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Another state trooper charged in overtime scandal



JESSICA RINALDI/GLOBE STAFF

Massachusetts State Police headquarters is seen in Framingham.

By [Matt Rocheleau](#), [John R. Ellement](#) and [Maria Cramer](#)

GLOBE STAFF DECEMBER 12, 2018

There was a burst of activity Wednesday in the overtime scandal that has engulfed the Massachusetts State Police, as another state trooper was charged in federal court, two who were facing charges agreed to plead guilty, and yet another formally admitted his guilt.

The latest trooper to be arrested by his former allies in law enforcement was Trooper Heath P. McAuliffe, 40, who was taken into custody at his residence in Hopkinton.

He allegedly created fictitious driving citations and changed the time they were issued so he could collect overtime and also get paid while participating in the security detail guarding a massive tanker carrying liquefied natural gas as it slowly sailed into Boston.

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He was charged in a criminal complaint with embezzlement from an agency receiving federal funds, prosecutors said.

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McAuliffe made his initial appearance in US District Court in Boston Wednesday afternoon, entering the court in handcuffs.

He was released without bail on several conditions, including that he not leave the continental United States and avoid contact with potential witnesses in the case.

McAuliffe has been suspended from State Police without pay since March.

His attorney, James L. Sultan of Boston, said McAuliffe has also been collecting disability benefits for a shoulder injury he suffered.

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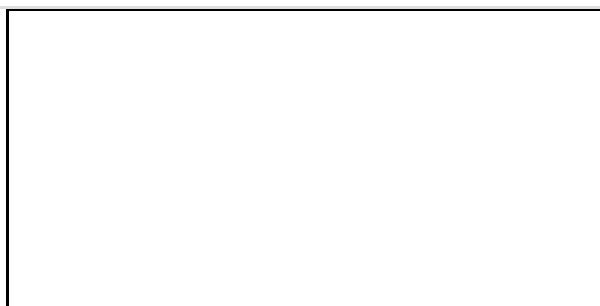
Ten current and former troopers now face federal and state criminal charges for allegedly falsifying payroll records and submitting phony “ghost” traffic citations to collect thousands of dollars for work never performed.

Andrew Lelling, the United States Attorney for Massachusetts, said the federal probe is continuing. “We don’t relish this kind of enforcement, but I think it’s necessary to do it, Lelling told a group of reporters at the federal courthouse. “It appears necessary at least from what we’ve seen so far to clean house a little bit at the State Police.”

State Police spokesman David Procopio wrote in a statement that “The conduct described in today’s court actions do not define the Massachusetts State Police, and for proof of that one need only look at the overwhelming majority of Troopers who do their jobs with honor, bravery, and dedication each and every day.”

Prosecutors alleged McAuliffe conducted traffic stops while on his regular shift but filed the paperwork with the Registry of Motor Vehicles falsely claiming he encountered the drivers while working on a traffic-calming program that paid overtime.

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In one case listed in the federal complaint, authorities alleged McAuliffe ran the driving history of a person at 7:50 a.m. — but wrote the time as 7:50 p.m. when he filed the citation with the RMV. He allegedly collected \$9,825 in overtime pay for hours he didn't work from August 2015 through August 2016, records show.

In 2016, McAuliffe received \$164,680 in pay, including more than \$60,900 in overtime. In 2015, he received \$180,215, including more than \$83,400 in overtime.

Sultan, McAuliffe's defense attorney, said his client was an 18-year veteran with an unblemished record who is facing the loss of his career and pension because of "longstanding, widespread practice" in the State Police.

"It's fine to change the culture if the culture needs to be changed," he said. "But to treat this longstanding practice as federal crime and ruin the lives and careers of people who have spent decades dedicated to public service — I am not sure that serves the interest of the people of Massachusetts."

Also Wednesday, another trooper ensnared in the overtime scandal, Eric S. Chin, who agreed to plead guilty in October, formally entered his plea in federal court. Prosecutors said in a statement that Chin "admitted collecting \$7,125 for overtime hours that he did not work."

Chin's lawyer, Douglas I. Louison, said afterward that it was "an unfortunate day" for his client who had served proudly with the State Police. Overtime fraud, Louison said, "was a systemic problem with the State Police and he was unfortunately caught up in it."

He said "there's been a mistake made" and that his client "accepted his responsibility" and "is now moving forward."

Chin's sentencing was set for March 20.

Chin was the first trooper accused by State Police of stealing overtime. The department suspended him without pay in April 2017.

It took nine months, and questions about overtime discrepancies from WCVB-TV, before department officials announced in January they had "launched an investigation into payroll discrepancies uncovered

during an ongoing internal audit.”

Since then, the department has accused 46 current and former troopers of collecting overtime pay for hours and shifts in 2016. All of them worked for Troop E, and the tally represents approximately one-third of the total number of members assigned to that unit, which patrolled the Massachusetts Turnpike. The department disbanded the unit in the spring as a result of the overtime scandal. The department is continuing to review 2015 payroll records after completing a review of 2016 data in June.

Evidence from the audit has been shared with state and federal prosecutors, who are running parallel criminal investigations.

McAuliffe is the eighth trooper to face federal charges in the scandal.

In state court, Attorney General Maura Healey is prosecuting three former commanders. One of them, retired Lieutenant David W. Wilson, 58, of Charlton, is also facing federal charges.

In a filing Wednesday, Wilson agreed to plead guilty in the federal case, according to court records. The plea deal said the parties will urge the judge to impose a sentence of between six months and a year.

Wilson was a shift commander in Troop E's Boston duty office in 2016 and was paid \$259,475, including \$102,062 in overtime. He now admits collecting \$12,450 for overtime hours that he did not work, prosecutors said.

Wilson's attorney Leonardo A. Angiulo did not respond to requests for comment, and Healey's office declined to comment about the charges against Wilson in state court, which he has pleaded not guilty to.

Also agreeing to change his plea to guilty was Daren DeJong, 57, of Uxbridge, who was charged with collecting \$14,000 for filing bogus overtime claims, according to court papers filed Wednesday. He was paid \$200,416, which included approximately \$68,394 in overtime pay. Prosecutors said they will support a six- to 12-month prison sentence for DeJong.

The federal embezzlement charge carries a penalty of up to 10 years in prison and a \$250,000 fine.

Convicted troopers may also lose their [pensions](#).

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

Since the overtime scandal erupted this spring, the department has taken steps to implement a series of reforms, including installing GPS tracking devices in cruisers.

However, some of the changes promised have not yet happened and [controversies](#) have continued to crop up for the agency, including [federal investigations into union leaders' finances](#), [additional allegations of payroll abuse](#), and outcry after it was revealed the department [tried several times to destroy large volumes of payroll records](#) amid multiple ongoing investigations.

The problems have caused [morale to plummet and retirements to spike](#) to record levels.

Other local law enforcement agencies have faced pay-related scrutiny recently.

The Globe [revealed](#) last week that two Boston police officers faced criminal charges for receiving pay for

hours they never worked in recent years.

One officer had his charges quietly erased in a secret clerk magistrate hearing in court. The other worked out a deal to have the charges dismissed if he pays the department back and stays out of trouble, the Globe reported.

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