



The Commonwealth of Massachusetts  
Department of State Police



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Division of Standards and Training  
Office of Professional Integrity and Accountability

470 Worcester Road  
Framingham, MA 01702

CHRISTOPHER S. MASON  
COLONEL/SUPERINTENDENT

R. SCOTT WARMINGTON  
DEPUTY SUPERINTENDENT

April 1, 2022

To: Lieutenant Colonel John D. Pinkham, #2772, Division Commander, DST  
Major Adam J. Crook, #2725, Deputy Division Commander, DST

From: Captain Jeffrey P. Boutwell, #2825, Commanding  
Office of Professional Integrity and Accountability

Subject: Trooper Matthew T. Kelley, #3979  
Dishonorably Discharged June 28, 2021  
Case #IAS2021-0017

1. I have reviewed the case report and spoken with the investigating officer, Detective Lieutenant Matthew Fafard, #2856, regarding the above-captioned Office of Professional Integrity and Accountability investigation. I concur with the classifications and recommendations prepared by Detective Lieutenant Fafard.

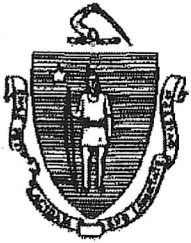
2. It is the opinion of both Detective Lieutenant Fafard and I, that Office of Professional Integrity and Accountability case #IAS2021-0017 regarding former Trooper Matthew T. Kelley, #3979, be closed with the recommended finding of **SUSTAINED**.

Respectfully submitted,

Jeffrey P. Boutwell, #2825

Captain

Office of Professional Integrity and Accountability



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# The Commonwealth of Massachusetts

## Department of State Police

Division of Standards and Training

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470 Worcester Road

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March 29, 2022



CHRISTOPHER S. MASON  
COLONEL/SUPERINTENDENT

R. SCOTT WARMINGTON  
DEPUTY SUPERINTENDENT

To: Captain Jeffrey Boutwell #2825, Commander  
Office of Professional Integrity and Accountability

From: Detective Lieutenant Matthew R. Fafard, #2856  
Office of Professional Integrity and Accountability

Re: OPIA Investigation IAS 2021-0017 Trooper Matthew T. Kelley, #3979

### FACTS OF THE CASE

1. On Wednesday, May 12, 2021, I was assigned to investigate IAS2021-0017 by former Captain, (now Detective Captain, Division of Investigative Services) and then OPIA Unit commander, Daniel Richard. The investigation was prompted by a formal request made by Major Matthew G. Murphy, Deputy Division Commander, Division of Investigative Services, to the Division of Standards and Training. In that memorandum, dated May 10, 2021, Major Murphy requested a personnel investigation "into Trooper Matthew T. Kelley's possible violations of Massachusetts State Police Policy and Procedures that occurred on May 7, 2021, and May 8, 2021, both in the town of Middleboro." G.L. c. 457 d. 26 (c) (privacy), G.L. c. 457 d. 26 (c) (medical)

[REDACTED]

. In a May 14, 2021, email and attached letter from me, Trooper Kelley was notified that he was the subject of a personnel investigation, and he was provided a copy of the request for personnel investigation. Trooper Kelley was assigned to the MSP Gang Unit at the time of this incident; however, he had only been assigned to the Gang Unit since March 28, 2021. The request for personnel investigation is attached as Exhibit 1 and the subject notification letter is attached as Exhibit 2.

(EXHIBIT 1)  
(EXHIBIT 2)

2. The following recapitulation of events was learned through police and investigative reports which all appear as attachments to this report:

- G.L. c. 4 § 7 d. 26 (c) (medical), G.L. c. 4 § 7 d. 26 (c) (privacy) [REDACTED]
- G.L. c. 4 § 7 d. 26 (c) (privacy), G.L. c. 4 § 7 d. 26 (c) (medical) [REDACTED]
- G.L. c. 4 § 7 d. 26 (c) (medical), G.L. c. 4 § 7 d. 26 (c) (privacy) [REDACTED]
- G.L. c. 4 § 7 d. 26 (c) (medical), G.L. c. 4 § 7 d. 26 (c) (privacy) [REDACTED]

A copy of the Middleborough Police Report is attached as Exhibit 3.

(EXHIBIT 3)

3. [REDACTED]

(EXHIBIT 4)

4. Staff and Commissioned Officers assigned to the Division of Investigative Services of the Massachusetts State Police and Commissioned Officers assigned to the State Police Detective Unit - Plymouth County arrived at Trooper Kelley's residence to secure Department property and initiate an investigation into this incident. During an inventory of Trooper Kelley's State Police cruiser (# [REDACTED]), parked at his residence, Detective Lieutenant Lisa Buckley and Lieutenant Francis Walls discovered an MSP evidence bag with no markings or control numbers. Inside that evidence bag they located a smaller clear plastic bag that contained a [REDACTED] substance. The inventory was photographed by Massachusetts State Police Crime Scene Services, Trooper Thomas J. Loughran, #3466. The substance discovered was later tested by the MSP Crime Laboratory and identified as [REDACTED]. The drug submission form (SP 295), Certificate of Drug Analysis, Crime Scene Report as well as 25 MSP cruiser inventory photos are attached as Exhibit 5.

(EXHIBIT 5)

5. The following day, Saturday, May 8, 2021, at 10:00 a.m., Detective Lieutenant Buckley, Lieutenant Walls and then Lieutenant (now Detective Lieutenant) Eric Telford arrived at the Troop D Headquarters in Middleborough to secure and inventory a United States Government-issued unmarked police cruiser assigned to Trooper Kelley. In Detective Lieutenant Buckley's

interview of Trooper Christopher Amate, #4071, introduced later in this report as Exhibit 12, and as contained in the Division of Investigative Services report, introduced later in this report as Exhibit 10, this investigation learned that Trooper Kelley's routine, as was the case on May 7, 2021, was to park his federally owned and assigned cruiser at the Middleborough Barracks/Troop D Headquarters at the end of a shift and commute home in his State Police-issued cruiser. During the inventory, a sealed MSP evidence bag (#31520) was located in the center console of the federal cruiser. The evidence bag contained two clear plastic bags which contained an [REDACTED] substance. The inventory was photographed by Massachusetts State Police Crime Scene Services, Trooper Rose Stoffers, #4401. That substance was later tested and identified as [REDACTED]. The drug submission form (SP 295), Certificate of Drug Analysis, Crime Scene Report as well as 33 U.S. Government cruiser inventory photographs are attached as Exhibit 6.

(EXHIBIT 6)

6. During Trooper Kelley's workday on [REDACTED], he made a drug seizure from a motor vehicle stop in the city of [REDACTED]. That seizure resulted in two separate drug submissions of a substance described as [REDACTED]. Those exhibits were submitted to the Middleborough State Police Barracks Temporary Narcotics locker. On Saturday, May 8, 2021, then Detective Captain (now Major) Mario Monzon removed those two exhibits and a third separate narcotics submission attributed to Trooper Kelley that was marked "for destruction only." Those three items were submitted to the lab for testing. All three were identified as [REDACTED]. The draft offense report, drug submission form (SP 295), and Certificate of Drug Analysis from the May 7<sup>th</sup> drug seizure are attached as Exhibit 7. The drug submission form (SP 295) and the Certificate of Drug Analysis for the "destruction only" submission is attached as Exhibit 8.

(EXHIBIT 7)

(EXHIBIT 8)

7. The above-referenced recent [REDACTED] seizures by Trooper Kelley were analyzed by the MSP Crime Laboratory. While a determination of relatedness to a scientific standard cannot be made between two [REDACTED] samples, the Crime Lab, considering other factors such as adulterants, diluents and mixtures, concluded that [REDACTED]. Standard Crime Lab protocols require only a sample from a drug evidence submission to be tested. At my request, and for the purposes of this investigation, the Crime Lab analyzed the entire drug submission for each case which resulted in two new Certificate of Drug Analyses being issued for two of the submissions. The Crime Lab report is attached as Exhibit 9.

(EXHIBIT 9)

8. DIS and SPDU-Plymouth investigators conducted interviews and further investigation into this matter. However, that effort did not produce any useful information for determining the [REDACTED]. On Tuesday, May 18, 2021, I received reports from the Division of Investigative Services. Please refer to the DIS Investigative report authored by Major Matthew Murphy attached as Exhibit 10 and the DIS inventory report attached as Exhibit 11.

(EXHIBIT 10)

(EXHIBIT 11)

DIS Investigation and Interviews

9. On Saturday, May 8, 2021, during the Division of Investigative Services investigation, Detective Lieutenant Lisa Buckley (retired), who was at that time the Unit Commander of the Plymouth County State Police Detective Unit, and Lieutenant Francis Walls, also assigned to the SPDU-Plymouth County, interviewed [REDACTED], of the Gang Unit. [REDACTED] worked with Trooper Kelley on [REDACTED], and was with him when the two made the drug seizure later submitted to the SP Middleborough temporary narcotics locker and which is referenced in paragraph 6 above. [REDACTED] recounted their day and the circumstances surrounding the drug seizure. [REDACTED] described a motor vehicle stop and search that resulted in Trooper Kelley discovering two separate bags of drugs. One bag was described by [REDACTED] as a large bag that contained multiple smaller bags which appeared to be [REDACTED]; the other bag was described as smaller and possibly contained a "few grams of coke." [REDACTED] believed the larger bag, which they thought contained [REDACTED], had a total weight of 24.6 grams and consisted of four or five "8-ball" size bags and approximately ten smaller bags. The Crime Lab report indicated there were eight bags of similar type and 3 bags of a similar type in this submission. Reviewing the weights of the substances tested by the Crime Lab and extrapolating an approximate weight of the empty plastic bags allows for a rough estimation of the total weight of the drugs and packaging submitted by Trooper Kelley. That weight can be compared to the estimate of the total weight of the seizure provided by [REDACTED]. That analysis produced an estimate of 23 grams of submitted powder and packaging. Some additional weight would have to be added to that total to account for the large outer plastic bag that contained the eleven samples. This exercise was conducted for the purpose of estimating whether the same amount of drugs seized during the traffic stop was submitted to the lab. There does not appear to be a materially significant discrepancy in the weight of the seized drugs when compared to the weight of the submitted drugs. [REDACTED] further stated that he did not know Trooper Kelley prior to being assigned to the Gang Unit on March 29, 2021, and that he had only worked with Trooper Kelley during their training period in the Gang Unit and only a few additional times since then. Detective Lieutenant Buckley's report of [REDACTED] interview is attached as Exhibit 12.

(EXHIBIT 12)

10. At the time of the incident on Friday, May 7, 2021, Middleborough Police Officer Jessica Priestly interviewed [REDACTED] at Trooper Kelley's residence. [REDACTED] was [REDACTED] and [REDACTED]. [REDACTED] was identified as the [REDACTED] of Trooper Kelley. Later that evening, at approximately 9:05 p.m., [REDACTED] was again interviewed by Trooper Cory Melo of the State Police Detective Unit-Plymouth County at Morton Hospital. In summary, [REDACTED] stated that she was [REDACTED] when Trooper Kelley arrived home at approximately 5:50 p.m. to 6:00 p.m.. The two spoke briefly and Trooper Kelley stated that he was going to use the bathroom. [REDACTED]

[REDACTED]. The Middleborough Police report authored by Officer Priestly is attached as Exhibit 13. The interview report authored by Trooper Melo is attached as Exhibit 14.

(EXHIBIT 13)

(EXHIBIT 14)

## MSP Crime Laboratory Testing and Analysis

11. The State Police Crime Laboratory was asked to conduct testing of all drug submissions by Trooper Kelley that [REDACTED]. The purpose of this additional analysis was to identify drug submissions that were potentially related to the [REDACTED]. I requested that expanded testing beyond routine protocols be completed. Presently the State Police Crime Lab protocols call for priority testing of drug submissions requested by a prosecuting authority. Due to a high volume of cases, drug analyses that are not requested by a prosecuting authority may remain without analysis. In cases that are tested, typically only a sample of the submitted drug evidence is analyzed. Since this investigation sought to determine potential relatedness between the drug submissions of Trooper Kelley and the [REDACTED], I asked the Crime Lab to deviate from protocol and test all drug submissions of similar type by Trooper Kelley and to test all drugs within each submission. Additionally, lab technician notes, which are not part of an official certificate of analysis, were reviewed for all cases. In total, 47 drug submissions identified Trooper Kelley as the case officer. The Crime Lab was asked to compare all drug submissions made by Trooper Kelley to the three drug exhibits discovered in his possession on the day of his medical event. Those three exhibits are LIMS 21-10622 (Residence), LIMS 21-10623 (MSP Cruiser # [REDACTED]), and LIMS 21-10624 (Federal Cruiser). The following is a summary of the testing of Trooper Kelley's work-related drug submissions. Ultimately, no relationship could be determined between the [REDACTED] and any of his previous drug seizures and submissions.

- LIMS 21-10577 and 21-10578 - [REDACTED] seized earlier in the day Friday, May 7, 2021, while Trooper Kelley was on duty and hours before his [REDACTED]. The Crime Laboratory was asked and did complete an expanded testing and analysis of all drugs contained within the submissions instead of the sample testing required by protocol. The Crime Laboratory was unable to make a correlation to the target [REDACTED] exhibits. Additionally, MSP Crime Scene Services Lieutenant Robert Dateo processed the drug submission packaging for the presence of fingerprint and/or DNA; however, no friction ridge impressions were observed and no DNA was recovered. Please refer to Lieutenant Robert Dateo's reports, attached as Exhibit 15.

(EXHIBIT 15)

- LIMS 21-10576 - Friday April 30, 2021, [REDACTED] allegedly found by Trooper Kelley on [REDACTED] at [REDACTED]. Trooper Kelley submitted these found drugs to the SP Middleborough temporary narcotics locker. There was no case number assigned nor a daily administrative journal record created, nor a report completed chronicling the recovery of these drugs. No defendant was identified. The Crime Laboratory was unable to make a correlation to the target [REDACTED] exhibits.
- Some drug submissions had already been analyzed. The analysis of those substances, to include technician notes that do not appear on the final drug certification, were reviewed for relatedness to the target samples however no potential correlation was discovered. Technicians often unofficially note observing the presence of adulterants and diluents when the scientific standard does not allow inclusion in a final certificate of analysis. The MSP Crime Lab report titled "Bristol County Case List Summary" is attached as Exhibit 16.

(EXHIBIT 16)

- The remaining drug submissions had yet to be analyzed due to protocols followed by the Crime Laboratory which involve priority testing of submissions when certificates of analysis are requested by the courts or district attorney's offices. The Crime Lab was asked to test all remaining drug submissions and where appropriate to exceed sample testing protocols to produce a more thorough analysis of each submission. The Crime Lab analyzed these submissions and concluded that no correlation could be inferred. Please refer to attached MSP Crime Lab report and spread sheet of all testing comparisons, attached as exhibit 17.

(EXHIBIT 17)

### Random Drug Screenings

12.

G.L. c. 4 §7 d. 26 (c) (medical); G.L. c. 4 §7 d. 26 (c) (privacy)



### Resignation

13. On Monday, June 28, 2021, Trooper Kelley was Dishonorably Discharged from the Department of State Police (21PER414). Trooper Kelley resigned while this official Departmental personnel investigation was open and unresolved. The Department of State Police Personnel Order 21PER414 noting Trooper Kelley's Dishonorable Discharge is attached as Exhibit 18.

(EXHIBIT 18)

### Request for Subject Interview

14. On January 10, 2022, I sent a letter to Matthew Kelley expressing our desire to interview him about this matter. Matthew Kelley was asked to contact me to arrange a convenient date, time and location for an interview, or if he chose, a virtual interview. I further asked Matthew Kelley to respond in the negative if he did not wish to participate in an interview. The letter was sent United States Postal Service certified mail. To date, I have not received any response from Matthew Kelley. My letter to Matthew Kelley dated January 10, 2022, and the certified mail receipt are attached as Exhibit 19.

(EXHIBIT 19)

## CONCLUSION

15. This investigation was initiated upon receipt of a request for personnel investigation authored by Major Murphy on May 10, 2021. The request for personnel investigation alleged that Trooper Matthew Kelley's actions on May 7<sup>th</sup> and May 8<sup>th</sup>, 2021, in the Town of Middleborough may have violated Massachusetts State Police Policy and Procedure.

16. This investigation revealed sufficient evidence to conclude that Trooper Kelley did violate the [REDACTED] laws of the Commonwealth (MGL 94C-34) by being in possession of [REDACTED], a [REDACTED] (medical). This investigation did reveal sufficient evidence to conclude that Trooper Kelley did violate Massachusetts State Police Rules and Regulations and Policy and Procedures by being in possession of [REDACTED], a [REDACTED] and by having [REDACTED] stored in his assigned Department vehicle and in a vehicle assigned to him by another authority.




RECOMMENDATIONS

After a review of all available information contained within this report, I respectfully request this case be closed with the following findings:

A. Regarding the complaint that on May 7, 2021, and on May 8, 2021, Trooper Matthew Kelley, #3979, improperly and unlawfully possessed [REDACTED], [REDACTED], there is sufficient evidence to prove employee misconduct.

**SUSTAINED**

Respectfully submitted,



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Matthew R. Fafard, #2856

Detective Lieutenant

Office of Professional Integrity and Accountability