

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

In the Matter of)	Case No. SU-2024-009
)	(PI-2023-07-13-006)
James Romeos)	

SUSPENSION ORDER

The Respondent James Romeos has entered into a Voluntary Suspension Agreement (“Agreement”) under which he has agreed to the suspension of his certification as a law enforcement officer in the Commonwealth of Massachusetts for a period of eighteen (18) months, beginning on the date of execution of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and certain conditions outlined in the Agreement. See M.G.L. c. 6E, §§ 3(a), 10(b)(i), 10(b)(iv), and 10(c); M.G.L. c. 30A, § 10.

Failure of the Respondent to abide by the terms and conditions of the Agreement shall result in the Agreement becoming void and may result in the Commission initiating adjudicatory proceedings against the Respondent; seeking discipline against the Respondent based on any ground supported by the evidence obtained in a preliminary inquiry, whether or not it was covered in the Agreement; and revoking the Respondent’s certification and entering his information in the National Decertification Index, if such discipline is warranted and supported by the evidence. The Respondent has waived all rights to contest, in this or any other administrative or judicial proceeding to which the Commission is or may be a party, the factual findings, conclusions of law, terms and conditions, and other provisions contained in the Agreement.

Accordingly, it is hereby ORDERED that, for the reasons stated in the Agreement:

- (a) The Respondent’s law enforcement certification is hereby suspended for a period of 18 months, beginning on February 16, 2024, subject to the agreed-upon conditions;
- (b) During the period of suspension, the Respondent shall not seek or hold employment by any law enforcement agency in any capacity, shall be ineligible for admission to police schools or academies, shall not seek renewal of his law enforcement officer certification, and shall not commit additional criminal offenses or engage in conduct otherwise prohibited by the Commission;
- (c) The Executive Director shall take the necessary steps to publish the Respondent’s name and suspension status in any publicly available lists and database published by the Commission.

By vote of the Commission on February 15, 2023.

Notice: James Romeos (Respondent)
Shaun Martinez, Esq. (Enforcement Counsel)
Essex Police Department (Agency)

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In the matter of James Romeos)
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)
_____)

VOLUNTARY SUSPENSION AGREEMENT

In the interest of resolving the above-captioned matter and consistent with the public interest and laws and regulations governing the Massachusetts Peace Officer Standards and Training Commission (“Commission”), including M.G.L. c. 6E §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01–1.10, the Respondent, James Romeos, and the Commission hereby enter into this Voluntary Disposition Agreement:

Factual Findings

1. The Respondent has been employed as a police officer for the Town of Essex, Massachusetts, since 2007. Prior to his employment in Essex, the Respondent served as an auxiliary police officer in Manchester-by-the-Sea.
2. On July 1, 2021, the Respondent was automatically certified as a police officer in Massachusetts pursuant to St. 2020, c. 253 § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. His certification remains active.
3. On November 19, 2022, the Respondent was involved in a single-vehicle accident in Wakefield, New Hampshire, when he was the sole occupant of his vehicle. While driving, his vehicle left the road, striking a large rock and multiple trees before coming to a stop. As a result of the accident, Wakefield police officers responded to the area. When police officers asked for the Respondent’s identification, the Respondent initially provided his Essex Police Department credentials. Additionally, when asked, the Respondent inaccurately stated that his relative had been driving and had left the scene before police arrived. The Respondent was taken to the hospital, where blood testing revealed that his blood alcohol content was .231 g/100ml, which is nearly three times the legal limit of .08g/100ml. The incident referenced herein did not occur within the course of Respondent’s duties as a police officer.
4. As a result of his conduct on November 19, 2022, the Respondent was criminally charged in the New Hampshire 3rd Circuit, District Division Court, in Ossipee. He was charged with the misdemeanors of Driving under the Influence of Alcohol, in violation of R.S.A. § 265-A:2, Making a False Report to Law Enforcement, in violation of R.S.A. § 641:4, and False Reporting on an Accident, in violation of R.S.A. § 264:28. Following a plea of no contest, on March 14, 2023, the Respondent was found guilty of Reckless Operation of a Vehicle, in

violation of R.S.A. § 265:79, which is classified as a criminal violation, and False Reporting on an Accident. The remaining charges were dismissed.

5. On or about November 21, 2022, the Respondent began a medical leave which was followed by paid administrative leave of approximately one (1) month. On January 9, 2023, the Essex Police Department placed the Respondent on unpaid administrative leave. He remained on unpaid administrative leave until May 25, 2023, when the Town of Essex terminated him. An arbitrator upheld the termination on December 4, 2023. Since November 21, 2022, the Respondent has not performed any law enforcement duties.

6. On July 13, 2023, the Commission, pursuant to 555 C.M.R. §§ 1.02(3) and (4), authorized the Division to conduct a preliminary inquiry into allegations of misconduct against the Respondent regarding the November 19, 2022, incident. On February 8, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on February 15, 2024, the Commission authorized the initiation of disciplinary proceedings against the Respondent.

7. According to information received during the Division's investigation, the Respondent only has one prior incident of discipline in his career, which was a six-day suspension in 2011, during his probationary period, for misuse of sick time. The Respondent has engaged in several community initiatives during his time as an Essex Police Officer, including an annual car show. He also received a commendation in 2009 for saving a civilian from a vehicle submerged in a river. Following the November 19, 2022, incident, the Respondent voluntarily completed an in-patient alcohol treatment program.

Applicable Law

8. Pursuant to 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 commission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A; . . .

9. Pursuant to M.G.L. c. 6E § 10(b)(i), “[t]he [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 been convicted of any misdemeanor.”

10. In addition, pursuant to M.G.L. c. 6E § 10(b)(iv), “[t]he [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 . . . was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed.”

11. Under M.G.L. c. 6E § 1, a “conviction” constitutes “any outcome except wherein the matter is dismissed or the accused is found to be not guilty, including, [...] a plea of guilty [or] a plea of nolo contendere.”

12. 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.

13. “Unless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default.”
M.G.L. c. 30A § 10.

Resolution

In view of the foregoing, the Commission has determined that the public interest would best be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions which have been agreed to by the Respondent:

14. The Respondent agrees to the suspension of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E §§ 3(a), 10(b)(i), and 10(b)(iv), for a period of eighteen months, beginning on the date this agreement is executed by the Commission.

15. The Respondent, as a pre-condition to application for certification pursuant to Par. 19 below, agrees that, during the period of this suspension, he:

- a. shall not seek nor hold employment by any law enforcement agency in any capacity;
- b. shall be ineligible for admission to police schools or academies;
- c. shall not seek renewal of his law enforcement officer certification; and
- d. shall not commit additional criminal offenses or engage in conduct otherwise prohibited by the Commission.

16. After the period of suspension has ended, and as a condition of reinstating his law enforcement officer certification, the Respondent may apply for certification pursuant to such standards and procedures the Commission may at that time impose upon him. The Respondent

shall further provide the Commission with such additional information as it may at that time require; such information may include, but not be limited to, evaluations from his treatment providers and other evidence of his suitability to hold a certification. Should the Respondent abide by the terms of this agreement and not engage in further misconduct, he shall be eligible to apply for certification.

17. The Respondent agrees that, if he should fail to abide by any of the terms and conditions of this agreement during his suspension, this agreement shall become void, and the Division may, without prior notice to the Respondent, take the following steps:

- a. initiate adjudicatory proceedings against the Respondent;
- b. seek discipline against the Respondent based on any ground supported by the evidence in its preliminary inquiry, including grounds beyond those covered by this agreement; and
- c. seek any level of discipline supported by the evidence, up to and including the revocation of the Respondent's certification and the entry of his information onto the National Decertification Index.

18. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this agreement in any administrative or judicial forum to which the Commission is or may be a party.

19. The Respondent acknowledges that, once this Agreement and any Order of Suspension issued by the Commission are executed, they will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, the status of the Respondent's certification will be publicly available on certain lists and databases published by the Commission.

20. This Agreement shall be effective as of the date it is approved by the Commission.

Feb 15, 2024

Date


James Romeos (Feb 15, 2024 19:44 EST)

Respondent

February 16, 2024

Date



Margaret R. Hinkle, Chair