



Bruins 3, Penguins 4, Final

4 troopers suspended in OT scandal win their jobs back

By [Matt Rocheleau](#) Globe Staff, March 28, 2019, 5:10 p.m.



Massachusetts State Police headquarters. JOHN TLUMACKI/GLOBE STAFF

Four State Police troopers suspended in the overtime fraud scandal should get their jobs back — at least for now — and be paid back for the months spent on unpaid leave because the department failed to follow proper procedures in

disciplining them, the state's Civil Service Commission ruled Thursday.

The troopers were suspended without pay indefinitely in mid-August after the department notified them in memos that its ongoing audit had uncovered evidence they had skipped numerous overtime shifts, according to documents filed with the commission.

None of the four troopers have been charged criminally.

One of them — Trooper Daniel E. Crespi — was accused by the department of skipping all, or a portion of, 294 shifts during 2016 and 2015, records show. That total appears to be a higher number of skipped shifts than any of the 10 troopers charged criminally in the fraud scandal.

Trooper Jeffrey J. Russell was accused of skipping all, or a portion of, 130 shifts, while Trooper Jeffrey K. Reger was accused of skipping some or all of 88 shifts during 2016 and 2015; and Trooper John F. Adams was accused of skipping all or some of 13 shifts in 2015.

About one month after being suspended, the troopers appealed to the Civil Service Commission, which on Thursday agreed with the troopers that the department did not afford them due process before handing down the discipline.

The troopers argued in their appeals that they were scapegoats, disciplined by the department to “defuse media attention” in the wake of [a front-page Globe story](#), records show.

The story detailed how there was scant evidence State Police leaders had addressed many warning signs of potential payroll fraud in recent years.

Hours after the story was published, the troopers received phone calls telling them they'd been placed on paid administrative leave, records show.

The department also sent a press release that day announcing four troopers had been implicated by the department's audit of alleged overtime fraud, but did not name them.

The next day, the troopers received written notices, records show. The following day, they were suspended after an internal hearing at which no testimony or evidence was provided.

The troopers appealed internally, asking for a hearing before Colonel Kerry Gilpin, but that never happened, according to [the commission's ruling](#). They also asked for copies of the evidence against them. The department eventually said the troopers could review evidence in person but refused to turn over copies.

On Thursday, the commission issued a ruling that "orders the Department to reinstate the Appellants to paid status and to impose no further suspension or other discipline until the Appellants have been afforded their statutory right to a just cause hearing."

The ruling also requires the department to pay back the troopers for the pay and benefits they lost while suspended.

Still, the commission said, the accusations against the troopers were serious, the commission will "not serve as a safe haven for those proven to be engaged in such misconduct," and Thursday's ruling doesn't mean the department can't discipline the troopers again, if it follows proper procedures to do so.

"Nothing in this Decision prevents the Department from duly completing its investigation and, after affording the Appellants their statutory right to a just cause hearing, imposing appropriate discipline for any misconduct that the

preponderance of the evidence establishes,” the commission wrote.

However, if the troopers are disciplined again, that can also be appealed to the commission.

The commission can be asked within 10 days to reconsider the ruling it issued Thursday. The matter could also be taken to Superior Court within 30 days.

State Police spokesman David Procopio said the troopers remain suspended for now as the department mulls its options for reconsideration and appeal.

“We strongly disagree with the decision of the Civil Service Commission and maintain that the Civil Service Commission is not the proper venue for review of the Colonel’s authority to order the suspension of Troopers for alleged misconduct,” Procopio said in an e-mail. “We believe these troopers should remain suspended without pay.”

Acton-based attorney Joseph P. Kittredge, who represents Crespi and Reger, said neither trooper did anything wrong.

“They didn’t skip any shifts,” Kittredge said by phone Thursday. “Nothing they did was without the permission of their supervisors.”

He said the department suspended them in a “rush to judgment.”

“It was a knee-jerk reaction without any basis in fact or law,” Kittredge said. “It’s just atrocious.”

Kittredge said “the allegations amount to just minutes or hours” and that he and his clients reviewed a list of dates on which the department alleged the troopers missed time at work and found “a lot of inaccuracies” in the agency’s findings.

“We can establish that they were working,” he said, adding, “My clients were very happy with the ruling of the civil service to give them a chance to defend themselves and vindicate their reputations.”

Stoneham attorney Daniel Moynihan, who represents Adams and Russell, said Thursday’s ruling was the right call.

“It’s been a long time coming for them. They’ve been without pay for a long while,” Moynihan said by phone Thursday. “They’ve been eager to have this addressed and felt there wasn’t just cause for this action and feel somewhat vindicated by this decision.”

“They’re good troopers,” Moynihan added. “They had stellar careers.”

The four troopers were accused of skipping shifts while they were members of Troop E, which patrolled the Massachusetts Turnpike before being disbanded last spring as part of a series of reforms announced in the wake of the fraud allegations.

But the shifts they were accused of missing — Community Action Team, or CAT, patrols — were a different type of overtime work than what the criminally charged troopers were accused of skipping.

“Our position was they were caught up in this media frenzy with other troopers who did things that were different than what they did,” Moynihan said. “They should not be lumped in with other troopers you’ve been reading about.”

A total of 46 current and former Troop E members — representing approximately one-third of the division — who have been accused by an internal State Police audit of collecting overtime for hours and shifts they didn’t work.

The audit’s findings have been shared with state and federal prosecutors’ parallel investigations, leading to criminal charges against 10 members. Eight have pleaded guilty.

Matt Rocheleau can be reached at matthew.rocheleau@globe.com. Follow him on Twitter [@mrochele](https://twitter.com/mrochele).

 Show 128 comments

©2020 Boston Globe Media Partners, LLC