



Massachusetts POST Commission

84 State Street, Suite 200 Boston, MA 02114

In the Matter of)

John Edward Gerard)

(MPTC User ID: 9998-1871))

Case No. ED 26-003

Certification No. GER-R2022-318908

Determination of the Executive Director

(Review of Division of Police Certification Decision Pursuant to 555 CMR 7.10(1))

The above-captioned matter comes before the Executive Director of the Massachusetts Peace Officer Standards and Training Commission (“Commission”) through a request for review regarding the recertification of Officer John Edward Gerard (“Petitioner”). On April 22, 2026, the Commission’s Division of Police Certification (“Division”) notified the Petitioner that it declined to recertify him based on the Petitioner’s improper deletion of certain text messages and his actions subsequent to that deletion. The Petitioner timely requested review by the Executive Director of the Division’s decision. Having reviewed the evidence, I now find and conclude as follows:

Facts

On February 12, 2025, the Petitioner was notified that a public-records request had been submitted requesting certain messages in the cell phone that had been issued to the Petitioner by the Wareham Police Department.

On that same day, after learning of the public-records request, the Petitioner deleted all of the text messages in his department-issued cell phone. Those messages included messages that were responsive to the public-records request and personal messages unrelated to the public-records request.

On that same day, the Petitioner called his union representative, who told the Petitioner that the requestor of the public records was entitled to receive his text messages. The Petitioner through

internet searches sought a way to recover his deleted text messages. His internet searches were unsuccessful.

On that same day, the Petitioner contacted Assistant Superintendent Scott Peterson, who was employed by the Plymouth County Bureau of Criminal Investigation (“BCI”). Experts at BCI are able to perform extractions of data from cell phones. Assistant Superintendent Petersen informed the Petitioner that the deleted messages might be overwritten by new data if the extraction was not performed quickly. The Petitioner brought his cell phone to Assistant Superintendent Petersen that same day in order to recover the deleted text messages. Assistant Superintendent Petersen assured the Petitioner that they should be able to recover the deleted messages.

On March 11, 2025, having received from BCI a copy of the text messages recovered from his cell phone, the Petitioner contacted Wareham’s Director of Information and Technology Matthew Underhill (“Director Underhill”). Director Underhill opened a sealed envelope containing the recovered text messages. Director Underhill redacted messages that were not responsive to the public-records request. Director Underhill then printed a copy of the redacted messages for the Petitioner and sent a copy of the redacted messages to Chief Walter Correia of the Wareham Police Department (“Chief Correia”). There is conflicting evidence regarding what conversation, if any, took place between the Petitioner and Chief Correia prior to the Petitioner’s contacting Director Underhill.

On March 14, 2025, Chief Correia talked with Assistant Superintendent Petersen about the extraction of data from the Petitioner’s phone.

On March 17, 2025, Chief Correia advised the Petitioner that Chief Correia would be taking the Petitioner’s phone to BCI for a forensic examination and ordered the Petitioner to provide Chief Correia with a “To/From” letter stating why the Petitioner previously had dropped off his cell phone to BCI.

On March 24, 2025, the Petitioner provided Chief Correia with a “To/From” letter (dated March 17, 2025). In that letter, the Petitioner acknowledged his deletion of all of the text messages in his cell phone and his subsequent efforts to recover them, including, among other things, his bringing his cell phone to Assistant Superintendent Petersen.

On April 11, 2025, the BCI reported that they were able to recover messages that had been deleted from the Petitioner’s cell phone.

On April 14, 2025, the Petitioner was placed on administrative leave from the Wareham Police Department.

On August 27, 2025, Chief Correa recommended to the Wareham Town Administrator that the Petitioner's employment with the Wareham Police Department be terminated.

On February 9, 2026, Chief Correia informed the Commission that the Petitioner and the Town of Wareham reached an agreement in which the Petitioner agreed to be demoted to the rank of Sergeant and that the Petitioner would be placed on leave.

On March 18, 2026, Chief Correa informed the Commission that he was unable to attest to the Petitioner's character and fitness for employment in law enforcement.

On April 22, 2026, the Commission's Division of Police Standards denied the Petitioner's application for recertification.

On or about May 14, 2026, the Petitioner requested that I review the Division's denial of recertification.

Law

To be certified, an officer must "be[] of good moral character and fit for employment in law enforcement, as determined by the commission." M.G.L. c. 6E, § 4(f)(1)(ix); see also M.G.L. c. 6E, § 4(i) ("The commission shall not recertify any person as a law enforcement officer unless the commission certifies that the applicant for recertification continues to satisfy the requirements of subsection (f).").

"In rendering a determination regarding an officer's good character and fitness for employment, unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, neither the employing agency nor the division of certification shall consider an allegation of a particular instance of misconduct, where . . . [t]he officer has complied, or is in the process of complying, with any disciplinary action or other adverse decision by an authority, in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision." 555 CMR 7.05(4); see also 555 CMR 7.06(9) (explaining that the standard for good character and fitness for employment "shall be deemed satisfied if the division of certification determines the officer meets the criteria set out in 555 CMR 7.05. If this standard is not satisfied, the officer shall not be recertified . . .").

If the Division of Certification denies an officer's application for recertification, "an officer may submit a written petition to the executive director requesting review of the decision." 555 CMR 7.10(1).

Discussion

For present purposes, I assume, without deciding, that the allegations of misconduct here are “similar or related” to one another and, therefore, may be considered by the employing agency and Division in an assessment of the Petitioner’s character and fitness. See 555 CMR 7.05(4).

On February 12, 2025, the Petitioner was shown a public records request that requested, among other things, certain text messages within his department-issued cell phone. That same day, the Petitioner deleted all of the text messages in his cell phone. Some of those text messages were responsive to the public-records request; others were personal and not responsive. The evidence suggests that the Petitioner deleted the text messages in a moment of panic or frustration.

Almost immediately, the Petitioner began working to ensure the recovery of those deleted messages. He researched the matter, contacted people with relevant expertise, and brought his phone to those people in order that they might preserve and recover the messages that he had deleted. He learned that a delay in extracting the deleted messages might lead to those messages being overwritten and unrecoverable. In short, the Petitioner made a mistake and acted with speed to correct it.

The evidence suggests, moreover, that his attempts at recovering the deleted messages were successful. BCI extracted and recovered the deleted messages, and there is no evidence before me that any text messages were lost, destroyed, or unrecovered. For a brief time—less than a day—those messages were stored in the Petitioner’s phone but were inaccessible. The Petitioner took steps to ensure that those messages were recovered, accessible, and produced in response to the public-records request.

Later, when Chief Correia asked the Petitioner why he had brought his phone to the BCI, the Petitioner acknowledged that he had received the public-records request, deleted the text messages from his phone, and sought recovery of those text messages afterward from the BCI. That is, the Petitioner gave an account that, based on the evidence before me, seems to be truthful and accurate.

There is conflicting evidence, however, regarding whether the Petitioner talked with Chief Correia prior to the Petitioner’s meeting with Director Underhill. The Petitioner has alleged (both to Chief Correia and to investigators hired by the Wareham Police Department to investigate this matter) that the Petitioner received Chief Correia’s permission to meet with Director Underhill so that they might remove from the public-records response certain information that was of a personal nature and unresponsive to the public-records request. Chief Correia emphatically denies having had such a conversation or granting such permission.

Given the evidence before me, I am unable to determine whether such a conversation took place

or, if it did, whether such permission was granted. To be sure, it is plausible that the Petitioner did *not* speak with the Chief prior to the Petitioner's meeting with Director Underhill. On the other hand, it is plausible that the Petitioner *did* speak with the Chief prior to his meeting with Director Underhill and get the Chief's permission to remove personal, unresponsive messages from the public-records production. Both the Chief's and the Petitioner's allegations in this respect are plausible, believable, and consistent with the evidence before me. Stated somewhat differently, the evidence has not established that the Petitioner failed to request or receive permission from the Chief prior to the Petitioner's meeting with Director Underhill or that the Petitioner subsequently lied about requesting or receiving such permission.

In short, the evidence, on the one hand, has shown that the Petitioner deleted text messages, quickly recovered those messages, and later told the truth about deleting the messages and, on the other hand, has not shown that the Petitioner lied about the matter either to his Chief or to the investigators hired to investigate the matter. I cannot find, based on such evidence, that the Petitioner lacks the character or fitness necessary to be a law enforcement officer.

Indeed, a fair analysis of the facts suggests only a single act of misconduct has been established by the evidence here—the deletion of the text messages. The evidence suggests that that was an act made in a moment of panic, quickly remedied, honestly acknowledged, with no demonstrable harm to anyone. The evidence does not demonstrate a lack of character or fitness as those terms are used in 555 CMR 7.

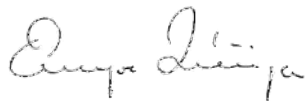
The evidence recounted above, without more, supports that conclusion. One does not need to consider the additional evidence submitted in support of the Petitioner, such as the letter from Wareham's former Chief of Police John Walcek who wrote, among other things, the following about the Petitioner:

While serving as a Chief of Police, I considered John one of my most trusted advisors. His thoughtfulness, intelligence, and commitment to professional policing was second to none. I cannot overstate in any way, shape, or form, *John Gerard is one of the most honorable, honest, hard working police leaders I have ever met in my 39 years of police service . . . I would gladly testify in person under oath to this man's exceptional character. I firmly and categorically stand behind him one hundred percent . . . [M]ake no mistake about it: John G. Gerard is a fine, honest man of the highest moral order, without question.*

(May 7, 2026 Letter (emphasis in original).)

I find that the Petitioner meets the conditions set forth in 555 CMR 7.05 and 555 CMR 7.06(9) and remand the present matter to the Division to consider the Petitioner's application for recertification in a manner consistent with the present decision.

The Commission reserves the ability to revisit the matter of the Petitioner's certification if it receives new information that paints a materially different picture of the facts, in accordance with 555 CMR 7.09.



Enrique Zuniga
Executive Director

June 12, 2026

Date