



Bruins 3, Penguins 4, Final

State trooper convicted in overtime scandal sentenced to time served

By [Matt Rocheleau](#) Globe Staff, June 20, 2019, 3:13 p.m.



Gary Herman, 45, of Chester (center) must also serve a year on supervised release, including three months of home confinement. And he must pay restitution for overtime payments he fraudulently collected. BARRY CHIN/GLOBE STAFF/FILE 2018/GLOBE STAFF

A former Massachusetts State Police trooper ensnared in the high-profile overtime scandal was sentenced in federal court Thursday to one day in prison, which was deemed already served.

Gary Herman, 45, of Chester must also serve a year on supervised release, including three months of home confinement. And he must pay restitution for overtime payments he fraudulently collected.

US District Judge Rya W. Zobel sentenced Herman in US District Court in Boston.

Zobel asked during the hearing if Herman had anything to say.

Herman responded, “There’s a lot I’d like to say, but I’d just like to move forward with my life . . . I just want to move on.”

Assistant US Attorney Mark Grady said Herman’s criminal conduct was not just the result of a “permissive culture” within State Police that often “turned a blind eye,” but that Herman “engaged in outright fraud.”

Herman was [arrested](#) last June and [pleaded guilty](#) in October to collecting about \$12,468 for overtime he did not work in 2016, a year in which his total pay was \$227,800, including \$63,053 in overtime.

Including Herman, 46 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.

One ex-trooper, 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.

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

Before Tuesday’s hearings, Herman’s attorney, David P. Cortese, asked his client be sentenced to 30 days of home confinement followed by one year of supervised release.

“This charge is a complete outlier, given the rest of his personal and professional life,” Cortese wrote. “The Defendant knows he violated the trust [of] his peers, superiors and the public placed in him. He is repentant, and unhesitatingly assumes responsibility for his actions.”

“It is vital to note that Mr. Herman has cooperated fully at every opportunity, both with his former employer and with the Government here,” he added.

In a letter of support filed in federal court, retired Detective Lieutenant Andrew P. Bzdel wrote that he worked with Herman for many years in Troop B.

“I do not know what kind of supervision he received after he transferred to E-Troop, or what kind of direction or misdirection came his way, but as someone who knew him to be an honorable, giving, reliable, and hard-working officer, I’d ask that you consider all the good he’s done during his many years as a police officer,” Bzdel wrote.

Prosecutors had asked the judge to sentence Herman to three months in prison followed by a year of supervised release, and pay a fine and restitution.

Though Herman was only charged for the theft from 2016, prosecutors estimated he embezzled an additional \$15,581 during 2015, a year in which his total pay was \$207,591, including \$59,853 in overtime.

Herman, a 19-year member of State Police who’s now working for a paving and road construction company, can’t start collecting a pension until he’s 55 because he worked for the department for less than 20 years. But those benefits may ultimately be stripped by the state retirement board, which is reviewing sentenced troopers’ cases.

Sentences have been issued to five others involved in the overtime scandal, including that each pay back what they embezzled.

Two of them were ordered to spend two to three months behind bars.

The other three avoided prison and were sentenced to one to two years of supervised release, including three to six months of home detention.

Two more who have pleaded guilty to federal charges are awaiting sentencing, while other cases involving state charges brought by Attorney General Maura Healey are pending.

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