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### Second State Police trooper to plead guilty in OT fraud case



JESSICA RINALDI/GLOBE STAFF/FILE

By [Matt Rocheleau](#)

GLOBE STAFF AUGUST 17, 2018

A second Massachusetts State Police trooper has agreed to plead guilty to federal embezzlement charges and to serve time in prison in the [widening overtime fraud scandal](#), prosecutors announced Friday.

Kevin Sweeney, 40, of Braintree, is the sixth trooper to be charged in the ongoing probe of the state's largest law enforcement agency by US District Attorney Andrew E. Lelling's office.

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Sweeney has agreed to help prosecutors with their investigation and to serve eight to 14 months in prison followed by a year of supervised release, according to a copy of the signed plea deal.

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He has also agreed to pay a fine in addition to paying back \$11,103 in overtime he collected for hours he allegedly did not work in 2015 and 2016.

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In total during 2015, Sweeney earned \$249,407, including \$111,808 in overtime, according to prosecutors. The following year, Sweeney earned \$218,512, including \$95,895 in overtime, prosecutors said.

Sweeney, like other troopers facing

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charges, allegedly submitted phony traffic citations to make it appear he had worked the hours.

The hours in question included shifts under two State Police initiatives — the “X-Team” and the “Accident Injury Reduction Effort” or “AIRE” — that the department operated to curb accidents by targeting speeding drivers.

Sweeney allegedly left early or did not show up for other overtime shifts, too, prosecutors alleged.

In an example cited by

prosecutors, they said Sweeney

claimed to have worked an overtime shift between 7 and 11 p.m. on Dec. 14, 2018, and submitted copies of eight traffic citations he claimed to have issued during the shift.



#### **4 more State Police troopers eyed in overtime fraud scandal; total now 46**

The troopers’ names will be shared with federal and state prosecutors who are conducting separate criminal probes.

[Read: Another trooper facing charges in State Police overtime scandal](#)

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But prosecutors said they found that his cruiser radio was not on during those hours, he did not look up any driver histories, and Registry of Motor Vehicle records show none of the drivers Sweeney claimed to have cited actually received a citation that day.

He was charged with one count of embezzlement from an agency receiving federal funds and one count of wire fraud.

A lawyer for Sweeney did not immediately respond to requests for comment on Friday.

State Police said Sweeney joined the agency in late 2000 and has been suspended without pay since late

March after an ongoing audit by the department found discrepancies with his payroll.

Sweeney is one of 46 current and former troopers [flagged](#) by that audit for alleged fraud, prompting the department to turn the evidence over to federal and state prosecutors, according to the agency.

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The department has said all of the 46 were members of Troop E, the State Police unit assigned to patrol the Massachusetts Turnpike before it was [disbanded](#) this spring as a result of the scandal.

Roughly one-third of that unit's members have been accused of collecting overtime pay for hours and shifts they did not work.

Some troopers flagged by the department in recent months have [retired](#) before disciplinary hearings could be held. Others have been suspended without pay.

State Police spokesman David Procopio in a statement said Friday's "announced plea agreement is a direct result of the department's work to restore transparency and ensure accountability."

The agency has taken steps to implement a series of reforms, including installing GPS tracking devices in cruisers and auditing top earners quarterly.

"Under the leadership of Colonel [Kerry] Gilpin, the State Police will continue to audit earnings from discretionary overtime and, as we did in the case resolved today, provide results to federal and state prosecutors," Procopio said.

The other five troopers charged each face one count of embezzlement from an agency receiving federal funds.

Retired Trooper Gregory Raftery, 47, of Westwood [pleaded guilty](#) in late June.

Three others were [charged](#) then: retired Lieutenant David Wilson, 57, of Charlton; retired Trooper Paul Cesan, 50, of Southwick; and Trooper Gary Herman, 45, of Chester.

Late last month, retired Trooper Daren DeJong, 56, of Uxbridge, was [charged](#).

The embezzlement charges carries penalties of up to 10 years in prison and a \$250,000 fine. The wire fraud charge carries a penalty of up to 20 years in prison and a fine of \$250,000. The troopers charged may also lose their pensions if convicted.

The Boston Globe [reported](#) Monday that State Police officials had received warnings about payroll issues in recent years. Despite the red flags, there is scant evidence that department leaders acted to address a culture of impunity.

*Travis Andersen of the Globe staff contributed to this report. Contact Matt Rocheleau at [matthew.rocheleau@globe.com](mailto:matthew.rocheleau@globe.com).*

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