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Another former trooper is sentenced in overtime scandal

By [Matt Rocheleau](#) Globe Staff, June 24, 2019, 3:19 p.m.





Retired state trooper Paul Cesan left the Boston federal courthouse in June 2018. BARRY CHIN/GLOBE STAFF/FILE/GLOBE STAFF

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

Paul E. Cesan, 51, of Southwick must also serve a year of supervised release and pay a \$5,500 fine as well as restitution for collecting for overtime hours he did not work.

US District Judge Douglas P. Woodlock sentenced Cesan in US District Court in Boston.

Cesan was [arrested](#) last June and [pleaded guilty](#) in November to collecting more than \$29,200 for overtime he did not work in 2016, a year in which his total pay topped \$163,000, including more than \$50,000 in overtime pay.

Including Cesan, 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.

In court, Cesan spoke briefly, saying he was “truly sorry.”

“I’d like to apologize, and I accept full responsibility for my actions that have brought me here today,” Cesan said. “I know I can do better. I will do better.”

Judge Douglas P. Woodlock said he felt incarceration would have been an appropriate sentence in Cesan’s case.

“Left to my own devices ... I would impose jail time. It’s a jail case. There no question in my mind about that, to be perfectly candid,” Woodlock said. “It’s my view that crimes committed by law enforcement are about as serious as they can be.”

But he said sentencing guidelines call for judges to avoid disparity in sentencing individuals for similar crimes. So, he said, he was compelled to choose a sentence in line with what other troopers in the overtime scandal had received.

Woodlock said he chose to impose a fine because he said it was not totally clear if Cesan will lose his pension as a result of his conviction.

Cesan’s attorney, Terrence M. Dunphy of Springfield, described the crime as an anomaly for his client, saying Cesan was otherwise an upstanding member of society.

Dunphy said Cesan served in the US Army for three years before starting his State Police career, has found a new job since leaving the force, and has done various work coaching and volunteering in his community.

Assistant US Attorney Mark Grady said that a “lack of supervision and a culture of permissiveness” allowed Cesan and others to partake in “widespread” overtime fraud at the department.

“This was a betrayal of the trust and power that is placed in the hands of every law enforcement officer,” Grady said.

But he noted that Cesan seemed to otherwise have had a good career and he “has taken substantial steps to mitigate the harm to the extent he can,” and he was “certainly among the more helpful” of the troopers charged by prosecutors in the scandal.

Dunphy and Cesan declined to comment after the hearing, as did federal prosecutors.

The troopers charged in the scandal 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, with several reforms promised more than a year ago by Governor Charlie Baker and Colonel Kerry Gilpin [partially, if not entirely, unfulfilled](#).

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

Though Cesan was only charged for the theft from 2016, prosecutors estimated he embezzled an additional \$23,812 during 2015, a year in which his total pay topped \$205,000, including \$75,970 in overtime.

Cesan, a 25-year member of State Police, retired days after the department accused him in the scandal and is now collecting a \$50,757-a-year pension.

But those benefits may ultimately be stripped by the state retirement board, which is reviewing sentenced troopers' cases.

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

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

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

One other trooper who has pleaded guilty to federal charges is awaiting sentencing, while other cases involving state charges brought by Attorney General Maura Healey are pending.

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