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State commission rejects appeal from Mass. state trooper who challenged discipline

By **Danny McDonald** Globe Staff, October 29, 2019, 7:29 p.m.



A trooper appealed the State Police's decision that required him to forfeit 10 days of vacation time, but the commission found that the agency, which has been buffeted by scandal in recent months, had "just cause to impose discipline upon" him. JESSICA RINALDI/GLOBE STAFF/GLOBE STAFF

The Massachusetts Civil Service Commission has rejected an appeal from a state trooper who had challenged the agency's discipline of him after he allegedly refused an order to move his Jaguar from a visitor parking space outside the Logan Airport barracks, according to authorities.

Trooper Timothy Gillespie had appealed the State Police's decision that required him to forfeit 10 days of accrued vacation time, but the commission found that the agency, which has been buffeted by scandal in recent months, had "just cause to impose discipline upon" him, according to an Oct. 24 decision.

The allegations stem from early 2016. Gillespie was assigned to Troop F, which is stationed at Logan Airport and is responsible for providing policing and security services throughout the airport as well as the Seaport District and other MassPort properties.

While most State Police uniformed staff are provided a "take home" cruiser that can be used to commute to and from duty, at Troop F, only command staff and members assigned to specialized units are provided such vehicles, according to the commission's decision.

Other troopers commute using their own vehicles, for "which they receive a stipend of \$40 per day to offset the cost of commuting and are assigned a cruiser for use on-site during their shift," according to last week's filing.

The commission's decision said that "For some time prior to October 2015, a number of Troop F and [Transportation Security Administration] personnel had become accustomed to using available visitor spaces as an alternative to their designated parking areas."

The commission said that there were four State Police members in particular who preferred to "park their expensive, high-end personal vehicles in open visitors space."

Gillespie, who owned a Jaguar, was “one of the Troopers who frequently parked in a visitors space.”

In Oct. 2015, a State Police lieutenant ran a query on one of the vehicles parked in a visitor space and determined that it belonged to a trooper, identified in the commission’s decision as J.S., authorities said. The lieutenant also noted that another vehicle he knew belonged to Gillespie was parked in another visitor space. He informally spoke to both troopers and reminded them that they were not to use a visitor space but to park in the gated lot, according to the civil service commission.

Later that month, the lieutenant saw that the trooper identified as J.S. had again parked his personal vehicle in a visitor space, according to the commission. He again verbally instructed him not to do so.

In its decision, the commission said that Gillespie spoke to two lieutenants about the situation, explaining that troopers, including himself, had suffered damage to their personal vehicles when parked in a gated lot. He also complained that so long as TSA personnel were also using visitor spaces, it was not fair to enforce the rules against troopers but not TSA personnel. A lieutenant promised to look into those concerns but as of Jan. 2016, Gillespie had not received a response, according to authorities.

On Jan. 14, 2016, the trooper known as J.S. reported late for duty, missing 7 a.m. roll call, officials said. Later, a lieutenant saw that the trooper had again parked his personal vehicle in a visitor space and noted that the vehicle had remained there until the trooper left work that afternoon.

The lieutenant wrote a report the following day, citing the trooper’s tardiness and parking in a visitor space. The report informed the trooper that “he needed to make sure he allowed enough time to arrive for roll call and that, late or not, he must not park in a visitor space or he will be subject to other direct action.”

After that incident, the lieutenant wrote up J.S. for two subsequent instances of parking in a visitor space, according to authorities.

“Disciplinary action was not taken against him, however, as he was scheduled to retire, and did retire, in June 2016,” according to the commission’s decision.

On Jan. 20, 2016, Gillespie brought up issues including the visitor parking spaces with the lieutenant, official said. During that conversation, Gillespie noted that he was parked out front in a visitor space, the commission said.

The lieutenant told Gillespie to move his car, authorities said. Gillespie went on patrol for the day and the lieutenant took a photograph showing Gillespie’s vehicle remained in the visitor’s space, according to last week’s decision.

An internal affairs probe eventually followed. The probe sustained the allegation that Gillespie was insubordinate when he refused to obey the order of the lieutenant to move his car. The investigation exonerated Gillespie of an allegation that he inappropriately targeted TSA employees’ vehicles in the visitor parking area with tickets on several dates in Jan. 2016. While that did occur, the internal affairs investigation found that his actions “were lawful and proper.”

Gillespie is still a trooper with the State Police at Troop F, the agency confirmed Tuesday. In 2018, he brought home more than \$188,000, according to state records.

In last week’s decision, Paul M. Stein, a civil service commissioner, wrote that “Accordingly, I conclude that this is not a matter on which the penalty imposed should be modified.”

State Police spokesman David Procopio said Tuesday the agency’s position on the matter was outlined in the commission’s decision. He noted that the commission agreed the agency’s actions were appropriate and declined to

comment further. The State Police union declined to comment.

[Controversy has battered](#) the Massachusetts State Police recently. The agency has weathered a widespread fraud probe, was found to have discriminated in its hiring, and has faced repeated allegations of systemic corruption and coverups over the past two years.

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