

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

IN THE MATTER OF)
SEAN KENNEDY)
(MPTC ID 9997-6393))
_____)

Case No. 2025-030

ORDER ON SUSPENSION

On May 13, 2025, the Executive Director, pursuant to a delegation of authority by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and on its behalf, immediately imposed the suspension of Respondent Sean Kennedy’s certification as a law enforcement officer, in light of evidence that the Respondent engaged or may have engaged in criminal conduct. See M.G.L. c. 6E, § 9(a). Pursuant to M.G.L. c. 6E, § 9(a)(5), “[a] suspension order of the commission issued pursuant to [Section 9(a)] shall continue in effect until issuance of the final decision of the commission or until revoked by the commission.” See also 555 CMR 1.08(4).

On March 5, 2026, the Respondent filed a request for a hearing before the full Commission. On April 16, 2026, that hearing was conducted before the full Commission in Executive Session.

The Commission may lift the mandatory suspension of an officer’s law enforcement certification, issued pursuant to M.G.L. c. 6E, § 9(a), if the Commission determines by a preponderance of the evidence that such action is warranted before the Commission enters a final decision in the disciplinary matter involving the conduct that led to the suspension. See Craven v. State Ethics Comm’n, 390 Mass. 191, 200 (1983) (noting that “[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings,” that it has been applied by the Supreme Court to “an order permanently barring [an individual] from practicing his profession,” and that a higher standard has been applied only in certain exceptional circumstances); see also 555 CMR 1.09(6)(a) (stating that preponderance of the evidence is the standard of review in cases before the Single Commissioner where the officer is requesting a stay of the immediate suspension). The burden of proof is on the Respondent, as the party seeking immediate relief. See Gerald A. McDonough, 38 Mass. Prac., Administrative Law and Practice § 7:6 (2025 ed.) (determining the burden of proof by considering “which party would be legally entitled to prevail in the adjudicatory proceeding if no evidence were introduced by any party in an effort to persuade the factfinder”).

Based on the evidence presented, the Commission has determined, by a preponderance of the evidence, that the suspension of the Respondent imposed on May 13, 2025, should be lifted. The Respondent has satisfied his burden of proof. Accordingly, the suspension of the Respondent’s certification shall no longer remain in effect, and the Executive Director shall remove the Respondent’s name from the published list of suspended officers.

This Order does not affect any future adjudicatory proceedings that may be initiated by the Commission’s Division of Police Standards based on its investigation into the underlying facts

that provided the basis for the suspension. See, e.g., M.G.L. c. 6E, §§ 8(a), 8(c); 555 CMR 1.06; 555 CMR 1.07; 555 CMR 1.08; 555 CMR 1.10. Likewise, it does not affect any restrictions or conditions on the Respondent's certification that have been or may be imposed by the Commission's Division of Police Certification. See, e.g., M.G.L. c. 6E, §§ 3(a), 4(f)(4); 555 CMR 7.04, 7.09, 9.09, 9.12.

By vote of the Commission on April 16, 2026.



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

Notice: Michael Akerson, Esq., Respondent's Counsel
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Division of Police Standard
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