

State Police lieutenants sue department alleging potential cheating on promotion exam by high-ranking officers

Attorney says ‘the chief of staff of the colonel and the colonel could possibly be involved in this’

By **Matt Rocheleau** Updated January 30, 2021, 6:43 p.m.



In a statement, State Police spokesman David Procopio (pictured in November) said, “Accusations of cheating are utterly baseless and we reject them categorically.” MATTHEW J. LEE/GLOBE STAFF/FILE

Three Massachusetts State Police lieutenants are suing the department claiming a recent

promotional exam was rolled out improperly, and their attorney alleged in court there is “very serious evidence of potential cheating” within the top ranks of the department.

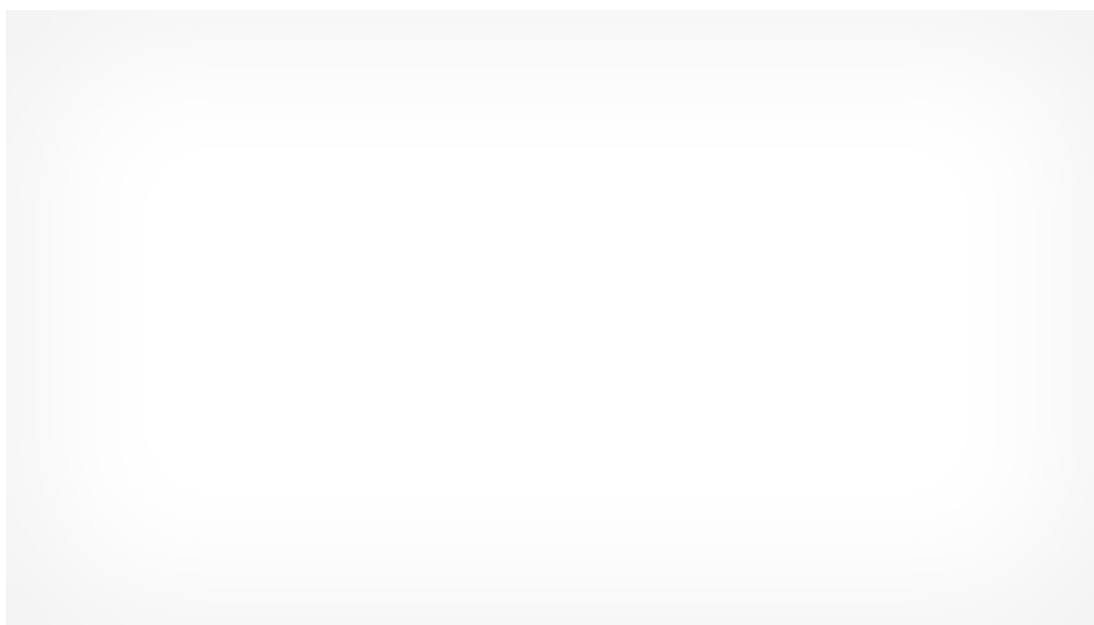
The lieutenants and their attorney told a Suffolk Superior Court judge earlier this month the alleged wrongdoing is the latest in a pattern of discriminatory practices resulting in women and people of color being repeatedly bypassed for leadership roles within the state’s largest police force.

“This is just another indication that there are opportunities that are given to younger, white men that are not given to female and older minorities,” Springfield-based attorney Lisa Brodeur-McGan said in a recent court hearing, according to audio obtained by the Globe Friday.

The attorney said in court she wants an investigation to be conducted into the claims by her clients: Lieutenants Marion Fletcher, a 57-year-old white woman; Carmelo Ayuso, a 61-year-old Puerto Rican man who is president of the Massachusetts Minority State Police Officers Association; and Michael Ahern, a 58-year-old white man.

State Police spokesman David Procopio did not answer questions about whether an investigation has been, or will be, conducted. But he denied the claims.

ADVERTISING



“Accusations of cheating are utterly baseless and we reject them categorically,” Procopio said in a statement Saturday. “The 2020 Captain’s promotional examination was prepared, announced, administered, and graded fairly, properly, and consistently, and in the same manner as past tests. Candidates’ test results were determined solely by their preparation, study, and understanding of current policing leadership topics.”

Governor Charlie Baker’s office declined to comment.

Brodeur-McGan said Saturday she also plans to file complaints with the Massachusetts Commission Against Discrimination outlining allegations of discrimination and retaliation.

Reached Saturday afternoon by phone, Ayuso declined to comment. The other two lieutenants did not respond to messages.

The case marks the most recent scandal to hit the State Police, which has found itself at the center of [one controversy after another](#) for more than three years.

The recent test, a 100-question multiple-choice exam for officers seeking to be promoted to captain, was held in November, according to court filings.

The top scorer on the exam was Mark Cyr, according to documents obtained by the Globe. For about the past year, Cyr, who is white and in his 40s, worked as Colonel Christopher Mason’s chief of staff and his duties included chauffeuring Mason, according to sources familiar with the department who spoke on the condition they not be identified because they are not authorized to speak publicly and for fear of reprisal.

Mason, who previously was the department’s second-in-command, was chosen by Governor Charlie Baker to become colonel just over a year ago when the former leader retired. Mason, a named defendant in the case, declined an interview request Saturday.

Last month, Cyr was promoted from detective lieutenant to captain, increasing his base salary from about \$173,000 to about \$185,500. After the exam, he was reassigned to

another troop, sources said.

It was Cyr's latest promotion. State payroll records show he rose from a sergeant making about \$125,000 in base pay per year to a lieutenant in 2019 before being appointed by Mason early in 2020 as a detective lieutenant, a rank officers are given at the colonel's discretion without the need for any testing.

Scoring seventh on the November exam was Detective Lieutenant Stephen A. Gabriel Jr., according to records. Gabriel, who is in his 40s, worked as second-in-command Lieutenant Colonel Richard Warmington's chief of staff for about the past year and was Warmington's driver, sources told the Globe.

Gabriel also was promoted from a sergeant making about \$114,600 in base pay annually to lieutenant in 2019 before becoming a detective lieutenant earlier in 2020, records show. His base salary is now about \$166,000. After the exam, he was reassigned to oversee the agency's diversity unit, sources said.

The high scores for a pair of officers tied so closely to the department's top two leaders immediately raised eyebrows within the agency.

Then, at a Jan. 22 court hearing, Brodeur-McGan revealed one of her clients, Ahern, recently obtained a copy of an e-mail that showed Cyr had possession of a special study guide and a message with it saying to "keep this close to the vest." Brodeur-McGan did not mention Cyr by name during the court hearing.

"That study guide, compared to the actual exam unusually and suspiciously focuses on unique questions and the answers," Brodeur-McGan explained. "This looks by all apparent measures as some very serious evidence of potential cheating."

She said her clients plan to request an investigation.

Procopio, the State Police spokesman, said Saturday officers are allowed to study together and create and share study guides, and it's reasonable that they would be able to

predict certain topics included on an exam.

Bruce Hiorns, president of the Commissioned Officers Association, which, while not a labor union, represents State Police officers at the rank of lieutenant and above, including Mason, said in a statement: “To ensure exam security, question creation and selection is outsourced to an independent third-party; Department involvement is restricted to a seven-member exam committee with stringent rules and confidentiality. Study groups and the use of study guides are encouraged and a long-standing practice. Promotional exams are demanding and success requires significant study of a wide-range of comprehensive materials.”

Brodeur-McGan said in court she recently had a conversation with State Police lawyers about the e-mail and study guide her client obtained, and the lawyers recommended she send the information through the department’s chain of command for review.

“We wanted the State Police to look at this and I asked the State Police [lawyers] ... given the severity of it and the high level of it, ‘Who can we send it to? Can I send it to you?’ And they advised me to tell my client to send it through the chain of command.”

However, Brodeur-McGan said that raised concerns.

“I said well, if the chief of staff of the colonel and the colonel could possibly be involved in this, how can I send it through chain of command? And that was what they repeated: ‘Send it through chain of command,’” she explained to the judge.

State Police attorney Michael Halpin, special counsel to Mason, said in addition to telling Brodeur-McGan she could send information about cheating allegations through the chain of command, department attorneys said she could send it directly to them or to the Inspector General office’s Division of State Police Oversight, a watchdog unit created in 2018 in the wake of a series of scandals.

“Certainly, if we think there’s any evidence of cheating or anything like that, we would

obviously investigate that,” Halpin told the judge, adding later: “We don’t think there’s going to be any merit to the claim.”

The hearing didn’t delve further into the cheating or discrimination allegations, in part because Brodeur-McGan said she plans to file an amended lawsuit by Feb. 12.

The lieutenants also alleged the State Police had let several vacancies at the rank of captain linger and violated rules by failing to fill them in a timely manner using a previous promotional list. Next in line on that list were minorities and women, including Fletcher, who Brodeur-McGan said was two spots away from being promoted. Sources told the Globe Ahern was next in line on the previous list while Ayuso was fifth.

Instead of promoting from the previous list, the lawsuit alleges, the agency scheduled the recent test, rushed to certify its results, and before they were properly certified, quickly began promoting from the new list, which is top-heavy with white men.

The State Police said in a court filing the department had made a larger than normal share of promotions from it, which prompted the agency to schedule the exam in November to create the new list. The agency said it wasn’t able to make promotions sooner due to “a variety of reasons,” including a lack of funding.

The department said neither Ahern nor Ayuso took the recent exam.

Meanwhile, Fletcher, who [along with other troopers sued](#) the department previously for discrimination in promotion practices, received the lowest possible passing grade on the November exam, placing 84th out of 85 candidates on the list. And the department said a previous attempt by Fletcher to appeal several questions on the exam was denied, noting many other test takers answered those questions correctly.

[Show 95 comments](#)

©2021 Boston Globe Media Partners, LLC