

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

IN THE MATTER OF			Commission Adjudicatory
			Case No. 2023-019-S
MICHAEL ERACLEO			(PI-2023-01-12-002)

VOLUNTARY DECERTIFICATION 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 G.L. c. 6E §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01–1.10, the Respondent, Michael Eracleo, and the Commission hereby enter into this Voluntary Decertification Agreement:

Factual Findings

1. The Respondent was employed as a police officer for the Town of Acton, Massachusetts. He resigned from that position on August 29, 2022.
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.
3. On October 14, 2022, the Commission denied the Respondent’s application for recertification.
4. In 2022 the Acton Police Department (“APD”) sustained three separate allegations of “conduct unbecoming an officer” against the Respondent and found that he violated the Town’s anti-harassment and electronic communications policies. The APD notified the Commission of these findings on or about August 30, 2022.
5. It is alleged that the Respondent inappropriately accepted gifts from a vulnerable member of his community, and he failed to report said gifts to his supervisor.
6. It is alleged that, while on duty, the Respondent made inappropriate and unwelcome sexual comments to a civilian APD employee.

7. It is alleged that, in relation to his work as a School Resource Officer, the Respondent improperly communicated with a minor student using a social media application that permitted him to receive, and conceal the receipt of, sexually suggestive material.

8. On January 12, 2023, the Commission, pursuant to 555 C.M.R. §§ 1.02(2) and (4), authorized the Division to conduct a preliminary inquiry into the allegations of misconduct against the Respondent described in paragraphs 4 through 7 above. On November 13, 2023, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on November 16, 2023, the Commission voted to initiate disciplinary proceedings against the Respondent.

Conclusions of Law

9. 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; . . .

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

11. Pursuant to M.G.L. c. 6E, § 10(b)(iii), “[t]he [C]ommission may [...] suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer [...] has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.”

12. Pursuant to M.G.L. c. 6E, § 10(g), “[t]he [C]ommission shall publish any revocation order and findings. The [C]ommission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section.”

13. 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 the alleged misconduct or one year has elapsed since the allegations were reported to the commission, whichever is sooner.

14. “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.

15. The Acton Police Department’s 2022 internal affairs investigation described above in paragraph 4, produced repeated sustained internal affairs complaints for the same or different offenses against the Respondent, justifying discipline against the Respondent pursuant to § 10(b)(v).

16. The Respondent’s alleged conduct described above paragraphs 5 through 7 above, constitute a pattern of police misconduct that may escalate, and if proven by clear and convincing evidence, would justify discipline against the Respondent pursuant to § 10(b)(iii).

Resolution

In view of the foregoing alleged violations of M.G.L. c. 6E § 10(b)(iii) and (v), 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:

17. The Respondent agrees that, if this matter were to proceed to an adjudicatory hearing, the allegations described in paragraphs 4 through 7 above, if proven by clear and convincing evidence, would permit the Commission to impose significant discipline, up to and including his decertification as a law enforcement officer in the Commonwealth of Massachusetts.

18. The Respondent agrees to the permanent revocation of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E §§ 3(a) and 10(b)(iii) and (v).

19. The Respondent waives all rights to contest the allegations described in paragraphs 4 through 7 above in any administrative or judicial forum to which the Commission is or may be a party.

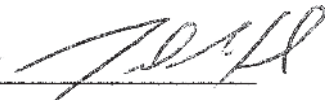
20. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this agreement in any administrative or judicial forum to which the Commission is or may be a party.

21. The Respondent acknowledges that, once this Agreement and any Order of Decertification issued by the POST 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.

22. The Respondent understands and acknowledges that, as required under G.L. c. 6E § 10(g), the Commission will submit all public revocation information, including a copy of this agreement and any Order of Decertification, for inclusion in the National Decertification Index.

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

December 12, 2023 12.12.2023
Date

Michael S. Eracleo 
Respondent

January 2, 2024
Date

Margaret R. Hinkle
Margaret R. Hinkle, Chair