



Bruins 3, Penguins 4, Final

Ex-lieutenant, trooper sentenced to 1 day in prison in State Police overtime scandal

By [Matt Rocheleau](#) Globe Staff, June 4, 2019, 2:13 p.m.



JOHN TLUMACKI/GLOBE STAFF/FILE

A former Massachusetts State Police shift commander and a state trooper who were both ensnared in the high-profile overtime scandal were each sentenced in federal court Tuesday to a single day of prison, which a judge deemed had

already been served.

Former lieutenant David W. Wilson, 58, of Charlton must also serve two years of supervised release, including six months of home detention. He must also pay restitution for collecting for overtime hours he did not work.

Former trooper Heath P. McAuliffe, 41, of Hopkinton must also serve one year of supervised release, including six months of home detention. He must pay restitution as well as a \$4,000 fine.

Separately, US District Judges Richard G. Stearns and Denise J. Casper sentenced the two men in US District Court in Boston. The judges rejected prosecutors' requests that each serve six months in prison and instead adopted almost exactly what defense attorneys proposed.

US Attorney Andrew E. Lelling expressed disappointment.

"We continue to believe that some term of imprisonment is appropriate in these cases," Lelling said in a statement after the hearings.

In Wilson's case, Stearns noted, "I'm sure there's members of the public who feel I'm being excessively lenient."

But Stearns said he was moved by accounts from Wilson's lawyer and numerous letters of support from Wilson's family, friends, and others about the positive work he did during his law enforcement career and as a foster parent to about 70 children.

"I began to see a different person than I thought I was going to see," Stearns said. "I don't think this case requires rehabilitation in the normal sense."

“What persuades me . . . is the years he devoted to foster care. I’ve never seen a person who’s sacrificed that much for children.”

More than a dozen of Wilson’s loved ones attended Tuesday’s hearing. They embraced Wilson after the judge issued the sentence, wiping tears from their faces. Wilson and several of his supporters left the courthouse side by side, holding hands.

Wilson was [arrested](#) last June and [pleaded guilty](#) in January to collecting about \$12,450 for overtime he did not work in 2016, a year in which his total pay was \$259,000, including more than \$103,000 in overtime.

Both Wilson and McAuliffe read brief statements in court apologizing.

[McAuliffe was arrested](#) in December and [pleaded guilty](#) in March to collecting more than \$7,800 for overtime hours he did not work between August 2015 and August 2016. He was paid \$164,680 in 2016 and \$180,215 in 2015, including more than \$60,900 and \$83,400 in overtime, respectively.

Casper said she considered a host of factors in sentencing McAuliffe.

Forty-six troopers assigned to a division that primarily patrolled the Massachusetts Turnpike have been accused of collecting overtime pay for hours they didn’t work in previous years. Ten have been criminally charged.

They allegedly took steps to hide their absences from shifts that aimed to stop speeding and aggressive drivers. They wrote phony traffic citations to meet [unconstitutional ticket quotas](#), falsified other paperwork, and [destroyed](#) documents.

Troopers, their lawyers, prosecutors, and judges have described the steps troopers and supervisors took to steal money and cover their tracks as coordinated, sophisticated, and part of systemic [cultural problems and lax oversight](#) plaguing the agency.

A federal judge in Boston handling a separate case that was part of the scandal recently said it amounted to “a [conspiracy](#)” and questioned why prosecutors haven’t pursued more serious charges often used against mobsters involved in elaborate criminal schemes.

McAuliffe, in a [letter](#) to the judge in his case, said almost every turnpike troop member used the same scheme with the knowledge of their superior officers, but “only a handful of us were singled out for federal prosecution.”

Troopers have been charged for alleged fraud dating back to 2015. Federal prosecutors say they can’t tell whether the embezzlement began earlier because State Police [destroyed key evidence](#) for previous years — some of which was disposed one year into the agency’s ongoing audit of overtime abuse.

State Police spokesman David Procopio in an e-mail Tuesday said that audit led to the criminal prosecution of Wilson, McAuliffe, and other troopers.

Signs of overtime fraud were first exposed by WCVB-TV. Soon after, State Police expanded its audit and later began announcing findings and referring cases to prosecutors.

Procopio called the audit “part of the larger effort underway to implement sweeping departmental reforms under Colonel [Kerry] Gilpin’s leadership.”

The state's largest law enforcement agency has struggled to change its culture, with several reforms promised more than a year ago by Governor Charlie Baker and Colonel Kerry Gilpin [partially, if not entirely, unfulfilled](#).

Ahead of Tuesday's hearings, prosecutors asked the judge in each case to sentence the men to six months in prison followed by a year of supervised release, and pay a fine and restitution.

"This crime, and the abusive culture it served to perpetuate, reflect a betrayal of the trust and power granted to those who serve in law enforcement," prosecutors at US Attorney Andrew E. Lelling's office wrote in court filings.

Prosecutors were particularly critical of Wilson, saying that as a lieutenant who oversaw up to four or five troopers per shift, his "criminal actions had even more significant impact within this widespread scheme."

Wilson, a 32-year member of the force, also faces state charges, to which he has pleaded not guilty.

Wilson's \$105,000-a-year pension is in jeopardy as is the benefit for McAuliffe, an 18-year member of State Police who can't start collecting until he's 55 because he worked for the department for less than 20 years.

Pensions can be stripped by the state retirement board, which is reviewing the sentenced troopers' cases.

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

 [Show 98 comments](#)

©2020 Boston Globe Media Partners, LLC