

State Police colonel tasked with reform is accused of breaking rules to promote his allies

Lawsuit alleges colonel rushed process to promote his driver, who's accused of cheating

By **Matt Rocheleau** and **Laura Crimaldi** Globe Staff, Updated March 3, 2021, 5:48 p.m.



During State Police Colonel Christopher Mason's tenure, controversy has continued. HALEY CHI-SING FOR THE BOSTON GLOBE

Reeling from an onslaught of Massachusetts State Police scandals, the governor in late 2019 appointed a new colonel, Christopher Mason, and pitched him as a reformer who

could right the agency and spark culture change.

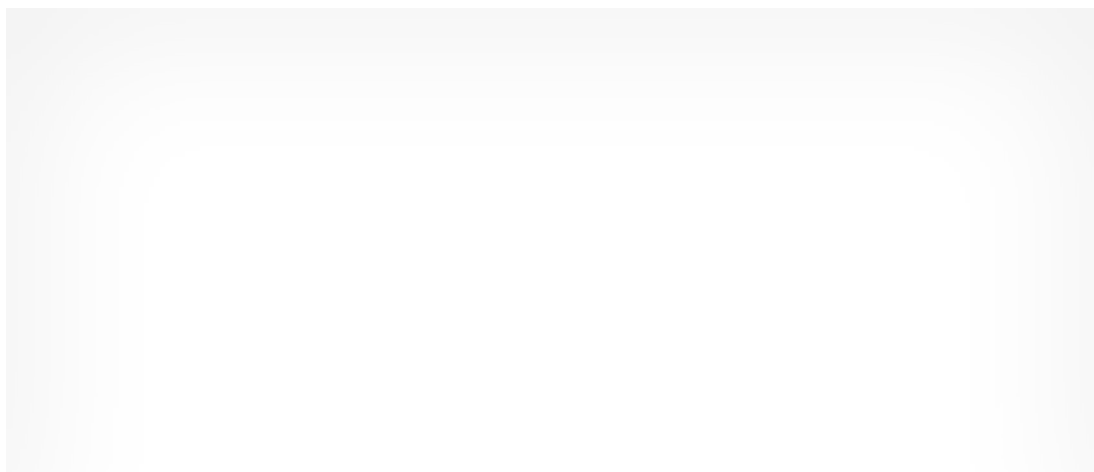
While a parade of controversies has continued during Mason's tenure, many have been linked to misconduct under previous colonels. But now a lawsuit filed by three veteran supervisors alleges recent improprieties around the agency's promotional exam and promotions process, laying blame with Mason.

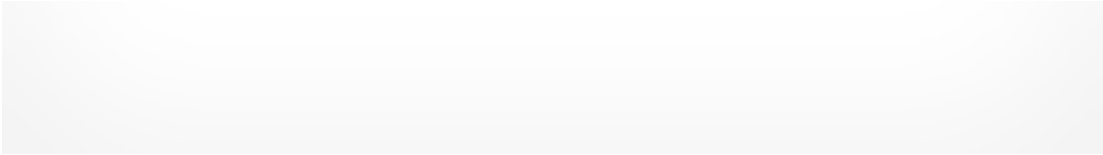
The lawsuit alleged Mason's former driver and chief of staff, who had the best score on the agency's November exam, and two other top-scoring troopers coauthored an exam study guide that was "suspiciously predictive" of questions. The lawsuit says that the guide is "strong evidence that test takers had access in advance to specific testing questions and answers" and that Mason and the command staff "turned a blind eye" to potential cheating.

Following the exam, the suit claims, the colonel rushed a promotion process to advance those closest to him — most notably his former driver — before a new state law took hold and changed the process.

The accusations could further damage trust in the state's largest law enforcement agency. Kevin M. Burke, a former state legislator, district attorney, and state public safety head, said the suit adds fuel to complaints he's heard for years about colonels "playing around" with promotions.

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“The perception this creates is not good for the agency, and it will be destructive to the department’s culture in the long run,” said Burke, whom the State Police hired to investigate alleged misconduct by a different colonel three years ago.

Mason declined an interview request.

State Police spokesman David Procopio said the agency’s internal affairs unit is “reviewing the process through which the exam was developed and administered.” Procopio declined to call it an investigation, saying the review is “in the interest of public confidence and full transparency.”

Procopio denied the suit’s claims, saying the recent “promotional examination was prepared, announced, administered, and graded fairly, properly, and consistently, and in the same manner as past tests. Accusations of cheating are baseless and we reject them categorically.”

Governor Charlie Baker, through a spokeswoman, declined to comment.

The suit was filed in late January in Suffolk Superior Court. Subsequent filings have shed more light on the lieutenants’ allegations. The trio said the recent promotions benefited younger, white troopers allied with Mason, and disenfranchised women, troopers of color, and older troopers, including those who had previously blown the whistle on wrongdoing within the agency.

After a series of promotions dating back to 2018, the plaintiffs had moved near the top of the prior promotions list before, they say, Mason changed the process late last year. Atop the list was Lieutenant Michael Ahern, who is 58 and spent 20 years as an attorney general’s office investigator. Ahern alleged the department avoided promoting him in retaliation for investigating corruption, including within State Police.

Up for promotion after him was Lieutenant Marion Fletcher, a 57-year-old white woman.

Fifth in line was the third plaintiff: Carmelo Ayuso, 61, who identifies as Black and Hispanic and is president of the Massachusetts Minority State Police troopers Association. Fletcher and Ayuso alleged the department avoided promoting them in retaliation for previous discrimination complaints against the agency.

Their suit asks the court to bar the department from making further promotions, warning that if action isn't taken, the colonel's actions will "ensure the Department's command staff remains the province of younger white men for years to come."

The lawsuit alleged Mark Cyr, a white 45-year-old trooper who then served as Mason's chief of staff and chauffeur, coauthored a special study guide with a former driver for Mason's deputy and another officer. In an e-mail, one coauthor wrote to another colleague to "keep this close to the vest," according to the suit.

The suit claimed the study guide was a much better predictor of questions and answers than a guide created by the publisher of the textbook the exam was based on.

All three study guide authors scored in the top 10 on the November test, a 100-question multiple-choice exam for promotion to captain.

Attorney Timothy Burke, who represents the troopers now under scrutiny by the department, said his clients took the test fairly and welcomed an internal inquiry. "Let me state categorically that they, individually and collectively, emphatically deny any wrongdoing in their preparation for this exam."

With the test completed, Mason bucked tradition and — according to the plaintiffs — broke the law by fast-tracking promotions. For example, Mason certified the test in 37 days, whereas certification usually takes between three and five months, the suit said.

About 20 minutes after certifying the results on Dec. 21, Mason issued orders immediately promoting Cyr from detective lieutenant to captain. Normally, such moves become effective after a five-day notice period, the suit said. Also on Dec. 21, Mason picked Brian Anderson, who is 44, white, and a study guide coauthor, to replace Cyr.

Mason did not post that vacancy for others to apply, a violation of department policies, the lawsuit alleged.

The suit alleged a motivation for Mason's rush: If the results had been certified just days later, then provisions tucked into a statewide police reform bill may have resulted in changes to the order of who was eligible for promotion.

The suit also claimed that, prior to the exam, Mason violated policies by leaving captain vacancies unfilled for too long and without sufficiently explaining why he didn't fill the openings.

The department defended itself in the suit, saying it had stopped making captain promotions under the old process for "a variety of reasons," including that it had already reached deep into the previous promotional list and lacked funds to support additional pay raises. But the lawsuit noted the department actually made dozens of promotions to other ranks, with raises attached.

Two plaintiffs didn't take the recent exam. Ayuso didn't give a reason, but Ahern said in an affidavit that he skipped the exam because he had expected to be promoted since he was next in line.

Fletcher received the lowest possible passing grade and challenged the exam's makeup, saying in an affidavit that the exam focused on outdated policies.

The lieutenants' attorney, Lisa Brodeur-McGan, called her clients extremely qualified.

"The public would be better off with them in place as captains," she said.

The latest accusations strike at top goals for Mason and Baker: regaining public trust and improving diversity at an agency [plagued by corruption and discrimination claims](#).

Procopio pointed to measures Mason has taken to bolster diversity and accountability. He said Mason has added a diversity officer, is working to establish a cadet program, and has promoted more than a dozen troopers of color and women to high-ranking roles.

Other initiatives include ethics and antibias training, more internal investigators, and additional audits.

Still, during Mason's tenure, officer [misconduct](#) and [controversy](#) have [continued](#). After [promising](#) to fire troopers implicated in an overtime fraud scandal, Mason ultimately [allowed](#) many to keep their jobs.

The department's demographics have remained virtually unchanged. Today, 88 percent of the force is white and 95 percent is male. At the rank of captain and above, 51 out of 57 troopers are white men.

Cape & Islands District Attorney Michael O'Keefe, whose office works closely with State Police, lauded Mason's work as colonel. For two decades, Mason worked as a detective for O'Keefe.

"He's had to deal with any number of things that predated his tenure as a colonel, and from what I see he's done a pretty good job," said O'Keefe. "I've known him for a long long time and I'd vouch for his integrity."

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