

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

IN THE MATTER OF)
SARFARAZ MUSHTAQUE)

Case No. 2024-014

DECERTIFICATION ORDER

The Respondent Sarfaraz Mushtaque has entered into a Voluntary Decertification Agreement (“Agreement”) under which he has agreed to the permanent revocation of his certification (also known as decertification) as a law enforcement officer in the Commonwealth of Massachusetts, beginning on the date of approval of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and the entry of his decertification in the National Decertification Index (“NDI”). See M.G.L. c. 6E, §§ 3(a), 10(a)(xvi), 10(b)(iii), and 10(g); M.G.L. c. 30A, §§ 10 and 13. As further conditions of the Agreement, 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 permanently revoked;
- (b) The Executive Director shall characterize this action as a “Voluntary Decertification”; and
- (c) The Executive Director shall take the necessary steps to publish the Respondent’s name in the NDI and any publicly available lists and database published by the Commission.

By vote of the Commission on October 17, 2024.



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

Notice: Sarfaraz Mushtaque, Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Boxborough Police Department, Agency
Middlesex County District Attorney’s Office

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

_____))
)) Commission Adjudicatory
IN THE MATTER OF)) Case No. [REDACTED]
))
SARFARAZ MUSHTAQUE))
MPTC ID: 2507-3938))
))
_____)

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

Factual Findings

1. The Respondent was employed as a police officer by the Boxborough Police Department (“BPD”) for the period of approximately July 28, 2023, to August 31, 2023. Prior to this employment, the Respondent was employed as either a police officer or special police officer at Worcester State University from April 9, 2023, to July 26, 2023, Truro Police Department from February 21, 2022, to November 9, 2022, Falmouth Police Department from July 1, 2021, to September 6, 2021, and Boston Medical Center Public Safety from January 6, 2020, to August 12, 2021.
2. On July 15, 2022, the Respondent was certified as a law enforcement officer in Massachusetts pursuant to M.G.L. 6E §§ 3(a)(3) and 4 and 555 C.M.R. §§ 9.01–9.12.
3. At the end of his employment at Falmouth Police Department, the Respondent failed to turn in his agency-issued firearm and radio, despite being directed to do so at that time. He continued to possess these items for at least one year and eight months and returned them to Falmouth Police Department on August 22, 2023, only after a detective from another law enforcement agency discovered his continued possession of those items while conducting a safety inspection of the Respondent’s gun safe prior to authorizing him to possess and store in his residence a service firearm belonging to that agency.

4. In response to questioning related to his failure to return the above-described firearm, the Respondent provided untruthful explanations to the Commission's Division of Police Standards, including stating that he had forgotten he still possessed the firearm, and that he never noticed the firearm even though he opened his small firearm safe to store a different firearm frequently.

5. On August 31, 2023, the Respondent resigned from BPD during the pendency of an internal affairs investigation into a complaint filed on behalf of the Respondent's ex-girlfriend, regarding multiple allegations of misconduct against the Respondent. Said allegations included: the Respondent's recording of his then-girlfriend without her consent, the Respondent's practice of commonly leaving his firearm unsecured either in her unlocked car or on her kitchen counter; the Respondent's driving by her apartment in a marked BPD cruiser; and her fear (based on these and other aspects of the Respondent's behavior) for her safety and that of her children. After completing its internal affairs investigation, the Department sustained rules violations of conduct unbecoming a police officer and improper conduct. Also, based on these allegations, a justice of the Ayer District Court granted the ex-girlfriend's request for a harassment prevention order against the Respondent in December 2023, following a proceeding in which the justice explicitly credited the ex-girlfriend's testimony and discredited that of the Respondent.

6. When the Respondent applied for open police officer positions within the last four years, on several occasions, the Respondent was untruthful in disclosing material aspects of his prior employment history. Specifically, the Respondent omitted previous employment and/or misrepresented his previous employment experience.

7. On October 24, 2023, the Commission, pursuant to M.G.L. c. 6E, §§ 8(c)(1)(ii) and (v) and 555 C.M.R. § 1.02(3)(b), authorized the Division to conduct a preliminary inquiry of the Respondent.

8. On April 12, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on April 18, 2024, the Commission voted to initiate disciplinary proceedings against the Respondent. The Commission suspended the Respondent's certification on that same date.

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, § 1, “untruthful” is defined as “knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact: (i) on an official criminal justice record, including, but not limited to, a police report; (ii) while testifying under oath; (iii) to the commission or an employee of the commission; or (iv) during an internal affairs investigation, administrative investigation or disciplinary process.”

11. Pursuant to M.G.L. c. 6E, § 10(a)(xvi), “[t]he [C]ommission shall [...] revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that [. . .] the officer is not fit for duty as an officer and the officer is dangerous to the public, as determined by the [C]ommission.”

12. 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 [...] has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.”

13. 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.”

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 Respondent’s alleged conduct described above demonstrates that he is not fit for duty as an officer and that he is dangerous to the public, thereby justifying discipline against the Respondent pursuant to § 10(a)(xvi).

16. The Respondent’s alleged conduct described above constitutes a pattern of police misconduct that may escalate, thereby justifying discipline against the Respondent pursuant to § 10(b)(iii).

17. The Respondent’s statements to employees of the Commission’s Division of Police Standards during the preliminary inquiry into his alleged misconduct, as described in paragraphs 4 and 6 above, were untruthful.

Resolution

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

18. The Respondent agrees that, if this matter were to proceed to an adjudicatory hearing, the allegations described 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.

19. The Respondent hereby 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), 10(a)(xvi), and 10(b)(iii).

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

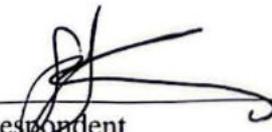
21. The Respondent acknowledges that, once this Agreement is executed, the Commission will issue an Order of Decertification. Both this Agreement and the Order of Decertification will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, 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 M.G.L. c. 6E, § 10(g), the Commission will submit all 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.

9/30/24

Date



Respondent

10/17/2024

Date

Margaret R. Hinkle

Margaret R. Hinkle, Chair