



Massachusetts POST Commission

100 Cambridge Street, 14th Floor, Boston, MA 02114

In the Matter of)	Case No. ED22-004-C
Nathaniel Aronson (Acadis No. 9998-1897))	Certification No. ARO-R2022-318916
)	

Determination of the Executive Director

(Review of Division of 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 Nathaniel Aronson (“applicant”). On September 30, 2022, the Commission Division of Police Certification notified the applicant that it declined to recertify him, stating, in relevant part:

1. You must possess CPR or First Aid certification.
2. You must complete an oral interview and the questionnaire.
3. You must complete your in-service training requirements as required by the MPTC for FY22.
4. Your agency has declined to attest that you are of good moral character and fit for employment in law enforcement.

On November 29, 2022, the applicant requested review by the Executive Director of that determination.

Determination

After reviewing the applicant’s application for recertification as a law enforcement officer and the relevant submissions, I find the following:

1. On August 29, 2012, the Wareham Police Department (“Department”) commenced an investigation into the alleged use of a racial slur by the applicant in the course of issuing a parking citation (“2012 investigation”). In a memorandum dated October 16, 2012, Lieutenant John Walcek recommended that the case be closed with a final disposition of “Unfounded” because he believed the allegations were “baseless and without foundation.”
2. The Department had difficulty getting in touch with and obtaining additional responses from

the complainant during the 2012 investigation. On September 27, 2012, the Department sent the complainant a letter and advised the complainant to respond no later than October 12, 2012. The complainant never responded.

3. In its submission of disciplinary records to the Commission in 2021, the Department reported the unsustained 2012 complaint against the applicant.
4. In the recertification packet submitted by the Department to the Commission, Chief Walter Correia declined to attest to the applicant's good moral character and fitness for employment as a law enforcement officer due to an open internal investigation into alleged misconduct by the applicant.
5. At the conclusion of the internal investigation, conducted by Lieutenant Peter F. Flaherty, into allegations of sexual harassment of [REDACTED], two allegations were sustained on March 28, 2022: 1) Prohibited Conduct (26.1.1)—Conduct Unbecoming an Officer, and 2) Violation of the Wareham Police Department Discriminatory Harassment Policy (26.1.3, 31.2.3).
6. The applicant was reprimanded following the conclusion of the internal investigation, and the matter was closed.
7. The applicant's resignation from the Department was effective on December 1, 2022.
8. Chief Correia stated that he now feels he can attest to the applicant's good moral character.

Regulation 555 CMR 7.05 describes the standards for "Determination of Good Character and Fitness for Employment." In particular, 555 CMR 7.05(4) states, in part, that

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 [in rendering a determination regarding an officer's good character and fitness for employment] where... (c) [t]he officer has complied or is in the process of complying, with any disciplinary action...in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision...or (e) [t]he allegation is not specifically and credibly supported.

According to information in the record, I have determined that 555 CMR 7.05(4)(e) applies to the 2012 unsustained complaint. Regarding the two sustained allegations, following the 2022 internal investigation, the applicant was reprimanded for violating the Town of Wareham's policy and the matter was closed. I have also determined that 555 CMR 7.05(4)(c) applies to the applicant's reprimand following the sustained findings of the internal investigation. Thus, the underlying instances of misconduct, which were investigated and acted upon, do not give rise to a finding that the applicant lacks good moral character and fitness for employment in law enforcement. Moreover, Chief Correia has stated that, with the conclusion of the 2022 investigation, he now feels he can attest to the applicant's good moral character.

However, I note that the Commission takes very seriously matters involving sexual harassment. Based on my review of the applicant's petition and pursuant to the Commission's authority to "limit, condition, restrict, revoke or suspend a certification" under M.G.L. c. 6E, § 3(a)(4), I hereby **remand** this matter to the Division of Certification with an instruction to issue the applicant a conditional certification, with the following conditions:

1. To complete a sexual harassment training identified by the applicant and approved by the POST Commission, at the expense of the applicant, and provide a certificate of completion within 30 days of the date of this notice, and
2. To comply with any other requirements for recertification.

The applicant must remain in compliance with the requirements of Chapter 6E of the Massachusetts General Laws and all rules and regulations promulgated by the Commission for the duration of the applicant's employment as a law enforcement officer.

The Commission reserves the ability to revisit the matter of the applicant'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

March 17, 2023
Date