

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

IN THE MATTER OF
TODD GIROUARD

)
)

Case No. 2025-061

FINAL DECISION

Pursuant to 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Massachusetts Peace Officer Standards and Training Commission (“Commission”).

Pursuant to M.G.L. c. 30A, § 11(7)-(8) and 555 CMR 1.10(4)(e)2., the Hearing Officer issued an Initial Decision and Order, and Todd Girouard (“Respondent”) had thirty (30) days to provide the Commission with written objections. No objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer.

For the above reasons, the Motion for Default and Final Decision filed by the Division of Police Standards is hereby **granted**. See 555 CMR 1.10(4). The Respondent was afforded the opportunity for a full and fair hearing. See M.G.L. c. 30A, § 10 (providing that, “[i]n conducting adjudicatory proceedings,” “agencies shall afford all parties an opportunity for full and fair hearing,” and “[u]nless otherwise provided by any law, agencies may” “place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing” and “make informal disposition of any adjudicatory proceeding by” “default”), § 13 (providing that, “[e]xcept as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [§§ 10, 11, and 12],” but “[t]his section shall not apply” “[w]here the revocation, suspension or refusal to renew is based solely upon failure of the licensee to file timely reports, schedules, or applications . . .”), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

The Commission finds, by clear and convincing evidence, that the Respondent has a pattern of unprofessional police conduct that may escalate and has repeated sustained internal affairs complaints, for the same or different offenses. See M.G.L. c. 6E, § 10(b)(iii) and 10(b)(v). **Thus, the Respondent’s certification is hereby revoked.**

The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. 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 February 19, 2026.

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).

Margaret R. Hinkle

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

Notice: Todd Girouard, Respondent
William P. Aiello, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Massachusetts State Police, Law Enforcement Agency
Collective Bargaining Unit
Suffolk County District Attorney's Office
Worcester County District Attorney's Office

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

IN THE MATTER OF)
TODD GIROUARD)

Case No. 2025-061

INITIAL DECISION

I. **Introduction**

At issue in this matter is whether this proceeding brought by the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should now terminate with a default decision in the Commission’s favor, pursuant to Massachusetts General Laws chapter 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Todd Girouard (“Respondent”) did not answer, appear, or defend the allegations of misconduct against him in the Order to Show Cause (“OTSC”). Nor did he respond to mailings delivered to him by the Division of Police Standards (“Division”). For the reasons stated below, I recommend that the Commission grant the Division’s Motion for Default and Final Decision (“Motion”), adopt this Initial Decision as its Final Decision, and determine what discipline should be imposed against the Respondent.

II. **Procedural History**

1. The Division served the Respondent with an OTSC by United States Postal Service (“USPS”) Priority Mail on October 27, 2025, addressed to the Respondent’s last known home address. Attach 1; see Attach 2. The record indicates that the OTSC was delivered on October 30, 2025. Attach. 2.*

2. The OTSC contained allegations against the Respondent and notification of the obligation to file an answer or otherwise respond to the allegations within 21 days. Attach. 1.

* To locate a current address for the Respondent, the Division conducted a CLEAR search. CLEAR is a database, provided by Thomson Reuters, that collects information from various sources, including cell phone records, credit reporting agencies, motor vehicle registration information, and criminal history records, among other sources. The CLEAR search revealed another address connected with the Respondent, and the OTSC was sent to that address as well. See Exhibit “5.”

The OTSC stated that, if a responsive and timely answer was not filed, the Commission may act. Attach. 1. In particular, the Respondent was notified that if an answer to the allegations in the OTSC is not filed, the Commission may enter a Final Decision and Order that assumes the truth of the allegations in the OTSC and that the Commission may take action against the Respondent's certification, including granting, in full, the action contemplated in the OTSC. Attach. 1.

3. When the Division received no response to the OTSC, it served the Motion on the Respondent by USPS Priority Mail on November 25, 2025, to the last known address. Attaches. 3 and 4. I take administrative notice that the OTSC was attached as an exhibit to the Motion.

4. By operation of law, the Commission may presume that the Respondent received both the OTSC and the Motion, as discussed below. The Respondent failed to respond to either the OTSC or the Motion.

III. Allegations Contained in the OTSC

1. On July 1, 2022, the Respondent was automatically certified as a police officer pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. The Respondent was recertified on July 1, 2022, for a period of three years. On July 1, 2025, his certification expired.

August 2022 Incident

2. On August 20, 2022, at approximately 1:15 a.m., police officers from West Brookfield and North Brookfield found the Respondent, seated in the driver's seat of a parked motor vehicle in the yard of a residence, with the engine running. The Respondent was sleeping. The officer who initially responded to the scene attempted several times to wake the Respondent but was unsuccessful. Eventually, a second responding officer was able to rouse the Respondent, who

spoke with a noticeable slur to his speech. Additionally, the officers observed an overpowering smell of alcohol from the Respondent, and they also noted that he had red, glossy, blood shot eyes. The Respondent was unsteady on his feet and refused to conduct field sobriety tests.

3. The Respondent was arrested and [REDACTED]
[REDACTED]
[REDACTED]. The Respondent was [REDACTED]
[REDACTED] Ultimately, the Respondent was [REDACTED].

4. As a result of the August 20, 2022, incident, the Massachusetts State Police (“MSP”) completed an internal affairs investigation. On May 10, 2024, the MSP issued a notice of disciplinary action, finding that the Respondent failed to maintain a high level of conduct in his personal affairs and did not keep with the highest standards of the law enforcement profession. Moreover, the Respondent’s intoxication while parked on another individual’s property without their knowledge or consent brought the MSP into disrepute. The Respondent was required to forfeit ten days of accrued time off.

January 2024 Incident

5. On January 12, 2024, at approximately 9:30 p.m., a motorist contacted the West Brookfield Police Department dispatch to report a vehicle that was operating erratically. Specifically, they reported that the vehicle was going in and out of opposing lanes of travel and had nearly struck a street sign. An officer encountered the reported vehicle and initiated a traffic stop. They found the Respondent to be the driver and sole occupant. Again, a North Brookfield Police Department officer responded to assist. An officer noted the scent of an alcoholic beverage emanating from the Respondent’s vehicle and his person. The Respondent

reportedly had glassy eyes, and his speech pattern was noticeably delayed. The Respondent offered differing accounts of how much alcohol he actually consumed and was unsteady on his feet when he exited the vehicle. The Respondent [REDACTED]. Accordingly, the Respondent was arrested for [REDACTED].

6. [REDACTED]
[REDACTED]
[REDACTED] Id.

7. Regarding the January 12, 2024, incident, the MSP sustained the allegation that the Respondent had [REDACTED].

May 2024 Incident

8. On May 13, 2024, the Respondent reported to the MSP Firearms Training Unit at the State Police Academy for training while intoxicated. The Respondent submitted to a breathalyzer test, and his breath sample registered as .128.

9. MSP found that the Respondent violated MSP policies for Unsatisfactory Performance, Conformance to Laws, and Alcoholic Beverages in relation to the May 13, 2024, incident. The allegations were accordingly sustained, and the recommended discipline was termination.

10. On February 15, 2024, following the Respondent's [REDACTED] arrest, the Commission directed its Division of Police Standards to open a preliminary inquiry to investigate the allegations of misconduct against the Respondent.

11. On December 6, 2024, the Respondent resigned from his employment as a law enforcement officer with the MSP prior to being disciplined for multiple sustained charges of

misconduct, and was given a dishonorable discharge.

12. On July 17, 2025, the Commission approved the initiation of adjudicatory proceedings against the Respondent.

IV. Allegations

In ruling on this matter, I have considered the following attachments:

Attachment 1: OTSC with a certificate of service, dated October 27, 2025.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on October 30, 2025.

Attachment 3: Motion for Default and Final Decision, dated November 25, 2025.

Attachment 4: Motion for Default USPS Priority Mail tracking, indicating delivery on May 5, 2025.

Attachment 5: OTSC USPS Priority Mail tracking, indicating unsuccessful delivery to the CLEAR search provided second address of Respondent.

I take administrative notice of all papers filed in this case, as well as chapter 6E and Commission regulations. See M.G.L. c. 30A, § 11(5).

V. Legal Basis for Commission Disciplinary Action

1. Pursuant to M.G.L. c. 6E, § 3(a):

The commission 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; . . .

2. Pursuant to M.G.L. c. 6E, § 10(b)(iii), “[t]he commission may . . . suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer

. . . has a pattern of unprofessional police conduct that the commission believes may escalate.”

3. Pursuant to M.G.L. c. 6E, § 10(b)(v), “[t]he commission may . . . suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer . . . has repeated sustained internal affairs complaints, for the same or different offenses.”

4. Pursuant to M.G.L. c. 6E, § 10(g), the Commission shall publish any revocation order and findings and shall provide all revocation information to the National Decertification Index (“NDI”).

5. 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.

VI. Notice

The Respondent was notified at his last known address by the OTSC that if he did not file an answer or otherwise respond to the allegations in the OTSC in a responsive and timely manner, the Commission could enter a Final Decision and Order that assumes the truth of the allegations in the OTSC. In addition, the notice informed him that the Commission may take particular action against his certification, including granting in full the relief contemplated in the OTSC. These advisories were sufficient to place him on notice of the consequences of any default. See Lawless v. Bd. of Registration in Pharmacy, 466 Mass. 1010, 1010 n.1, 1011 (2013) (concluding that pharmacist had “ample notice,” where he was informed that “failure to appear at any hearing would result in entry of default and that, in the event of default, the board could enter a final decision accepting as true the allegations contained in the show cause order”); see also University Hosp., Inc. v. Massachusetts Comm’n Against Discrimination, 396 Mass. 533, 539 (1986) (holding that default provision did not violate due process, as it “afford[ed] the respondent reasonable procedural safeguards for notice and an opportunity to be heard”).

Despite being afforded the opportunity to do so, the Respondent has failed to file an answer, request an adjudicatory hearing, or otherwise respond.

On November 25, 2025, the Division moved for a default judgment and final decision and served the Motion, with the OTSC and OTSC tracking information attached as exhibits, by USPS Priority Mail with tracking information to the Respondent's last known addresses, as indicated by a CLEAR search conducted by the Division. Attach. 3.

The Commission provided sufficient notice by delivering the OTSC and the Motion using USPS Priority Mail. Under Massachusetts case law, there is a presumption that the addressee receives properly deposited mail. See Espinal's Case, 98 Mass. App. Ct. 152, 152-53, 156 (2020) (citing Eveland v. Lawson, 240 Mass. 99, 103 (1921) ("The depositing of a letter in the post office, properly addressed, postage prepaid, to a person at his place of business or residence, is prima facie evidence that it was received in the ordinary course of mails.")). Further, nothing in chapter 6E required the Division to take any additional steps. I may presume that the Respondent received the Motion that was sent through USPS Priority Mail at his last known address.

VII. Discussion

Pursuant to 801 CMR 1.01(7)(a), a party may request through a motion that a Hearing Officer "issue any order or take any action not inconsistent with [the] law or 801 CMR 1.00." One such action is recommending the entry of a final judgment of default where a respondent has failed to appear. Under M.G.L. c. 30A, § 10(2), an agency is specifically authorized to "make informal disposition of any adjudicatory proceeding by . . . default." Lawless, 466 Mass. at 1011-12 (affirming that agency "ha[d] authority, in an appropriate circumstance, to dispose of an adjudicatory proceeding by default," citing M.G.L. c. 30A, § 10, and concluding that agency's

decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). That step is warranted here. The Commission has afforded the Respondent an opportunity for a full and fair hearing as required by M.G.L. c. 30A, §§ 10, 11(1) and 801 CMR 1.01(4)(c).

In University Hosp., 396 Mass. at 538-39, the Supreme Judicial Court rejected the notion that due process standards were violated by an agency rule that provided sanctions for a party's default upon receiving interrogatories. The court concluded that the provisions of the agency rule "afford . . . reasonable procedural safeguards for notice and an opportunity to be heard," noting that a respondent is given clear notice of the consequences, and has opportunities to object, to obtain an extension of time, to petition for a default to be vacated, and to seek judicial review of the entire proceedings. Id. at 539. In the case before the Commission, the OTSC and the Motion (both sent by USPS with tracking) provided the Respondent with notice of the consequences of a failure to appear or defend in this matter, as well as an opportunity to object. Attachs. 1 and 3. The Respondent could have sought more time to respond under 801 CMR 1.01(4)(e), (7)(a), and (7)(d). Therefore, the entry of a default judgment by the Commission is both legal and proper.

By reason of the Respondent's default, and upon consideration of the Division's Motion, I recommend that the Commission grant the Motion. See Lawless, 466 Mass. at 1010-12 & n.1; University Hosp., 396 Mass. at 538-39; Productora e Importadora de Papel, S.A. de C.V. v. Fleming, 376 Mass. 826, 833-35 (1978) (recognizing that a default establishes the truth of factual allegations). In addition, I recommend that the Commission find that the allegations in the OTSC and the violations of the statutes and regulations stated therein are deemed admitted and established. See Lawless, 466 Mass. at 1010-12 & n.1; University Hosp., 396 Mass. at 534, 538-

39; Productora e Importadora de Papel, 376 Mass. at 833-35.

VIII. Conclusion

The Division's Motion should be granted for the reasons stated above and the Respondent's law enforcement certification should be revoked. I recommend that the Commission find the allegations to be supported, make this Initial Decision final, and proceed to determine what discipline is appropriate. In accordance with the provisions of 555 CMR 1.10(4)(e)2.b., the Respondent has 30 days to file written objections to the Initial Decision with the Commission.

SO ORDERED.



Hon. Charles J. Hely (Ret.)
Hearing Officer

Date: January 5, 2026

Notice: Todd Girouard, Respondent
William P. Aiello, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Massachusetts State Police, Law Enforcement Agency
Collective Bargaining Unit
Suffolk County District Attorney's Office
Worcester County District Attorney's Office