alleged to have twice improperly ordered a subordinate to investigate a potential crime [REDACTED]

[REDACTED]

[REDACTED] and was untruthful, in that he failed to disclose material facts to the Massachusetts State Police ("MSP"), who were investigating alleged violations of the [REDACTED]. His alleged misconduct resulted in multiple sustained allegations for which he received a sixty-day suspension, and a demotion of three ranks, from deputy chief to patrol officer.

The second set of allegations relates to an individual identified in this Decision as well as on the record in this matter by the initials "S.B."³ It is further alleged that from late 2020 until early 2021, Devine engaged in further misconduct relating to his relationship with S.B., a former Stoughton Police Explorer. *See* Div.'s Ex. 1 (2021 SPD Internal Affairs Report). The Division maintains that Devine met with S.B. for a sexual encounter while he was on-duty as a law enforcement officer, that he had inappropriate communications with S.B. through Facebook Messenger while on duty, and that he was untruthful about his misconduct during the related internal affairs investigation. Although he retired from duty while the internal affairs

³ The use of the individual's initials is in compliance with the Protective Order and Supplement entered in this matter.

investigation was pending, SPD again sustained multiple allegations against Devine. *See* Div.'s Ex. 1.

Findings of Fact

Based on the evidence adduced at the hearing, the Hearing Officer makes the following findings of fact.

I. Devine's Professional Background

Devine testified that he began his public service career in 1993 when he joined the United States Coast Guard, where he served seven years on active duty and an additional three years in the reserves. He reported that, during his military service, he received multiple letters of commendation recognizing his performance. Following his Coast Guard tenure, Devine was put in charge of the Marine Environmental Response Unit for the City of Boston, a role that required him to relocate frequently.

Devine transitioned to law enforcement and was appointed as a police officer at SPD in 1999 after graduating from the police academy. In 2001, Devine was assigned as the juvenile officer. He was promoted to sergeant in 2004, lieutenant in 2006, and deputy chief in 2008. Devine served as deputy chief, which was second-in-command at the SPD, until 2015, when he was demoted to patrol officer due to sustained charges of misconduct. From 2015 until 2021, when he resigned, Devine served as patrol officer, at first working in dispatch as a desk officer and later returning to a regular patrol shift. The Respondent was admitted to the Massachusetts Bar on January 11, 2021.

While at the SPD, Devine participated in various community outreach programs. He was a founding member of the Organizing Against Substances in Stoughton Coalition, an initiative aimed to address substance and alcohol abuse within Stoughton. The program was credited with

bringing approximately \$10 million into the community for substance abuse prevention. Devine also served for several years as the officer-in-charge of the Police Explorers program. The Explorers program was a structured environment where middle school and high school students, who were typically at-risk, could gain exposure to careers in military and law enforcement. As head of the program, Devine organized the program to resemble a police academy, with both classroom and physical exercise components.

II. 2014 Misconduct and Resultant Discipline

The Respondent testified that, at some point in approximately 2014, when he was serving as the deputy chief, he was having marital problems and separated from his wife. During that time, he began to have an extra-marital relationship with a civilian. When Devine attempted to reconcile with his wife, [REDACTED]

[REDACTED]
[REDACTED].

He testified at the adjudicatory hearing that at the time of these events, his social media accounts and those of his wife and son, were broken into and text messages were being sent that he never sent. Indeed, he claimed that he filed complaints with the various social media providers but that the problem was not resolved. It is noteworthy that the Respondent testified that his problem of others falsely attributing social media messages to him went on from approximately 2015 to 2020. The Hearing Officer deems that this testimony in the context of this matter is curiously convenient for his defense of the allegations of his conduct involving S.B. discussed below, and inherently incredible.

As the Respondent argues, the investigation in this matter is not above criticism, particularly as it related to the Facebook messages at issue here. Devine contends that at all

times relevant to the 2021-2022 Internal Affairs Investigation, he did not have a Facebook or Facebook Messenger account, and, in fact, the Division did not introduce any records *from Facebook* that established the existence of such an account. Even Brian Holmes, the author of the 2021 SPD Internal Affairs Report, specifically made the following recommendation, which was not followed by the Division:

[REDACTED]

Div.'s Ex. 1 at 67. As discussed below, however, there is other evidence that undermines the Respondent's claim that he did not have a Facebook Messenger account during the relevant times, and supports the conclusion that he was the author of the inculpatory messages with S.B.

According to Devine, the harassment in 2014 had escalated to the point where his entire family had to change their contact information and suspend their social media accounts. Initially, Devine was unsure of who was responsible for the online harassment.

In response to the harassment, Devine improperly used his official position by instructing one of his subordinate officers to perform a forensic download of his personal cell phone records to identify the person, prior to the opening of any official investigation. Div.'s Ex. 3 at 628 *et seq.*⁴ Afterwards, flowers were delivered to Devine's home along with an inappropriate message. As the Respondent acknowledged in his testimony, upon identifying the individual who sent the flowers as his civilian girlfriend's friend, he then proceeded to make contact by

⁴ Pursuant to 555 CMR 1.01(4)(b)1., "[t]he rules of evidence observed by the courts shall not apply to hearing held under 555 CMR 1.10." The admission of hearsay evidence in administrative proceedings is consistent with due process requirements "so long as that evidence contains substantial indicia of reliability." *Costa v. Fall River Hous. Auth.*, 453 Mass. 614, 627 (2009). As noted in the Amended Decision on Parties' Motions *in Limine*, the SPD's Internal Affairs Reports from 2015 and 2021 contain interviews that are the type of statements generally deemed reliable, *see Basco v. Machi*, 514 F. 3d 1177, 1182 (2008), and unless specifically noted to the contrary in this Decision, the Hearing Officer finds that the statements are reliable.

leaving the individual a telephone voicemail and sending her an electronic message, despite that

[REDACTED]

Due to the ongoing issues, [REDACTED]

[REDACTED]. As a result of continued harassment, MSP subsequently initiated an investigation against Devine's civilian girlfriend. However, during this investigation, Devine failed to disclose to MSP his ongoing personal and romantic relationship with the woman, despite numerous occasions on which he could and should have done so. During a subsequent internal affairs investigation, the investigator determined that Devine had continued to have sexual encounters and communicate with the woman, even though [REDACTED]

[REDACTED] Devine even spoke with the woman the night before and on the morning when MSP executed a search warrant on the woman's home and arrested her. Months later, after MSP learned of the continued relationship between Devine and the woman, all parties involved met, and the resulting criminal charges were dismissed. *Id.* at 628-29, 640, 651, 658.

After an internal affairs investigation, then-SPD Chief Paul Shastany sustained the following allegations: (1) conflict of interest; (2) abuse of position; (3) conduct unbecoming an officer; and (4) untruthfulness.⁵ Devine and SPD reached an agreement after the internal affairs report was finalized in which they agreed that Devine would serve a sixty-day suspension and that he would be demoted from the rank of deputy chief to patrol officer. Importantly, Devine admitted that he engaged in conduct unbecoming and misuse of his position. Nothing in the agreement suggests that the remaining sustained allegations were overturned or that the

⁵ The investigator found that Devine was untruthful by failing to disclose a material fact to MSP, namely that he had ongoing communications with the subject of the [REDACTED]. Div.'s Ex. 3 at 663-65. While testifying at the adjudicatory hearing, Devine acknowledged that failing to disclose a material fact during an investigation could amount to untruthfulness.

investigators or Chief's findings were not supported by the evidence collected. Additionally, Devine admitted during his testimony that he engaged in the reported misconduct underlying the sustained findings. *See* Div.'s Ex. 3 at 636-41.

The Hearing Officer finds that the evidence submitted at the hearing supports these findings and demonstrates that Devine engaged in a pattern of unprofessional police conduct that may escalate, in particular when accounting for his extensive 2014 misconduct that resulted in his suspension and demotion. *See* Div.'s Ex. 1 at 23-25.

III. 2020-2021 Misconduct and Subsequent Internal Affairs Investigation

S.B. participated in the SPD Explorers Program beginning in 2010, when she was thirteen years old. She remained in the program until 2016, when she graduated from high school. As the Respondent acknowledges, S.B. first met Matthew Farwell, William Farwell, and Devine through the Police Explorers Program. From 2002-2014, Devine was the officer-in-charge of the Police Explorers Program, and he knew S.B. in that capacity. Div.'s Ex. 1 at 16-25.

On February 4, 2021, police responded to S.B.'s apartment for a wellness check after S.B. failed to show up for work. Upon their arrival, police discovered S.B. deceased inside her apartment. Initially, police believed her death to be a suicide, but Matthew Farwell has since been charged with killing her.⁶ Within a few days after her death, MSP informed Chief Donna McNamara of the SPD that officers had discovered troubling communications between S.B. and then-Detective Matthew Farwell when MSP investigators were conducting an analysis of S.B.'s laptop, which had been recovered from her apartment. Subsequently, Chief McNamara assigned then-Deputy Chief Brian Holmes to conduct an internal investigation into Matthew Farwell. It was not until several months later that other officers' alleged misconduct was incorporated into

⁶ *See United States v. Farwell*, Docket No. 1:24-cr-10259-DJC (D. Mass.).

the active internal investigation. Specifically, due to communications recovered from S.B.'s laptop and cell phone, William Farwell, who is Matthew Farwell's twin brother, and Devine were also alleged to have had inappropriate interactions with S.B. in the months preceding her death. All three officers resigned prior to the investigation's conclusion, and only Devine submitted to an interview. Div.'s Ex. 1 at 9-14, 34-35.

As reflected in the 2021 SPD Internal Affairs Report and in Holmes' testimony, at the conclusion of the internal affairs investigation, Holmes issued a final report, which made several findings relating to Devine's misconduct. Holmes sustained an allegation that Devine

[REDACTED]

[REDACTED]

[REDACTED]. Holmes sustained a second allegation that Devine [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Finally, Holmes sustained an allegation that Devine [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

As described above, one of the original bases for investigating allegations of misconduct against Matthew Farwell was that MSP had forensically analyzed S.B.'s laptop, which MSP recovered from her apartment. During the examination, MSP discovered thousands of pages of communications, including text, multimedia, and social media messages, on her laptop. MSP provided the raw data from S.B.'s laptop and copies of the communications to Deputy Chief Holmes to aid him in his internal investigation. Throughout the investigation, Holmes also

received raw data downloads from S.B.'s cell phone, which was recovered from her apartment and contained electronic communications. A significant portion of the evidence against Devine was derived from S.B.'s electronic devices. Essentially, S.B.'s communications indicated that she had met with an SPD officer, who was on duty, and engaged in a sexual encounter with that individual. The officer had been communicating with S.B. through Facebook messages and had been using the alias "Marty Riggs."⁷ Based on the evidence adduced at the hearing, clear and convincing evidence supports the finding that Devine was the officer who was using the alias "Marty Riggs" on Facebook and who engaged in a sexual encounter with S.B. while on duty on December 21, 2020. Div.'s Ex. 1 at 25-30, 34-38; *see also* Div.'s Ex. 2 (Digital Exhibits to Ex. 1).

Communications recovered from S.B.'s electronic devices indicate that she engaged with "Marty Riggs" on several occasions from at least November 25, 2020, until February 1, 2021, which was the alleged date of S.B.'s death. *See* Div.'s Ex. 1 at 353-451. The following exchange occurred, via Facebook messages, between S.B. and "Marty Riggs" on December 21, 2020:



⁷ According to Holmes, Marty Riggs is the name of a police officer character in the movie "Lethal Weapon."

[REDACTED]

After this exchange, the two did not communicate via Facebook message until the next morning. *Id.* at 379-85.

The conversation on December 21 demonstrates that “Marty Riggs” and S.B. planned to meet for a sexual encounter and, together with other evidence, supports the conclusion that they did actually meet. In fact, Devine’s testimony supports that the timing reflected in the conversation aligns with an actual encounter between the two individuals meeting at the Chateau restaurant. Devine testified that both Goddard Hospital and a Chateau restaurant are located in Stoughton. He also testified that the two are within a ten-minute drive of each other. As reflected in the text messages, [REDACTED]

[REDACTED]. *See* Div.’s Ex. 1 at 384. Of note, according to the SPD attendance roster, [REDACTED]

[REDACTED]. *See* Div.’s Ex. 14 at 996.

This was not an isolated conversation between “Marty Riggs” and S.B. on the subject of their sexual relationship. As early as November 29, 2020, “Marty Riggs” wrote, “[REDACTED] [REDACTED].” Div.’s Ex. 1 at 358. Both before and

after the December 21, 2020, encounter, they had conversations during which S.B. would ask, “██████████” and Riggs would reply, “██████████.” *See, e.g., id.* at 363, 416.

On December 28, 2020, S.B. advises him that ██████████. She says that ██████████. “Marty Riggs” says, “██████████.” On January 9, 2021, a mere twelve days later, they have a conversation about whether S.B. and “Marty Riggs” can have sex, during which “Marty Riggs” writes, “██████████” *Id.* at 419. In context, these conversations strongly suggest that they had previously engaged in sexual acts.

While “Marty Riggs” does not identify his true name in the messages with S.B., several of the messages and other documents suggest that “Marty Riggs” is an alias that Devine used to communicate with S.B. through Facebook. Most important is data saved on S.B.’s cell phone that the “██████████” identified as “██████████” is a person whose username is “██████████.” Div.’s Ex. 9. The Respondent argues that the data contained in Division’s Exhibit 10 suggests that S.B. was the owner of the “Marty Riggs” account. In fact, that extraction states that she is ██████████, that her ██████████, and that she is the ██████████. ██████████, which is the same identification number associated with “██████████,” on Division’s Exhibit 9. Nor does the fact that S.B. was ██████████, undermine the probative value of the “Marty Riggs” identification evidence contained in Division’s Exhibit 9.

Other evidence is corroborative of the fact that the Respondent is “Marty Riggs.” Certain messages support the conclusion that “Marty Riggs” works at Stoughton Police Department. As

described above, when “Marty Riggs” was working in locations within Stoughton. S.B. twice acknowledged that “[REDACTED],” which is an acronym for “police department.” Similarly, S.B. inquired whether “[REDACTED],” which Devine confirmed stands for “Field Training Officer.”⁸

Other details relating to “Marty Riggs” support that Devine is the user communicating with S.B. On January 11, 2021, “Marty Riggs” messaged S.B. stating, in two separate messages, “[REDACTED],” and “[REDACTED].” Div.’s Ex. 1 at 423. The “[REDACTED]” appears to be a correction of the prior message, replacing the word “[REDACTED].” As noted, the Respondent’s admission date to the bar in the Commonwealth was January 11, 2021, the same day as that message exchange. Both Chiefs McNamara and Holmes acknowledged during their testimony, Devine was the only person working at SPD who was admitted to the bar on that date. On the same date, S.B. and “Marty Riggs” exchanged the following messages:

[REDACTED]

Id. at 426-27.

As Devine testified, once he graduated law school and was admitted to the bar, his plan was always to start his own firm. His information on the bar website reflects that he works at his own firm, “Devine Law LLC.” Div.’s Ex. 5 at 736. The Respondent retired during the pendency

⁸ During his testimony, Devine claimed he was still a field training officer even though he could not recall any active officers requiring training at the time. Given that Devine was not actively training someone at the time, the fact that “Marty Riggs” answered, “No,” to this question was not inconsistent with Devine’s circumstances.

of the internal affairs investigation, approximately eighteen months after the exchange between S.B. and “Marty Riggs” cited above.

The Respondent maintains that other evidence weighs against the conclusion that he and “Marty Riggs” are one in the same. He testified that he had no communications with S.B. on social media, and certainly none using the alias “Marty Riggs.” The parties have stipulated that of the hundreds of thousands of pages of documents downloaded from the hard drive of S.B.’s computer, which included calendar information, text messages, contacts, emails, photographs, and videos, only 147 pages of documents relating to a period of 69 days are claimed to be related to the Respondent. *See* Div.’s Ex. 2. According to the Respondent, there are no photographs or videos of the Respondent on S.B.’s computer or phone, no phone call or other phone records attributed to him, no other evidence of phone conversations or even attempts to call each other, no mention of the Respondent on S.B.’s calendar, no evidence of text messages or emails between them, no evidence of his address or phone number in her contacts, nor any mention of the Respondent in S.B.’s so-called “Journal” which contained documents from as early as [REDACTED] and as late as [REDACTED].⁹ No witnesses testified to ever seeing the Respondent and S.B. together (despite the fact that Devine told investigators that he was careful to meet with her in public places). The Respondent maintains the implausibility of the absence of such inculpatory evidence if S.B. and he had the type of relationship alleged by the Division and found by the SPD Internal Affairs Investigation to have existed.

The problem with the Respondent’s argument is two-fold. First, in addition to the in-person meeting on December 21, 2020, the messages reflect that S.B. and “Marty Riggs”

⁹ It is difficult to determine whether the Journal is a complete collection of S.B.’s documents, as it was provided by counsel for her estate. The pages come from several documents, including apparent journal entries, personal correspondence, draft correspondence, entries in notebooks, photographs, receipts, and assorted mail. There are no pages dated during the time period of the S.B. – “Marty Riggs” conversations.

engaged in audio phone calls on five separate occasions. *See* Div.'s Ex. 1 at 356, 365, 374, 403, and 431. Additionally, the two engaged in a video call on one occasion. From the messages that follow the video chat, it is evident that the two observed each other during the call:

[REDACTED]

Id. at 437-39.

Second, given the number and nature of their extensive communications, *albeit* over a limited period of a little more than two months, it is implausible that someone else was claiming to be Devine, as the Respondent has suggested. It is unlikely that S.B. was communicating so frequently, including audio and video calls and an in-person meeting, with someone she believed to be Devine, who was not actually Devine. As Devine testified, he had known S.B. for almost ten years. During the several years S.B. was in the Explorers Program, he saw her multiple days per week for several weeks each Summer. According to Devine's testimony, in the months preceding her death, S.B. would also meet in person with Devine weekly while he was on patrol, amounting to approximately 20 to 25 encounters. *See also* Resp.'s Ex. 18 at 1786.

Other consistencies between Devine's testimony and written responses and the content of the messages between S.B. and "Marty Riggs" are also noteworthy. For example, on two occasions, S.B. asked [REDACTED]. Div.'s Ex. 1 at 399, 434. Devine reported that [REDACTED]." Div.'s Ex. 7 at 743.

As noted, there is also evidence that "Marty Riggs" knew about S.B.'s sexual relationship with Matthew Farwell ([REDACTED])

[REDACTED]). Div.'s Ex. 1 at 391. According to his statements during SPD's investigation, S.B. had told Devine about her relationship with Matthew Farwell ([REDACTED])

[REDACTED]). Resp.'s Ex. 18 at 1793. In addition, Devine testified that he sometimes parked at Goddard Hospital while he was on patrol and that he was familiar with the Chateau restaurant in Stoughton. *See also* Div.'s Ex. 1 at 380-86. Finally, "Marty Riggs" stated on December 28, 2020, which was a Monday, that he returned to work on Wednesday, which would have been December 30, 2020. *See* Div.'s Ex. 1 at 389-90. SPD's attendance roster reflects that [REDACTED]

[REDACTED]. *See* Div.'s Ex. 14 at 1014.

The testimony of Joshua Heal during SPD's internal affairs investigation and S.B.'s communications with her other contacts also support the conclusion that Devine had at least one sexual encounter with S.B. While several of the documents in evidence suggest that S.B. embellished certain aspects of her personal life, including most relevant here, the inconsistent versions she gave of an alleged sexual encounter with Devine other than the December 21, 2020 one, she was consistent when enumerating her sexual partners who were also employed at the SPD. S.B.'s conversations with William "Billy" Farwell, Joshua Heal, and others suggest a relationship with and personal knowledge of Devine:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹⁰ This message exchange suggests that Devine and S.B. were communicating via Facebook message well over a year prior to the alleged conversations between S.B. and “Marty Riggs.” The conversation thus also supports that Devine was untruthful when he testified that he did not have an active Facebook account during a period including 2019 through 2021.

¹¹ Chief McNamara testified that Robert Devine goes by the nickname “Rob” and that the other individual with the name Robert at SPD does not.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

See Div.’s Ex. 2 at 478-80, 481-88, 495-506, 523-31, 548-49, 551-82, 587, 602-03, and 610.

¹² The Division argues that based on context, “[REDACTED]” is likely an acronym for “[REDACTED].” While that is a possibility, the Hearing Officer is unable to accept that as a fact. In any event, the evidence establishes that at the time of this conversation, the Respondent lived with his two children, including a son, neither of whom was an infant. This may be one of the instances where S.B. fabricated a sexual encounter.

Heal, a former animal control officer, admitted during an interview with the investigators to a single sexual encounter with S.B., despite his earlier claims that he had had no such encounter. Heal confirmed that S.B. had told him that she had been having sexual relationships with three other officers at SPD: Matthew Farwell, William Farwell, and Devine. Although several of Heal's statements suggest that he was at times untruthful, his statements are consistent with S.B.'s claims that she had had sexual relationships with the four SPD employees. *See Div.'s Ex. 4 at 690-94, 705-14.*

Devine argues that the inadequate investigation by the SPD, the failure to include certain exculpatory evidence in 2021 Internal Affairs Report, and the bias of its author, Deputy Chief Holmes, require that findings of the Report be rejected. Despite the length of the Report and the investigation itself, the extensive analysis of the data extracted from S.B.'s computer and cell phone, the number of interviews conducted by the investigators and the use of two investigators from outside the SPD assisting in the investigation, there were significant deficiencies in the investigation. Most notable was the failure to subpoena records from Facebook, even though Holmes specifically recommends that the Commission do just that. Devine claims that this omission is particularly fatal because there is an absence of evidence that he ever had a Facebook account during the relevant time period, or that he ever had a Facebook Messenger account at all. The failure of both the SPD and the Division to attempt to secure records from Facebook, does not, of course, mean that the Respondent did not have a Facebook Messenger account or access to one during the relevant time period. The August 2022 list of his applications appearing on a screenshot that was introduced by the Respondent in evidence does not reflect an active Facebook account at the time, although he had one in at least 2010, and does not reveal that there

was ever a Facebook Messenger account.¹³ Nevertheless, these lists do not resolve the issue, as it appears that the list can be edited by the user of an iPhone,¹⁴ and Devine created the list himself.

The Respondent maintains that the results of the 2021-2022 SPD internal affairs investigation were heavily influenced by the biases of then-Deputy Chief Holmes and Chief Donna McNamara. 555 CMR 1.01(2)(b) provides, in pertinent part:

The investigator [from the agency performing the internal investigation] shall be free from conflict of interest, bias, prejudice, or self-interest, and shall report, for the purpose of the investigation, directly to the head of the agency, or to a designated official immediately subordinate to the head of the agency, unless the head of the agency or immediate subordinate is the subject of, or implicated by, the complaint, or is otherwise unable to supervise the investigator due to conflicts of interest, or the potential for bias, prejudice, or self-interest whether apparent or perceived.

There is nothing in the record to support a finding that Chief McNamara had a bias against the Respondent or acted with a conflict of interest. While the SPD initially failed to submit a comprehensive copy of the 2021-2022 internal affairs investigation to the Commission, leaving out recordings and transcripts of certain interviews conducted by the investigators, it does not appear that omission was intentional. They were located by Chief McNamara during the hearing and promptly produced, and the Respondent was provided with an opportunity over several weeks to review the materials omitted. Nor does the record suggest that their failure to disclose all exhibits was intentional or designed to prejudice Devine, and none of the evidence

¹³ There is an issue of whether the list admitted in evidence (Div.'s Ex. 7) was the same list provided to the SPD, which casts some doubt on the probative value of that evidence. There were disparities in the dates of these versions, as well as with the number of applications on an updated version provided to the Commission in 2023. Neither version, however, revealed a Facebook Messenger account. No evidence was presented at the hearing whether, at the time in question, Facebook messaging could be accomplished with only Facebook, and not a Facebook Messaging account.

¹⁴ According to Apple's website, an application can be hidden from a user's purchase history in just a few steps: [Hide purchases from the App Store - Apple Support](#).

supports that the bias of Holmes ultimately had any impact on the outcome of the SPD investigation.

There was a curious incident where Robert Devine's 8-year-old daughter was found to have placed a troubling letter in Holmes's mailbox in the police station department approximately in 2016 after the Respondent returned to work following his suspension. Devine testified that his daughter, of her own volition, wrote a note to Holmes, stating, "Revenge is a dish best served cold," which is a quotation from a movie. According to Devine, his daughter had targeted Holmes because Holmes was now the deputy chief, which was Devine's previous position. McNamara ordered an investigation after Holmes brought the matter to her attention, the result of which was that a no trespass order from the station was issued against the daughter. Given his daughter's age at the time, it would not have been unreasonable for Holmes to believe that the note came from Devine. In any event, there is nothing to suggest that the incident created a conflict of interest or evidenced a bias on the part of McNamara. McNamara acknowledged that she was aware of a rift in the relationship between Holmes and Devine, and while it might have been more prudent to have appointed another officer to conduct the 2021 investigation to avoid the potential appearance of a conflict of interest, as discussed below, it does not appear that she would have been aware of an actual conflict that prevented Holmes from performing the task objectively.

McNamara played a limited role in the procedure of the 2021 internal affairs investigation outside of making the final decisions. She confirmed that she agreed with the findings of the internal affairs report after her review, although she candidly admitted not having read it in its entirety, and, had Devine not retired prior to its conclusion, she would have recommended his termination. She also confirmed her recommendation to the Commission for

Devine's decertification. Given Devine's significant misconduct relating to S.B. and his previous discipline from 2015, McNamara's conclusions and recommendations were reasonable. Nothing in her testimony indicated that McNamara harbored any personal feelings against Devine, or that she believed the relationship between Holmes and Devine prevented Holmes from conducting an unbiased investigation.

Holmes testified that he has known Devine since their time together at the police academy in 1999. They remained close early in their careers and occasionally socialized outside of work until about 2011 over an issue relating to Devine's refusal to testify on behalf of a member of the SPD. Their relationship became further strained following Devine's 2015 internal affairs discipline. Holmes described Devine as a misogynist and did not approve of him "stepping out on his wife." Holmes claimed that these personal views did not impact his professional objectivity.

Holmes was assigned to conduct the 2021 internal affairs investigation after MSP informed Chief McNamara of a potential relationship between Matthew Farwell and S.B. Although, as noted, the investigation initially focused solely on Matthew Farwell, digital data extracted from S.B.'s devices expanded its scope to include other officers, including Devine. After Devine became a subject of the investigation, Holmes considered recusing himself. He testified that he was not biased against the Respondent but, recognizing that he would claim bias, he had the former members of the MSP assisting in the investigation conduct the interviews of Devine. Holmes received digital evidence from MSP and analyzed it using Cellebrite and Blacklight to extract data, which included messages, photographs, and other digital files, from S.B.'s electronic devices. Investigators interviewed Devine and other relevant witnesses, in part using the data analyzed from S.B.'s phone to pursue investigative leads.

Mentions of “[REDACTED]” in S.B.’s communications increased the scope of the investigation to include Devine. Holmes later made the connection between “Marty Riggs,” who was communicating with S.B. through Facebook Messenger, and Devine. Holmes made the conclusion based on the fact “Marty Riggs” and Devine were both attorneys, that they were both police officers, that “Marty Riggs” planned to meet with S.B. while on duty at times Devine was on duty, and that the username for “Marty Riggs” was “[REDACTED]”

Holmes should have recused himself from the investigation once Devine became a subject of it. His use of the MSP investigators to conduct an interview of the Respondent was admittedly an effort to undermine any claim by Devine of bias rather than being probative of the absence of actual bias. The question remains whether there is any indication in the 2021 Internal Affairs Report or in the evidence adduced at the hearing, that any bias he harbored toward Devine impacted Holmes’s ability to conduct an objective investigation or the result of the investigation. The Respondent points to several examples of alleged prejudice he has suffered as a result of Holmes’ bias, such as: (1) the failure of Holmes to include what he maintains to be exculpatory evidence addressed earlier in this Decision; (2) the misquoting of Devine’s response to his interviewer’s remark that the investigator had not found any evidence of direct communication with Devine; (3) an inaccurate description of an incident described by Detective William Tracey;¹⁵ and (4) the emphasis in the Report of the incident relating to [REDACTED]

[REDACTED].¹⁶

¹⁵ In the 2021 Internal Affairs Report, Holmes claims that [REDACTED] Div.’s Ex. 1 at 58. In his interview, [REDACTED].” Resp.’s Ex. 18 at 1757. This appears to be an example of Holmes’ misuse of some essentially innocuous testimony by mischaracterizing it.

¹⁶ [REDACTED] came forward with a story claiming that the Respondent acted inappropriately toward her when she was [REDACTED]. [REDACTED] is included in the Internal Affairs Report. The Respondent submitted the affidavit of

As to (2), Holmes wrote in his Report that Devine responded, “[REDACTED]” (emphasis added) implying, according to Respondent’s argument, that “something exists but it is hidden.” In the transcript of that interview belatedly produced by SPD to the Commission, it states in bold letters, that the actual response was “[REDACTED]” (emphasis added). Respondent argues in his post-hearing brief that his actual response conveys that “[t]here is nothing to be found, that nothing exists to be found.” Holmes acknowledged in his testimony that those words have different meanings. Even assuming, but not finding, that this misquoting of Respondent provides evidence of Holmes’ bias because it was an intentional choice to use an arguably more inculpatory word in his report than the word he knew that Devine used, either version supports the conclusion that the Respondent was untruthful in his interview because the evidence supports the conclusion that he in fact had direct communication with S.B. It is no different than his repeated untruthful direct denials of having communicated with S.B. using the Facebook alias “Marty Riggs,” and communicating with her on social media.

To the extent that Holmes had a level of bias against Respondent that may have had some impact in the manner in which he presented evidence in the 2021 Internal Affairs Report, the Hearing Officer concludes that this bias did not impact the limited findings ultimately made against Devine. The relevant conclusions were based principally on documentary evidence and testimony which have not been shown to have been corrupted by any bias or conflict of interest.

Other evidence presented by the Respondent lacked probative value to the issues at hand. Moreover, the circumstances surrounding the drafting of two affidavits, those of Sheridan and

[REDACTED], a friend of Devine’s [REDACTED]. Div.’s Ex. 7 at 761-64. Respondent is critical of Holmes’ inclusion of Tracey’s report of his discussion with her, describing it as an effort “to further a false narrative and inflame.” If that was the intent, it failed as the Division did not allege any misconduct in relation to [REDACTED] and the SPD did not sustain any charges relating to his alleged conduct toward [REDACTED].

Hailey Hogan, for which Devine admits providing templates to the affiants, raise questions about Respondent's involvement in the drafting of the documents.

Based on the evidence that conflicts with Devine's denials of his communications and sexual encounter with S.B. and his representation of never having had Facebook Messenger on the phone he was using to communicate with S.B., the implausibility of aspects of his testimony coupled with the suspect nature of certain evidence offered in his defense,¹⁷ as well as his demeanor during his testimony, the Hearing Officer finds that he lacks credibility in his denials of the relevant allegations against him.

Perhaps one of the most glaring inconsistencies in his testimony relates to the critical issue of his relationship with S.B. On the one hand, he portrayed S.B. as a former disruptive student who was always trying to get his attention, while on the other hand, he claims that he never had any meaningful contact with her and that any contact he had was purely coincidental or limited. Although he claimed to have concerns with S.B. approaching his patrol vehicle repeatedly asking personal questions and making inappropriate and sexual propositions to him, he never recorded or reported these incidents to the proper channels. His explanation stating that he "rebuffed" S.B.'s advances while occasionally "engaging in conversation so as not to be rude" demonstrates a fundamental failure to maintain appropriate boundaries expected of someone in his position of authority. He also claimed not to know her well personally, but the evidence clearly establishes the opposite. S.B. had been a member of the Explorers group he ran since she was age 13, she would approach him once a week while he was on duty, he interacted with her several times in the months preceding her death, and he had clear knowledge of personal aspects

¹⁷ This includes his role in drafting the substantive content of affidavits submitted by certain witnesses; the questionable lists of applications on his phone; and evidence of screenshots which he implausibly claims demonstrate that he continues to be a victim of online harassment but none of which relate to the use of Facebook Messenger and one of which was not taken from his phone as he claimed.

of her life, including her dating relationships within 6-8 months before she passed, what college she was attending, where she worked, her sexual relationships William and Matthew Farwell, the fact that she was pregnant half a dozen times, and her pregnancy purportedly resulting her relationship with Matthew Farwell. As noted, he even sought to influence her not to disclose information about her pregnancy to others. Moreover, he stated he did not know her well but somehow was aware that she exaggerated all the time. Resp.'s Ex. 18 at 1778-84; Div.'s Ex. 1.

The evidence from various witnesses was that S.B. was “very, very vulnerable,” “██████████,” “██████████,” “socially awkward,” “easily manipulated,” and had problems with her self-esteem. Witnesses, including Devine himself in his interview, stated that she was “██████████” with the SPD, and arrived at the police station a lot. Resp.'s Ex. 18 at 1673-81, 1709, 1761, 1781.

Because the above-outlined evidence establishes that Devine was communicating with S.B. by using the Facebook alias “Marty Riggs,” Devine was untruthful during his interview with SPD and in his written submission to the Commission about these communications. Despite several questions aimed at determining the true nature of the relationship between Devine and S.B., Devine never disclosed that he had any sexual encounters with S.B. Similarly, in his written submission to the Commission, Devine was adamant that he “██████████ ██████████” and that ██████████. Div.'s Ex. 7 at 744-45, 758. Accordingly, the Hearing Officer finds that there is clear and convincing evidence that the Stoughton Police Department correctly sustained the allegation of untruthfulness against Devine. Div.'s Ex. 1 at 24.

Statutory and Regulatory Basis for Commission Action

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(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.

The Hearing Officer notes that the burden of proof lies on the Division to prove their bases for revocation of the Respondent's certification, either through M.G.L. c. 6E, § 10(b)(iii) or 10(b)(v), is clear and convincing evidence. *See* 555 CMR 1.10(4)(c)1. ("The [C]ommission may not order the revocation or suspension of an officer's certification unless the [C]ommission finds by clear and convincing evidence that such revocation or suspension is warranted pursuant to M.G.L. c. 6E, § 10(a) or § 10(b).").

Recommendation

Based on the evidence and the applicable statutes and regulations, the Hearing Officer finds that the Division proved by clear and convincing evidence that the Respondent engaged in a pattern of unprofessional police conduct that may escalate, that he has been untruthful, and that he has repeated sustained internal affairs complaints for the same or different offenses. *See* M.G.L. c. 6E, § 10(b)(iii), (v). As a result, he should be decertified, and his information should be forwarded to the National Decertification Index as required by statute.

The sustained allegations resulting from Devine's late-2014 misconduct are undisputed. Devine admitted to the underlying facts when he testified, and nothing presented at the hearing undermines the Hearing Officer's confidence in the outcome of that internal affairs investigation. At the time of his misconduct, his indiscretions warranted several sustained charges, a sixty-day suspension, and a demotion from deputy chief to patrol officer. Devine's conduct in 2014 demonstrated that he is willing to abuse his power for personal gain and to be untruthful when it benefits him.

Despite the fact that Respondent had no disciplinary incidents in his first fifteen years in law enforcement, his misconduct seriously escalated even further in late 2020 through early 2021. As noted, the Division established by clear and convincing evidence that Devine was communicating with S.B. while on duty on several occasions, and, on at least one occasion, met with S.B. for a sexual encounter. Thereafter, he lied to investigators when he denied engaging in these conversations and the sexual encounter. He then reiterated these untruths in his sworn testimony during the adjudicatory hearing.


These findings are seriously exacerbated by the fact that the Respondent was in a position of power over S.B. when he met her as a middle school student, and, thereafter, when she was a

Police Explorer. Particularly given her vulnerabilities, he was able to maintain that position over her for several years and leveraged this position to develop a relationship with S.B., which eventually became sexual. Once again, Devine exploited his position of power within the police department and was untruthful when it benefitted him. Despite that the information he concealed may have been relevant to the investigation of S.B.'s death, Devine lied to protect himself and his reputation.

The Hearing Officer concludes that the Respondent's pattern of unprofessional conduct may escalate. Over the last several years of his career, his interest in his reputation and what benefitted him far outweighed any concern he had for the public interest. As a result of the internal affairs investigation relating to Devine's unprofessional conduct in 2020 and 2021, SPD again sustained multiple internal affairs complaints against him.

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. Kenneth J. Fishman (Ret.)
Hearing Officer

Date: October 10, 2025

Notice: Robert W. Stowe, Esq., Respondent's Counsel
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards
Stoughton Police Department, Law Enforcement Agency
Collective Bargaining Unit
Norfolk County District Attorney's Office