



# Massachusetts POST Commission

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

In the Matter of	)	Case No. ED22-002-C
George A. Asamoah	)	Certification No. ASA-R2022-327372
(MPTC User ID 9997-6698)	)	

### **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 George A. Asamoah (“applicant”). On October 20, 2022, the Commission Division of Certification notified the applicant that it declined to recertify him, stating, in relevant part:

1. You must complete an oral interview and the questionnaire.
2. Your agency has declined to attest that you are of good moral character and fit for employment in law enforcement.

On November 7, 2022, the applicant requested review by the Executive Director of that determination. Pursuant to 555 CMR 7.10(1)(b), I met with the applicant on February 9, 2023 to discuss this matter. The meeting also served, in part, as the oral interview required by M.G.L. c. 6E, § 4(f)(1)(viii) and 555 CMR 7.06

### **Determination**

After reviewing the applicant’s application for recertification as a law enforcement officer, the relevant submissions, and testimony provided at the February 9, 2023 meeting with the applicant, I find the following<sup>1</sup>:

1. The applicant has been employed by the Lowell Police Department since 2006.
2. On [REDACTED], the applicant was arrested by [REDACTED]:

<sup>1</sup> I have adopted some of the factual findings, which I treat as undisputed, of the Civil Service Commission.

- a. [REDACTED].
3. A Massachusetts [REDACTED] Abuse/Neglect Emergency Response Report dated June 10, 2020 (“action plan”) required that the applicant
- a. address his anger issues with [REDACTED] and provide [REDACTED] with proof of treatment.
  - b. figure out other ways to deal with [REDACTED]’s behaviors rather than use physical discipline.
  - c. to engage in individual therapy to address what led him to physically harm [REDACTED], and further explore his stressors and any past trauma [and]...provide proof of treatment and sign releases.
  - d. continue to rely on [extended family members] for support and respite.
  - e. comply with the courts and [REDACTED] to further assess the family.
4. [REDACTED], the charges were [REDACTED].
5. In a letter dated December 21, 2020, [REDACTED] informed the applicant that it would be closing his family’s case, based on the successful completion of the tasks and skills outlined in the action plan.
6. On March 1, 2021, Lieutenant Raymond Cormier of the Lowell Police Department’s Professional Standards Division wrote a letter to Superintendent Richardson informing him that, by a preponderance of the evidence, the applicant had engaged in prohibited criminal conduct and conduct unbecoming an officer.
7. In a notice dated April 14, 2021, the City of Lowell informed the applicant that he was suspended, without compensation, for 30 days, with an additional 30 days held in abeyance for a period of one year.
8. On May 25, 2021, following a hearing by the City of Lowell, the applicant was sent a notice affirming the suspension provided for in the April 14, 2021 notice.
9. The applicant’s suspension began on June 24, 2021 and ended August 6, 2021.
10. The applicant appealed this suspension to the Massachusetts Civil Service Commission and was provided a hearing on October 25 and November 2, 2021.
11. The applicant’s disciplinary record, submitted to the Commission by the Lowell Police Department pursuant to Section 99 of *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*, St. 2020, c. 253, included four complaints, one of which was withdrawn. The other three included

- a. “Improper Verification of [a Restraining Order]” based on a complaint date of July 16, 2019, for which the disposition was listed as “N” for “none,” and the discipline was “Counseling Session;”
  - b. “Excess Sick Time Use” based on a complaint date of December 10, 2019, for which the disposition was listed as “N” for “none,” and the discipline was “Counseling Session;” and
  - c. “Misconduct” based on a complaint date of June 1, 2020, for which the disposition was listed as “S” for “suspension,” and the discipline was “S” for “suspension.”
12. The “Misconduct” based on a complaint date of June 1, 2020 refers to the [REDACTED] incident leading to the arrest of the applicant and criminal charges.
  13. In the recertification packet submitted by the Lowell Police Department to the Commission before June 15, 2022, Chief Barry Golner declined to attest to the applicant’s good moral character and fitness for employment in law enforcement.
  14. On October 6, 2022, the Civil Service Commission denied the applicant’s appeal, and upheld the 30-day suspension of the applicant.
  15. On October 20, 2022, the Commission’s Division of Police Certification issued a Notice of Denial of Recertification.

The Commission’s enabling statute sets forth minimum certification standards, which include the “successful completion of an oral interview” and “being of good moral character and fit for employment in law enforcement, as determined by the [C]ommission.” M.G.L. c. 6E, § 4(f)(1)(viii), (ix). As mentioned above, my February 9, 2023 meeting with the applicant served, in part, as the oral interview required by M.G.L. c. 6E, § 4(f)(1)(viii) and 555 CMR 7.06. During the meeting, the applicant’s disciplinary record was reviewed and discussed. The applicant’s responses to the Commission’s questionnaire were also reviewed and discussed at the meeting. After the February 9, 2023 meeting with the applicant, I have determined that he has met the oral interview requirement, provided by M.G.L. c. 6E, § 4(f)(1)(viii) and 555 CMR 7.06.

Between the three sustained instances of misconduct reported on the applicant’s disciplinary record, I find the incidents to be unrelated and not to form a pattern. I do not find that the incident regarding the “improper verification of a restraining order” and the “excess sick time use” impugn his good moral character.

The events that took place on [REDACTED] and resulting in criminal charges are serious and troubling. While the applicant’s criminal charges were [REDACTED] it is not disputed that the applicant’s use of force was excessive. The applicant should remain cognizant that he will often bring a disproportionate amount of power to a situation. Thus, the applicant’s actions should always be measured and restrained, and he should be careful to avoid using excessive force, both in his professional and personal life. The recently promulgated regulations 555 CMR 6.00: *Use of Force by Law Enforcement Officers* carry throughout a theme of de-escalation. The applicant is hereby directed to study those regulations

in detail.

In considering the serious incident of misconduct, I have also considered the following positive and mitigating factors. The applicant has served as a law enforcement officer for nearly 17 years with relatively few instances of misconduct. He also noted that, prior to becoming a law enforcement officer, he served in the military with an exemplary record. While with the Lowell Police Department, he has served as a youth coordinator, working with the Lowell Boys and Girls Club to teach youth about safety and their relationship with the police. He explained that, in this capacity, he formed good relationships with many kids by relating to them personally. I credit his testimony that, with the benefit of hindsight, he felt he could have been slower to react to [REDACTED] and could have handled the incident involving [REDACTED] differently; and that he has learned through complying with [REDACTED] action plan to be more communicative, to give himself time and opportunity to talk, and to exercise restraint, and has found this to be effective in his relationship with [REDACTED]. He has confirmed that he understands that his conduct resulted in [REDACTED] charges and that, if he were certified at the time, his certification would have been immediately suspended. He stated he understands that he crossed the line, that being charged for breaking the law is a serious matter, and that there is a limit to how one physically [REDACTED].

Finally, the Commission's 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 [C]ommission provide otherwise, neither the employing agency nor the [D]ivision of [C]ertification 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....

According to information in the record, I have determined that 555 CMR 7.05(4)(c) applies to the 30-day suspension served by the applicant, following the sustained findings of the internal investigation. I find that the applicant has complied with the disciplinary action imposed in relation to the incident of May 2020. Therefore, the underlying instance of misconduct, which was investigated and acted upon, does not give rise to a finding that the applicant lacks good moral character and fitness for employment in law enforcement. Additionally, the applicant demonstrated full and satisfactory compliance with [REDACTED] action plan.

Based on my review of the applicant's petition and all the information before me, I have determined that the applicant possesses the requisite good moral character and fitness for employment in law enforcement. Therefore, I hereby **remand** this matter to the Division of Certification with an instruction to issue the applicant a full 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.



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Enrique Zuniga  
Executive Director

March 28, 2023

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Date