

State Police overtime scheme, illegal ticket quota was devised by higher-ups 20 years ago, former trooper says

By [Matt Rocheleau](#) Globe Staff, Updated February 6, 2020, 8:56 p.m.





The Massachusetts State Police have been embroiled in an overtime scandal. DAVID L. RYAN/GLOBE STAFF

The State Police overtime scandal dates back more than 20 years — far earlier than previously thought — and was part of a scheme hatched by top commanders who pushed troopers to write citations as part of an illegal ticket quota system, according to a former lieutenant facing state charges.

Starting in 1996, supervisors in Troop E, which patrolled the Massachusetts Turnpike, demanded troopers write a certain number of citations during each overtime shift in order to generate revenue for the state, according to a memo filed in court by an attorney for retired Lieutenant David Keefe.

As long as troopers handed in enough tickets to meet the quota, supervisors allegedly turned a blind eye and didn't require them to actually work their shifts.

The [court filing](#) alleges that after an internal State Police audit uncovered problems with the overtime in early 2017, the troop's leaders created a new quota program and demanded troopers write even more citations.

Federal prosecutors have previously mentioned the existence of a State Police ticket quota system, but Keefe's claims provide the most detailed window into the roots of the [State Police payroll scandal](#), which resulted in the disbanding of the troubled troop.

The allegations, filed in Keefe's pending case in Suffolk Superior Court, come just days after a federal judge reignited questions about the scandal and [ordered](#) federal prosecutors to reexamine whether it amounted to a broad criminal conspiracy.

Keefe's memo cited a slew of top Troop E supervisors who allegedly sanctioned the practice, and it referenced sworn grand jury testimony from several of them.

"It is incredible that the department, who has sanctioned such conduct for literally decades, now attempts to use it as a basis for prosecution," Keefe's attorney, Timothy M. Burke, wrote in the filing.

Burke, of Needham, is a former prosecutor and served as general counsel of the powerful troopers union. His client pleaded not guilty and is [charged](#) with embezzling more than \$23,500 in overtime pay between 2015 and 2016. The attorney general's office is seeking to put Keefe behind bars for nine months, according to court records.





David Keefe (right) in Suffolk Superior Court in 2018.

State Police spokesman David Procopio on Thursday declined to weigh in on Keefe's claims.

"It would be inappropriate for us to discuss specific evidence presented by prosecutors or allegations made by the defendant in response to those charges," Procopio said.

For years, State Police officials repeatedly denied that any quota system exists. Procopio said Thursday only that the agency "does not endorse or condone quota systems."

A spokeswoman for Governor Charlie Baker said the administration "supports all prosecutors' offices' continued efforts to hold accountable all those who broke the law."

Keefe ended his near 30-year State Police career in March 2018, retiring one day before the department publicly accused more than 20 troopers of payroll fraud. He is one of 10 former troopers charged in the sprawling payroll scandal. Nine troopers have pleaded guilty and a federal probe is ongoing.

Attorney General Maura Healey's office, which is prosecuting Keefe, declined to comment.

Burke said Keefe, unlike other troopers charged in the scandal, did not falsify tickets or other paperwork. He simply did not work all the hours on some shifts.

"It's clear that he was fully in compliance with the rules that existed and had been in existence for 15 years at the time prior to his assignment to the turnpike," Burke said in an interview Thursday.

In arguing for leniency for his client, Burke alleged in the court filing that then-Major Michael Mucci, along with a

union representative, created an overtime shift program in 1996. As long as troopers issued enough tickets — eight

citations for every four hours worth of overtime — it didn't matter if they actually worked the hours, Burke said in the filing. If the weather was bad, the assignment would allegedly get canceled but the troopers would still be paid.

“The requirement of actually working the full four hours of the shift was considered throughout the Department to be merely an administrative issue because the officer had still completed their assigned task of issuing the requisite number of citations,” Burke wrote.

The filing quoted Mucci's alleged testimony before a grand jury. “I have something I want done (quality citations),” Mucci said. “If you do it for me, I'll pay you four hours of overtime.”

Mucci retired in 2009, records show. He did not respond to a request for comment left Thursday afternoon at his workplace. He has not been charged.

Burke alleged the overtime scheme continued after Mucci's retirement and was overseen by Major Terry Hanson. Hanson retired from the force in January 2018, around the time state and federal prosecutors began zeroing in on accusations of widespread fraud in the unit.

Hanson could not be reached for comment Thursday afternoon. He has not been charged.

In April 2018, Hanson [told WCVB-TV](#) he had no knowledge that troopers received pay for hours they never worked. “Of course not. Of course not,” he said.

Burke alleged in the court filing that Hanson testified recently under oath that he “allowed officers to begin traveling home in their cruisers anytime during the latter portion of their shift as long as they had completed the requisite

citation requirement.”

The outlines of the quota system were never written down, but supervisors regularly talked about the practice and pushed troopers to meet the quotas, according to the court filing.

Troopers and supervisors alike “were subject to review and reprimand by their superiors in the event that their level of expected citations was not met,” Burke wrote.

The shifts in question went by the names of “X-Team” and “Accident and Injury Reduction Effort,” or “AIRE.” The goal of these programs was to curb aggressive and speeding drivers.

Burke also alleged supervisors had another motivation.

“In addition to traffic safety, the stated purpose of these overtime shifts was to also generate extra money,” he wrote in the court filing. The Massachusetts Turnpike Authority received fines generated through tickets through 2009, when the Massachusetts Department of Transportation took over.

“The money generated from the citations issued by troopers assigned to these AIRE shifts far exceeded the cost of the trooper’s overtime,” Burke wrote.

Troopers were allegedly told to focus on “quality” citations, or drivers speeding at 80 miles per hour or higher, because those came with higher fines.

In inclement weather, the assignments would be canceled and troopers were not expected to write tickets “for safety reasons,” but they would still be paid. Some supervisors used weather as an excuse to not work, Burke alleged. These allegations align with the findings of federal prosecutors.

Burke said Keefe and several other supervisors convened in March 2017 after an internal State Police audit uncovered overtime irregularities. During that discussion, they modified the quota program and decided to increase the quota to 20 citations per eight-hour shift, the court filing said.

Criminal justice and legal experts have said that quotas are clearly unconstitutional in Massachusetts, citing a landmark 2005 state appellate court [decision](#) regarding Newton police.

Troop E was disbanded in 2018 shortly after news of the fraud scandal broke. Baker and department leaders have since [announced](#) a series of reform measures. But they [recently concluded](#) their investigation into the overtime fraud scheme, examining records only as far back as 2015.

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

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