

Trooper who admitted to getting free guns sues to get his job back — and a promotion

By [Matt Rocheleau](#) Globe Staff, Updated February 4, 2020, 11:46 a.m.

A suspended Massachusetts State Police trooper who broke ethics law by receiving free guns from a state-contracted firearms dealer is suing the department, demanding his job back — and a promotion.

One argument offered by the trooper's attorney was that his misdeeds weren't as bad as crimes and lies committed by other troopers still on the department's payroll.

The trooper, Robert Outwater, of Chelmsford, has been suspended without pay from the agency since September 2016 when the [allegations surfaced](#).

He [has cooperated](#) with state Attorney General Maura Healey's office, which launched a criminal probe that recently [led to charges](#) against Outwater's now-retired supervisor and a retired trooper from the State Police armory, the Globe has reported.

In exchange for Outwater's cooperation, Healey's office agreed not to seek criminal charges against him, though Outwater acknowledged he violated state ethics law by accepting 10 guns from the dealer and paid a \$5,000 civil fine, the Globe has reported.



In a lawsuit filed against State Police in Middlesex Superior Court last week, Outwater's lawyer said the investigation by Healey's office is done and argued his client should get his job back, and more.

"Trooper Outwater has been charged with no crime and found guilty of no crime," Boston attorney Patrick Hanley said in a statement to the Globe. "The State Police has not charged Trooper Outwater with internal misconduct, let alone found him guilty of such misconduct."

"Yet the Department has suspended him for 41 months without affording him due process," Hanley continued. "This lawsuit is simply an effort to put Trooper Outwater back to work and make him whole for the months the Department has suspended him without the benefit of due process."

The lawsuit says State Police should be ordered to: lift the suspension; give Outwater back pay, including for overtime

and details; restore his benefits; and promote him to the sergeant, a rank and pay increase he was bypassed for in 2018 while suspended.

State Police spokesman David Procopio declined to comment, citing a general agency practice of not publicly discussing pending litigation.

Hanley appended to the lawsuit a letter he wrote in early December to State Police Colonel Christopher Mason. In it, Hanley acknowledged Outwater has faced “serious allegations.”

But, Hanley wrote, “to the extent that the Department is concerned about Trooper Outwater’s actions, they stand in stark contrast to other members of the Department still on the payroll who have committed crimes and/or been found untruthful.”

The state’s largest law enforcement agency has faced numerous scandals in recent years. A parade of troopers have been hauled into court on criminal charges, including accusations that dozens of troopers collected overtime pay for hours they never worked and filed false paperwork to cover it up.

In November, Hanley became general counsel for the State Police Association of Massachusetts, the union that represents most of the force. A union spokeswoman declined to comment.

Hanley wrote that Outwater’s “work at the Office of the Armorer is not defined only by a few questionable decisions.”

Outwater joined State Police in 2000, “has performed great work on behalf of the people of the Commonwealth while risking his personal safety,” and “stands ready and eager to rejoin the critical work of the State Police,” Hanley wrote in the letter. “Trooper Outwater, like so many of his colleagues, runs towards the danger, solves stressful problems and makes the rest of us safer.”

In the lawsuit, Hanley said State Police did not respond to that letter.

He said an internal investigation by the department never found wrongdoing against Outwater, didn't afford him due process, and has been dormant since 2016, despite rules that call for such probes to be completed in a timely manner.

“Trooper Outwater’s alleged misdeeds are immaterial, where the Department has failed to follow its own investigatory and disciplinary processes,” Hanley added.

In the suit, Hanley noted how the Outwater’s former armory colleagues who were charged “were permitted to retire and are now collecting their lucrative state pensions.”

Retired lieutenant Paul M. Wosny and retired trooper Michael G. Wilmot were each charged with a felony in October in East Brookfield District Court. They allegedly received free guns from a state-contracted firearms dealer and accepted personalized assault rifles from a gunmaker seeking business with the state.

In January, Wosny admitted there were sufficient facts to find him guilty, but Judge Andrew Mandell ruled the case will ultimately be dismissed provided Wosny successfully completes two years of probation and pays a \$7,500 fine. He is collecting a \$102,676-a-year pension. State Police said the department has notified the state retirement board of Wosny’s case for potential pension forfeiture.

The case against Wilmot, who is collecting a \$61,076-a-year pension, is pending.

Matt Rocheleau can be reached at matthew.rocheleau@globe.com. Follow him on Twitter [@mrochele](https://twitter.com/mrochele).

10/17/2020

Trooper who admitted to getting free guns sues to get his job back — and a promotion - The Boston Globe

 [Show 52 comments](#)

©2020 Boston Globe Media Partners, LLC