



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

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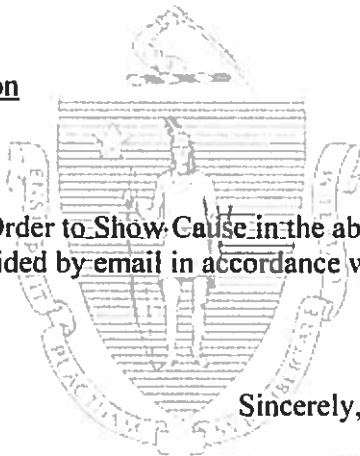
June 24, 2020

Legal Division
State Ethics Commission
Room 619
One Ashburton Place
Boston, MA 02108

Re: In re Richard McKeon

Dear Sir/Madam:

Enclosed please find an Order to Show Cause in the above referenced matter. A version in PDF format is also being provided by email in accordance with the Commission's Electronic Case Filing Procedures.



Sincerely,

/s/Candies Pruitt
Staff Counsel
Enforcement Division

COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

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SUFFOLK, ss.

COMMISSION
ADJUDICATORY
DOCKET NO. 20-0005

IN THE MATTER

OF

RICHARD McKEON

ORDER TO SHOW CAUSE

1. The State Ethics Commission ("Commission") is authorized by G.L. c. 268B to enforce G.L. c. 268A, the state conflict of interest law, and in that regard, to initiate and conduct adjudicatory proceedings.

2. On December 19, 2019, the Commission (a) found reasonable cause to believe that Richard McKeon ("McKeon") violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(3), and (b) authorized the initiation of adjudicatory proceedings.

FACTS

3. In 2017, McKeon was the Colonel of the Massachusetts State Police.

4. On October 16, 2017, a Massachusetts State Trooper arrested the daughter of a Massachusetts judge ("Daughter") for operating under the influence of alcohol and drugs.

5. The arresting trooper's report described embarrassing statements by the Daughter and included quotes of sexually explicit statements he reported she made during the arrest. The report also quoted the Daughter's statement that her father was a judge.

6. On October 17, 2017, the arrest report and a criminal complaint

application were submitted to the Worcester District Court for a probable cause finding to issue a criminal complaint against the Daughter. A clerk magistrate found probable cause and the complaint issued.

7. The arrest report and complaint were then impounded by the Court.

8. On or about October 19, 2017, McKeon issued an order through the State Police chain of command that the arresting trooper remove the Daughter's embarrassing statements, including the sexually explicit quotes and the statement that her father was a judge, from the arrest report.

9. The trooper's police academy training stressed the importance of including in an arrest report anything the suspect said, word-for-word, including insensitive language in direct quotes.

10. McKeon ordered delivery of the revised arrest report to the Worcester County District Attorney's Office.

LAW

§ 23(b)(2)(ii)

11. General Laws chapter 268A, § 23(b)(2)(ii) prohibits a state employee from knowingly, or with reason to know, using or attempting to use his official position to secure unwarranted privileges or exemptions for himself or others, which are of substantial value, and which are not properly available to similarly situated individuals.

12. As Colonel of the State Police, McKeon was a state employee and subject to G.L. c. 268A.

13. Having the report of the Daughter's arrest revised by the arresting trooper to remove the embarrassing statements, including the quotes of her sexually explicit

statements and statement about her father being a judge, was a privilege. The privilege was unwarranted because it was not authorized by law or regulation.

14. McKeon used his official position as Colonel of the State Police to secure this unwarranted privilege for the judge and/or his daughter by ordering through the chain of command that the arresting trooper make the revisions.

15. The unwarranted privilege was of substantial value¹ because removal of such information would avoid embarrassment, harm to reputation, and the cost to rehabilitate one's reputation.

16. The unwarranted privilege of having such information removed from an arrest report was not properly available to similarly situated individuals whose embarrassing statements, including sexually explicit statements to the police at the time of their arrest, had been included in their arrest reports.

17. Therefore, McKeon violated § 23(b)(2)(ii) by, as the Colonel of the State Police, ordering the report of the Daughter's arrest to be revised or replaced.

§ 23(b)(3)

18. Section 23(b)(3) prohibits a state employee from knowingly, or with reason to know, acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

19. By, as Colonel of the State Police, ordering the report of the Daughter's

¹ "Substantial value" is \$50 or more. 930 CMR 5.05

arrest to be revised or replaced as described above, McKeon, knowingly, or with reason to know, acted in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that he is likely to act or fail to act as a result of rank, position or undue influence of any party or person.

WHEREFORE, Petitioner asks that the Commission:

1. find that Richard McKeon violated G.L. c. 268A, §§ 23(b)(2)(ii) and 23(b)(3); and
2. levy such fines, issue such orders and grant such other relief as may be appropriate.

Respectfully submitted,
Petitioner State Ethics Commission
By its attorneys,

Date: 6/24/20

/s/Candies Pruitt
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Dated: 6/24/20

/s/Tracy Morong
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